

Destruction of Cultural Heritage and Armed Conflicts

Focus on South America

Laura M. Herța
(Editor)



Presă Universitară Clujeană

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of Cultural Heritage
and Armed Conflicts**

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Can Cultural Heritage become an Efficient Tool for Conflict Resolution and Reconciliation?

The end of protracted armed conflicts or the end of a period of atrocities and human rights abuses committed by (military, authoritarian) governments is usually brought about by external intervention (which could initiate a process of mediation) or by the peace process (including negotiations, post-conflict peace building mechanisms and measures, and diplomatic peace making efforts). However, the mere signing of a peace agreement and the launching of a complex peace process do not automatically induce nationwide reconciliation. As shown by Marie-Joëlle Zahar, “peace agreements are in essence elite pacts” and the implementation of peace is first and foremost a political process.¹ Reconciliation, on the other hand, is a rather societal process. It touches upon all individuals’ lives after the conflict ended and it is not based on a political decision (to agree with a ceasefire or to commit to negotiations), but on an emotional, psychological readiness to tackle the past, the traumatized self, and the relation with the *other*.

This is precisely why scholars argue that reconciliation “is a complex term and there is little agreement on its definition.”² David Bloomfield explained that it is both “a goal - something to achieve” and “a process - a means to achieve that goal.”³ A brief definition of reconciliation would emphasize that it ideally “prevents, once and for all, the use of the past as the seed of renewed conflict. It consolidates peace, breaks the cycle of

¹ Marie-Joëlle Zahar, “Reframing the Spoiler Debate in Peace Processes”, in John Darby, Roger Mac Ginty, *Contemporary Peacemaking. Conflict, Violence and Peace Processes*, Palgrave, 2003.

² David Bloomfield, “Reconciliation: An Introduction”, in David Bloomfield, Teresa Barnes and Luc Huyse (eds.), *Reconciliation after Violent Conflict*, Stockholm, International IDEA, 2003, p. 12.

³ *Ibidem*.

violence and strengthens newly established or reintroduced democratic institutions.”⁴

One important issue in this process is the link between past, truth, self and other, identity, and heritage. And one key research question is whether cultural heritage could become an effective mechanism for conflict resolution. Ashworth, Graham and Tunbridge focus on pluralism, by investigating how it is reflected in and articulated by heritage policies and practices. According to them, “heritage provides one (although by no means the only) means of facilitating the operationalisation of pluralism and that, in so doing, it functions at a variety of scales, in public and private and through both official and unofficial channels of representation and power.”⁵ Gustav Wollentz looks at the ways in which cultural heritage can be applied to heal wounds in a divided society. He suggests several means in which this could be facilitated. First, he tackles the need to challenge national narratives and “pluralize the past”, given that national narratives are usually exclusive in character.⁶ Moreover, he argues, in order to foster reconciliation, the national narrative should be made inclusive and should incorporate voices that have been silenced in history, for example, women or socially or economically poor, minority groups (especially indigenous peoples in the case of South America). Moreover, it should focus on the victims on both sides of a conflict.⁷ According to Dacia Viejo-Rose, a sense of historical memory can be applied to counter the grand narrative, which is often presented by the state. The historical memory should incorporate diversity and even divergence, without giving way only to the individual and context-dependent memory.⁸ Gustav Wollentz also argues that the local perspective on cultural heritage is also extremely important and that projects should give

⁴ Luc Huyse, “The Process of Reconciliation”, in *Reconciliation after Violent Conflict*, Stockholm, International IDEA, 2003, p. 19.

⁵ G. J. Ashworth, Brian Graham and J. E. Tunbridge, *Pluralising Past Heritage, Identity and Place in Multicultural Societies*, London, Pluto, Press, 2007, p. 13.

⁶ Gustav Wollentz, “The Cultural Heritage as a Resource in Conflict Resolution – Possibilities and challenges”, *Cadernos do Lepaarq*, v. XVII, n.34, Jul-Dez. 2020, pp. 74-90.

⁷ *Ibidem*.

⁸ Dacia Viejo-Rose, “Destruction and Reconstruction of Heritage: Impacts on Memory and Identity”, in H. Anheier; Y.R. Isar, (eds.), *Heritage, Memory and Identity*, London, Sage, 2011, pp. 53-69.

voice and agency to local populations; they should not be decided by outsiders and presented to the locals. Finally, in his perspective, cultural heritage and conflict resolution are also intertwined with the importance of remembering and the need to promote tolerance and understanding.⁹

This book represents the scientific end results of some Master students, enrolled in one of the following programmes: Dynamics of Cultural Landscapes Heritage Memory and Conflictualities (DYCLAM, Erasmus Mundus Joint Master Degree) and Cultural Diplomacy and International Relations. The authors have been master students in one of the three programmes during the period 2020-2023 and their chapters were initially submitted as academic papers for the exam pertaining to the discipline Typology of International Crises. As a holder of this course, I decided to group together some of the best papers, to closely work with the authors regarding updating and revising the texts, and then compile a series centred on the issue of armed conflict and destruction of cultural heritage or cultural property. This volume is the third book of this series and it focuses on case studies from South America.

The book includes case studies, as follows: two analyses tackling the case of Mexico, submitted by Diana Haidé López López, *The Ever-Changing Shape of a Conflict. But the Yaquis still resist*, and by Luis Adolfo Gamboa Jimenez, *Narrating Mexican Necrolandscapes: Trauma and Violence as Heritage*; two analyses of issues pertaining to Brazil, namely Brenda Castor Teles Souza, *Liberdade Neighborhood in São Paulo: A Forgotten Past*, and Raíssa Rangel Damiano, *Afro-Brazilian Religious Heritage: from Resistance to Patrimonialization*; one chapter dwelling on the conflict in Guatemala, Edina Daczó, *The Destruction of Maya Heritage during the Civil War in Guatemala*; and another one explaining developments of the conflict in Colombia, Emma del Carmen Castillo Ramos, *Colombia's Armed Conflict: between Tragedy and Determination to Build Peace*; finally, one case study looks at the role of indigenous populations in South America, namely Mădălina Barnișcă, *Indigenous Peoples' Rights and Cultural Heritage: Threats and Challenges for a New Model of Heritage Policy. The View of Marta Kania*.

⁹ Wollentz, *op. cit.*, pp. 82-83.

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The Ever-changing Shape of a Conflict but the Yaquis Still Resist

Introduction

Latin America is a very conflictual territory. Not only talking about the daily violence that has become naturalized in our days, but also to the old conflicts that can be pinpointed in history, even from pre-colonial times. In this constant fight to exist and resist, indigenous people have always been vital actors. And when talking about them, this conflictual element goes further and does not only involve violence, but also dissonance, contrast, and difference.

When talking about indigenous people in Mexico and their fight, cultural heritage comes always to the discussion because it implies a way to exist under their own terms. We can talk about land, we can talk about language, we can talk about autonomy. And due to the social constructions that we have highlighted around them, also about costumes, handcrafts and colorful elements that ended up being a Mexican emblem, without giving the right credit to the ones it belongs to.

Being this way, we can trace the conflicts that have shaped the history of a nation through the history of indigenous people. Ironically enough, those people have always been erased and put into the same homogeneous label that makes their own identity invisible. “Indigenous” works for one and for all. The name we call them tends to come from an imposed logic instead of calling them the way they call themselves. We group many different languages under the same name, working as an umbrella, even if they are so different between them that their native speakers would not be able to understand each other if they tried to communicate (*Zapoteco*

language with its 62 variants, for example). And of course, this strong interest to erase them and make them invisible, adds a new layer of conflict.

In this paper, I will elaborate on the case of a people in specific and the way their history of resistance also follows the history of a nation, even before its construction. I will talk about the Yaquis, whose land is in what is currently recognized as Sonora, in northern Mexico. They identify themselves as “Yoremes” which means “person” in their own language. They are known for being brave warriors and for their determination defending their land and their autonomy. Being this way, they were recently recognized for being the “most mistreated” indigenous people in Mexico. My objective will be to present their history through their fight against invasion, extermination, and colonization, always conflict but under different forms. What were they fighting for and who were they fighting against? How the Yaqui people’s fight is also one fought for heritage? What forms does heritage take in their statements? Have the answers to these questions changed through time?

The North and the South

Talking about the global north and the global south has become a very popular theoretical approach, referring to the “development” of countries, or to the colonial powers or to the empires that still exist under different names. In any case, it is interesting that this logic preceded even the “discovery” of the “new world”. When in primary school, all Mexicans learn about the division between Mesoamerica and Aridoamerica. Mesoamerica is the glorious land of pre-colonial times, the settled populations where the most powerful civilizations built the impressive pyramids that we show proudly to the world nowadays. The Mexicas (also named Aztecs), the Mayas, the Olmecs... Then, there is Aridoamerica. A land not fertile enough to develop agriculture to large scale, whose populations were mostly semi nomad.¹ Some of them were even called “chichimecas” (that could be

¹ Paul Kirchhof, *Mesoamérica. Sus límites geográficos, composición étnica y caracteres culturales*, Mexico City, UNAM, 2009), https://portalacademico.cch.unam.mx/materiales/al/cont/hist/mex/mex1/histMexU2OA01/docs/paulKirchhoff_mesoamerica.pdf.

interpreted as “barbarians”) by the “high civilizations” and whose development was still measured by their main economic activities, based on hunting and gathering. The people from Aridoamerica were not considered “developed” nor “civilized” enough. This is especially interesting as the origin of the Mexicas (Aztecs) is not completely clear nowadays, but there are indices of them being actual chichimeca warriors that arrived in Mesoamerica and ended up taking over most of the territory on their peak.² But that is another discussion that is not my main purpose.

The dividing line was in the middle of what is currently recognized as Mexico: to the north, Aridoamerica; to the south, Mesoamerica. The geographical spaces changed, but the dividing logic to justify difference and superiority because of “development” criteria were similar at the time. This distinction is important, and I will go deeper on the reasons why further on. For the time being, the territory of Mexico was already a conflictual space by then. Peoples from Mesoamerica were constantly fearing invasions from the peoples from the north, who were also known for being fierce warriors. The Yaquis inhabited in Aridoamerica and this implied a differentiated history when it came to colonization. It also defined a specific logic to the way it interacted with the further imposed regimes.

Spaniards “allowed”

By the time the Spanish conquerors arrived in the territory, the Mexica Empire was controlling most of Mesoamerica. As they were feared and loathed, multiple groups, including the fierce tlaxcaltecas, allied with the Spaniards to make sure the Mexicas were defeated. And they finally were, in 1521. The fall of Tenochtitlan is known to be the beginning of the colonial regime in Mexico. The military stage finished around 1525, even if in the south it extended for a bit longer.³ Nevertheless, as stated before, the territory was large and there were many other groups besides the Mexicas and the

² María Castañeda de la Paz, “La Tira de la Peregrinación. La ascendencia chichimeca de los mexicas”, *Arqueología Mexicana*, 80, 2006, pp. 66-71.

³ García Martínez, Bernardo, “La guerra chichimeca y la paz comprada”, *Arqueología Mexicana*, 51, 2001, pp. 58-63.

ones ruled by them, each of them with a differentiated history when it comes to the colonization and a different way to handle conflict. In Mesoamerica, many of the previously developed structures were kept. Even if there were harsh ruptures in some areas (like the religious institutions) some others were maintained, as the tributary systems, some basic policies, the elite structures, working systems, local languages, merchandises... This was convenient for the conquerors and the elites at the time, even if they were not for the common people.⁴ Nevertheless, history outside of Mesoamerica was different, even if it is usually overlooked by the fall of the biggest empire. Given the characteristics previously described, some of the peoples inhabiting Aridoamerica were directly exterminated as they did not practice agriculture and they were “culturally simpler”:

“Nahuas called them, despectively, “chichimecas”, and they had no interest in associating with them. Neither did the Spaniards. They could not benefit from semi nomadic groups that did not possess politic structures nor a tributary system that allowed them to benefit from the surplus. No alliance would be stable and, without a settled space for the church, evangelization was out of discussion. Chichimecas did not have anything to win from an alliance with the Spaniards either. The political dimension was then, closed. They had only the military one.”⁵

In 1548, silver deposits were found in the north of Mexico and opened a whole new industry for Spaniards and the recently born “mixed”. The chichimecas, their insurrection and rebellion were not compatible with these interests. Many of the peoples were then submitted to forced work and slavery, which was not so easily imposed to the Mesoamerican populations. “Blood, revenge and swag are three expressive terms to resume the situation of the tribes in North Mexico.”⁶

However, the case of the Yaquis had other specificities. It did not fall within the defeat of the biggest empire that they were not ruled by, nor was directly related to the “extermination of the barbarians” they lived far from. The Yaquis were already settled by the time, more up north, around the

⁴ *Ibidem.*

⁵ *Ibidem*, own translation.

⁶ *Ibidem.*

Yaqui River, that has become one of their biggest reasons to fight for. It allowed them to develop a certain level of agriculture that was complemented by hunting, fishing, and gathering.⁷ They were brave warriors, known since then for the determination they showed defending their land and their autonomy. They were never defeated by the Spaniards. The first time Spaniards arrived in the lands of the Yaquis in 1533, they were warned to not to cross the river. The warning was ignored, and the Spanish defeat was clear. The episode became a precedent for the Yaqui people and their resistance against the *Yori* (white people) and for 76 years they only had pacific exchanges. These expeditions, nevertheless, allowed the Spaniards to identify the lands and to start drafting plans for its colonization and exploitation. In 1609 and 1610, new conquest attempts were put in place, only to end once again in the defeat of the Spaniards, the recognition of the impossibility to conquest through military attempts and the establishment of a peace treaty between both parties.⁸

Some authors claim that this treaty was possible because the Yaquis found in the exchange an opportunity to learn and negotiate, and allowed, “voluntarily”, the presence of two Jesuit missionaries to evangelize the territory. In exchange, they wanted to also learn agriculture techniques and any other useful knowledge for their daily life.⁹ Other authors think they were aware of the implications of a long-term military confrontation and saw in the treaty an opportunity to keep their independence and autonomy by becoming crown allies.¹⁰ In any case, this relation implied a geographic redistribution that is kept to this day, the eight traditional towns around the Yaqui River: Loma de Guamúchil, Loma de Bácum, Tórim, Vícam, Pótam, Ráhum, Huirivis and Belem, that was originally introduced by the Spaniards to build the churches.¹¹ The social life was organized around the catholic missions, as religion was seen “less dangerous” by the Yaquis by then, even

⁷ José Velasco Toro, “Apuntes para la historia colonial de los Yaquis”, *La Palabra y el Hombre*, 49, 1984, pp. 76-82.

⁸ *Ibidem*.

⁹ Diego Prieto Hernández. “Presentación”, *Diario de Campo. La tribu yaqui y la defensa de sus derechos territoriales*, 8, 2007, pp. 2-3.

¹⁰ Velasco Toro, *op. cit.*, pp. 76- 82.

¹¹ Gabriela Acosta, “Perfil indígena: Yaquis de Sonora”, *Perfiles Indígenas de México*, 2002, p. 1.

if it was one of the main instruments used by the Spaniards to successfully impose the colonial rule. The whole structure worked as an agrarian economy, not coinciding with the private property model. At the same time, it tried to preserve ethnic identity. It meant a series of compromises but meant, at the end, an integration to the colonial order. The religious elites controlled the surplus and imposed a new social and political structure, even if the people were able to choose their governors for internal orders.

Still, under this agreement, the communal land propriety was kept, and no forced labor nor tribute was imposed.¹² This historic background is important because it also stated a precedent on the way the Yaquis would confront future changes, as colonization was not only but the beginning of a whole restructuration in their way to live and a direct menace to their heritage.

The Mexican Independence and its “freedom”

The Mexican state as most of the Latin American states were built over an artificial homogeneity that ended up becoming a cultural genocide against indigenous peoples, and that had only barely started during the colonization. Even after 300 years of viceroyalty, lethal epidemics, forced work and extermination, most of the population in Mexico was still indigenous when the independence was recognized. Nowadays, less than ten percent of the population belongs to indigenous peoples.¹³ This means that the cultural genocide was especially effective after Mexico was born as a country. The race supremacy inherited from colonial times was adopted and recreated through public policies that justified cultural genocide under “development purposes”. Even if in theory colonization was already over, the conflict took a new shape, and the European colons became American. The colonial interests became capitalist. The Spanish crown became the Mexican state, but for the indigenous people that did not make such a difference. They still had to resist and to fight back. For the Yaquis, the end of the colonization only meant that the agreements they had achieved in

¹² Velasco Toro, *op. cit.*, pp. 76- 82.

¹³ Instituto Nacional de Estadística y Geografía (INEGI), 2020 Census.

previous years, were not effective anymore. And inhabiting the north of Mexico, their land was of precious interest to connect with the northern neighbor, the USA.

The independence of Mexico was officially recognized in 1821. For the newly born Mexico, the main objective was to become a modern and developed country in capitalist terms. Communal properties, which were the usual property organization form for the indigenous communities, did not align with this interest. It was needed to put the lands into use, to facilitate its circulation and incorporate them to the market. Only a few decades after the independence of Mexico was recognized, the objective was to facilitate funding from private sources, to apply on big portions of land for agriculture and animal production. At the same time, to invest in the construction of railway tracks especially for exportation and exterior commerce.¹⁴

Until then, Yaquis had kept the communal right to their land. Around 1740, the Yaquis revolted against the missionaries that had gained a dominant position by then, and their right to their own lands was recognized once again. In 1767 the missionaries were expelled from the viceroyalty. These two events also influenced for the Yaquis to develop a very strong political conscience around their land and nurtured the cohesion and the community organization. This allowed them to state even more fiercely their right to the territory not only as a production mean, but as a heritage that had passed from generation to generation and to defend themselves against the newly born Mexican state.¹⁵

This stage of the conflict was fueled by new tools derived from the nation-state structure, which allowed Mexico to justify dispossession on legal terms. The value of the communal property agreements previously stated was nullified. The state also claimed the right to intervene in the communities and their interior government, stipulating everything in a modified version of the statal constitution of Sonora. It even claimed the

¹⁴ José Velasco Toro, *La rebelión yaqui ante el avance del capitalismo en Sonora durante el siglo XIX*, Cuadernos del IIESES 2, Xalapa, Instituto de Investigaciones y Estudios Superiores Económicos y Sociales de la Universidad Veracruzana, 1985.

¹⁵ *Ibidem*.

state's right to design the authorities in the communities, when to date, the Yaqui's territory was always ruled under an auto determination logic. On the Yaqui's side, this period was characterized by an armed defense of the territory and a radicalization of the fight. The conflict went through a few mandates and a series of uprisings in 1825 and 1832, before a brief alliance with the governor in turn. In 1842, the state granted settlers a piece of land in the Yaqui territory which led to a new uprising in 1856. The repression ruled on those years. The interest from the state was providing lands to Californian settlers. The Yaquis never stopped fighting against it.¹⁶

By the time, given the settlers outgrowing presence, the right to land opened multiple discussions among the national population and the public policies worked around it. Nevertheless, the Yaquis and Mayos were not considered for the matter, as Sonora's constitution did not recognize their citizenship and could not protect them unless they abandoned their "anomalous organization". Being uncovered by the law, they were an even easier prey for the settlers and the new colonial regime. In this violent period, war against Yaquis knew no restraints and in 1868, a hundred Yaquis were assassinated by setting on fire the church they were using as a shelter while media preached the government for "having taken all the necessary measures to teach those Indians a lesson, as it must be."¹⁷

Trying to impose an indirect control, the government named mayor a soldier known as Cajeme, José María Leyva. He had Yaqui origins but had been fighting against them for the last years. The strategy did not work, as Cajeme rebelled against the government and worked to restructure the internal order recovering traditional systems while incorporating the organisms from the national society. He respected the general assembly as the highest authority, with an equal representation of the eight traditional communities. He also recognized the communal rights to land and to the river that preceded any political structure. Governor, mayor, captains, and commandants were elected by the general assembly. And he named himself general captain, putting under his jurisdiction the landownership issues.¹⁸

¹⁶ *Ibidem.*

¹⁷ *Ibidem.*

¹⁸ *Ibidem.*

To keep funding the resistance, Yaquis started to charge for the right of crossing the territory and to exploit salt mines. They also charged to give back the cattle they took from neighboring haciendas. The regional market was alive thanks to the agriculture and industrial products and the money that came from them was used to buy weapons in the black market and the United States, added to the ones they confiscated to the travelers and the military deserters.¹⁹ This period nurtured the political conscience of the people and their fight for autonomy became “a shame for Mexico”.²⁰ The “savage” image that was created even before the colonization arrived, continued gaining territory in the nation’s discourse to justify dispossession. When Cajeme was executed, the interior economic structured broke and Yaquis were obliged to work in mines and haciendas to keep funding the resistance. Nevertheless, these strategies did not allow them to occupy the lands permanently and this was used as an excuse for the settlers to keep moving forward in a called “peace period”. The lands of the Yaqui were considered “vacant lands” as they did not recognize their right to the properties. The objective was to turn the lands into an agriculture area for exportation, to bring modernity and capitalist development. And this implied an irrigation system developed enough to produce in the middle of the desert.²¹ This meant the Yaqui River. And in 1899, a new war began, the Yaqui war.

Water as Heritage, the Yaqui River

*“Dios nos dio el río a todos, no un pedazo a cada uno”
(God gave the river to all of us, not a piece for each)*

If we go through the history of the Yaqui people discussed until now, we will notice the main role that the river has had in their shared life. The most probable reason why the Yaquis developed a communal structure that other peoples from Aridoamerica did not have, was the possibility to settle

¹⁹ *Ibidem.*

²⁰ *Ibidem.*

²¹ *Ibidem.*

thanks to the Yaqui River. The first encounter of the Yaquis with the Spaniards was illustrated by the conquerors crossing the Yaqui River and being defeated right after. When the Jesuits restructured the spatial organization of the eight traditional villages, they founded all of them around the river. The last four, Pótam, Ráhum, Huírivis and Belem are known as “los pueblos de abajo” (the downside villages) because of their location regarding the water sources and the sea level. The economic activities developed by the Yaquis depended greatly on the stream and their levels, being for agriculture, to raise cattle or to consume some of the species that inhabited the river. When the river went up and then down, the lands ended up being more fertile. But these changes on the level also impacted the downside villages, as they were more easily affected by floods and dry seasons. Nevertheless, as the river was shared between them all, if some of the villages were affected by the changes, they could move around the river and start a different activity. As the river belonged to all, also the impacts were shared. The natural flows used to change and relocate, and so did the Yaquis.²²

However, at the end of the XIX century, everything changed. American and English funds were put into place to develop irrigation systems and colonize the territory. By the beginning of the XX century, Compañía Constructora Richardson S.A. (building society) owned already 222,000 hectares in the Yaqui valley and got concessions over the water of the river. The government built the channels Marcos Carrillo, Vícam and Porfirio Díaz. With private funds, the channels Victoria and Conant.²³ The Marcos Carrillo channel “was planned to benefit the Yaquis” but “when it was finally completed, the land did not belong to them anymore”.²⁴ The flow of the main channel had been deviated slowly to the lateral channels, some of them specially created for the use of the settlers, while between 1908 and 1909, the Yaqui valley was advertised as “the most fertile land in the world”, with pieces of land available to buy. Nevertheless, all this process barely

²² Esther Padilla Calderón, “Los yaquis y las crecientes del río”, *Culturales*, 2, 2017, pp. 67-106.

²³ *Ibidem*.

²⁴ *Ibidem*.

provoked any direct confrontations, as it coincided with the Yaqui deportations.²⁵

The Land as Heritage, the Exile as Ethnocide

As mentioned before, the Yaqui war started in 1899, as their lands and their water were being stolen for liberal purposes. The coronel Francisco P. Troncoso started “a new indigenist policy” to “re-establish control”: ethnocide and direct extermination. On January 18, 1900, in the Cañón Mazocoba battle, 390 Yaquis were assassinated and more than one thousand prisoners, including women and children. Deportation started from there. Some Yaquis were forced to leave their territories to settle in less fertile lands and from there they kept fighting. Some others were directly captured and sold as slaves to work in haciendas in the south of Mexico, especially Oaxaca and Yucatán. In previous years, other Yaquis had already been sent to Oaxaca to work in tobacco cultivation. In Yucatán, they cultivated henequen.²⁶ Interesting enough, the deportations ended up being generalized to “rebels” and “meek”. At some point, being an actual Yaqui was not even necessary. Any person with “tanned” face, even if not indigenous but mixed, even if already well known by their employers, were likely to be deported. This was easily explained, as soldiers used to get a commission for every indigenous person sold.²⁷ Yaquis also arrived in Campeche, another south state, where they were supposed to be provided with “shelter, food, medical attention and a salary” while getting used to “local costumes”. This ended up becoming forced work and slavery. Added to the commission the soldiers were getting for each person, all the

²⁵ *Ibidem*.

²⁶ Oana del Castillo Chávez ; José Manuel Arias López, “La ruta de los yaquis desde Sonora hasta Yucatán: una propuesta de identificación histórico-biológica”, *Enfoques*, 6, 2018, pp. 26-37.

²⁷ Luis Anaya-Merchant, “Esclavitud y peonaje: el destierro yaqui en Yucatán, 1900-1912”, *Jangwa Pana* 18, 2019, pp. 87-101.

possessions of the apprehended Yaquis ended up belonging to the state of Sonora.²⁸

The deportations took place during the Porfiriato, the dictatorship under Porfirio Díaz that ended up with the uprising of the Mexican Revolution in 1910. Once the conflict was over, president Lázaro Cárdenas recognized the collective rights of the Yaqui people over a portion of the land and a 50% of the Yaqui river. Some Yaquis were able to go back home. In 2006, they presented their case to the Comisión Interamericana de Derechos Humanos (CIDH, OEA) claiming that the Mexican state had violated their right to collective property, denouncing the dispossession of land and water, the fact that the government allowed concessions without a previous consultation to the people and the inexistence of a legal framework to defend indigenous rights. In 2015, the Human Rights commission recognized their case. The federal government announced the Justice Plan for the Yaqui people and promised to work along the eight traditional communities. So far, 55 agreements have been discussed, including 34000 hectares that would be acquired back and given to the Yaquis in restitution, a new irrigation district, the creation of the University of the Yaqui People and the construction of a regional hospital.²⁹

Conclusion

In this paper, instead of elaborating on a specific conflict, I meant to present a general idea of the conflicts around the mere existence of indigenous populations in Mexico. When talking about Mexican history, we always tend to divide the precolonial times, the colonization and the “free life” after the recognition of Independence. As discussed on this paper, this logic does not really apply for indigenous people. The free life of a country under construction meant to suffer under a genocidal regime that pretended

²⁸ Kenia Pérez, “Yaquis de Sonora: destierro durante el Porfiriato”, *Mexico Desconocido*, n.d., [<https://www.mexicodesconocido.com.mx/yaquis-de-sonora-destierro-y-esclavitud-en-el-porfiriato.html>].

²⁹ José Luis Perea, “Sublevación de los yaquis; las compañías deslindadoras extranjeras los despojan”, *CNDH*, n.d. <https://www.cndh.org.mx/noticia/sublevacion-de-los-yaquis-las-companias-deslindadoras-extranjeras-los-despojan>.

to become “civilized” and “modern” by cutting ties and erasing anything related to the “uncivilized” that deserved “to learn” even if it meant to be burnt alive. As it is usually said, in Mexico we preach the dead indigenous, the big empires. But we kill the ones that are still alive. These deaths not only come from literal extermination, as it was also the case for the Yaquis, but also from assimilation and cultural genocide. From cutting the connections to the land and the resources that represent the bases of their social structure and culture. Like the Yaquis, being sent against their will 4000 kilometers away. And Yaquis were known for being warriors. What about the ones who were never able to even fight back?

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Liberdade Neighborhood In São Paulo: A Forgotten Past

Introduction

Brazil is home to the largest community of Japanese descendants outside Japan in the world, with a total of approximately 1.5 million people.¹ Most of this population is concentrated in the city of São Paulo, and the Liberdade neighborhood is the symbol of this immigration. The shops with colorful billboards with Japanese letters, which offer products and foods of Japanese origin, in addition to the typical street decoration with lanterns and red arches, lead tourists to imagine themselves in Japanese lands.

The region, however, has a much more complex past, having been built through the work and contribution of diverse communities, whose memories remain in small symbols and buildings in the region, generally not perceived by the visitors. Scholars and activists also claim that the Brazilian political elite has purposefully adopted, over the years, policies that overvalue the Japanese heritage in the region, to the detriment of the heritage of other communities, as a way of reducing the importance of immigrants considered "unwanted" in the formation of the city, as well as erasing the memory of a shameful historical past.

The Brazilian Immigration Policy

With the abolition of slavery in 1888, Brazil adopted a policy of immigration of workers, aimed primarily at attracting European

¹ BBC News Service, *A Little Corner of Brazil that is Forever Okinawa*, 2018. Available at: <https://www.bbc.com/news/world-latin-america-42859249#:~:text=Today%2C%20Brazil%20is%20home%20to,numbering%20about%201.5%20million%20pe>, accessed on 07.02.2021.

immigrants. At the time, the Brazilian economy was structured in the production and export of a single agricultural product: coffee. For about three centuries, the workforce of coffee plantations was essentially composed of enslaved people brought from Africa and their descendants, who were considered slaves from birth. The end of slavery in Brazil did not happen at once, but in several stages, resulting from the struggle of the enslaved population and strong political pressure from the international community, especially from England, in addition to a change in the mentality of the Brazilian elite, who believe that the end of slavery was essential for Brazil to join the group of “modern States”.

In 1850 the Eusébio de Queiroz Law was enacted, effectively ending the slave traffic across the Atlantic Ocean, from the African continent towards Brazil. The slavery, however, still lasted for more 38 years, being supported by the internal trafficking. In 1871 the Free Womb Law (*Lei do Ventre Livre*) determined that the children of enslaved women would be considered free people. These measures were weakening slavery in the country and bringing to the fore the need to seek a new source of labor for the crops. The Brazilian elite rejected the possibility of turning former slaves into wage workers. Under the argument that black people would be unfit for wage labor, the government opted for the immigration of workers. According to Mota, 2008², between “1820 and 1937 four million and six hundred thousand foreign workers entered Brazil”.

There is, however, another aspect that motivated the Brazilian government to encourage immigration, especially from European countries. The political elite of the time defended a policy of “whitening” the Brazilian population through immigration. Brazil was, at the time, seen as an (negative) example of extreme racial miscegenation, due to the mixture between indigenous people, black Africans, and white Europeans.

² F.A.C. Mota, *Meia volta ao mundo, imigração japonesa em Goiás* apud C. N. I. Saito (2011) *O imigrante e a imigração japonesa no Brasil e no Estado de Goiás*, Dossiê Imigrantes, *Revista UFG*, Ano XIII, n. 10. 2008, available at: https://files.cercomp.ufg.br/weby/up/694/o/10_cecilia_noriko_ito_saito.pdf, accessed on 05.02.2021.

This “whitening” policy was presented at the Universal Congress of Races, held in 1911, in London, by the scientist João Baptista Lacerda, representative of the Brazilian government. Lacerda stated that the arrival of European immigrants in Brazil had led to a decrease in the proportion of the black and indigenous population and an increase in the percentage of *mestiços* (people of mixed races). Lacerda stated that the black population would be inferior to the white, while the *mestiço*, born from the mixture between whites and blacks, would be “*inferior to the black in body resistance and physical strength*”, but “*often rivals the white himself in intelligence and technical and artistic skills*”.³ Thus, Lacerda defended that “*the increasing immigration of white people, sexual selection, the disappearance of race prejudices contribute for the short-term extinction of mestiços in Brazil*”⁴ and projects that in a century Brazil would be white.

As a basis for this thinking, the government began to seek agreements with other countries, especially Europeans, in order to allow the immigration of workers. The first agreements were signed with Germany and Italy, which started sending waves of immigrants to work in Brazilian crops. “*The ideal foreigner was white, Catholic and apolitical*”⁵, says Carlos Haag, speaking about the following years.

In 1902, however, the Brazilian elite found themselves at an impasse. Italy suspended the immigration agreement to Brazil because of the terrible working conditions to which the Italians were being subjected in the coffee plantations, seriously disturbing the influx of foreign labor force.

It was in this context that the Japanese immigration began. In 1908, the first 781 Japanese arrived in Brazil, being assigned to work in the region's coffee plantations. This immigration resulted from an agreement between

³ J.B. Lacerda, “Congresso Universal das Raças”, in L.M. Schwarcz, *Previsões são sempre traiçoeiras: João Baptista de Lacerda e seu Brasil branco*, 1912, p. 242, available at: <https://www.scielo.br/pdf/hcsm/v18n1/13.pdf>, accessed on 03.02.2021.

⁴ *Ibidem*.

⁵ C. Haag, *Os indesejáveis. Política imigratória do Estado Novo escondia projeto de branqueamento* Pesquisa FAPESP, v. 201, 2021, available at: <https://revistapesquisa.fapesp.br/os-indesejaveis/>, accessed on 07.01.2021.

the Brazilian government and the Japanese government. For the Japanese government, emigration was a solution to the scarcity of productive areas, which made it difficult to feed the Japanese population.

In Brazil, however, the arrival of the Japanese was accompanied by criticism and prejudice. There was the fear of a “yellow danger”, referring to an alleged risk of Japanese domination in Brazilian territory. Often using a supposed analysis of the “merging capacity of immigrants”, the Brazilian government made a selection between the immigrants considered “desirable” or “undesirable” for the “whitening project”. The prejudice was accentuated with World War II, a time when the Japanese residents in Brazil started to be controlled by the government. Japanese immigrants needed to seek a form of acceptance. As the singer and songwriter Antonio Carlos Jobim used to say *“Brazil is not for beginners”*. This phrase illustrates the reasons why the Brazilian immigration policy has been accompanied by several apparently contradictory actions and facts. The Brazilianist Jeffrey Lesser points out the “flexibility” of Brazilian immigration laws, which often created a gap between theory and practice. In his words: *“A good example is that, before putting into effect, in 1934, the laws that restricted the Japanese entry, the Brazilian government warned the Japanese Foreign Minister. A Brazilian diplomat told the Japanese Minister what it was about to happen and calmed it down by promising that the Orientals would continue to enter Brazil, using quotas from countries like Finland, which were practically not used”*⁶; and, in fact, they continued to immigrate to Brazil even after the legal ban.

LESSER, in an interview⁷, said that the Japanese immigrants saw themselves in need of demonstrating that they could integrate the “Brazilian race” and generate “whiter” children. Thus, he reports that the Japanese cultural organizations started to finance publications with images of mixed couples, with a Japanese partner, where the children of the couple would

⁶ J. Lesser *apud* C. Haag, *op. cit.*, available at: <https://revistapesquisa.fapesp.br/os-indesejaveis/>, accessed on 07.01.2021.

⁷ J. Lesser, in Folha de São Paulo, *Negócios com a “raça brasileira”*, 1999, available at: <https://www1.folha.uol.com.br/fsp/mais/fs06069911.htm>, accessed on 07.02.2021.

prove the “whitening” ability of the Japanese people. LESSER raises the thesis that the term “white” in Brazil at the time possibly referred not only to the skin color, but also involved certain values and beliefs, which represented a counterpoint to the image attributed to the black community at the time. In this respect, the strategy would have worked, since even today the Japanese people and their descendants are seen in Brazil as an example of education, intelligence, honesty and hard work, contrary to the popular imagination of people from other Asian countries. Today, there are debates about the consequences (good and bad) of these “positive stereotypes” and “weakening” of Japanese immigrants and their descendants in Brazil.

The Arrival of the Japanese Immigrants at Liberdade

From 1912, with the end of the employment contracts in the countryside, part of the Japanese immigrants moved to the capital and settled in the area where the Liberdade neighborhood is located today. It was a central area, served by stores and whose rents had attractive prices. Little by little, Japanese immigrants began to create their own businesses aimed to fulfill the needs of their people, such as hostels for immigrants, emporiums of Japanese products, employment agencies and small companies manufacturing *tofu*, a kind of cheese made soy, and *manju*, a kind of steamed sweet bread stuffed with bean paste.

From 1970 onwards, as they managed to improve their financial situation, the Japanese began to leave Liberdade for other neighborhoods in the city while the stores remained at Liberdade. At the same period, São Paulo government initiated a program of “orientalization” of the neighborhood, through the installation of oriental icons (lamps, portals, bridges, etc.). The intention of the project was to create a kind of “Chinatown” in the area, but focused on the Japanese community, which constituted the “exemplary minority”. The program was successful, transforming Liberdade into one of the main tourist destinations in the city of São Paulo.



Figure 1: <https://saopaulosemmesmice.com.br/coisas-imperdiveis-pra-fazer-na-liberdade/>

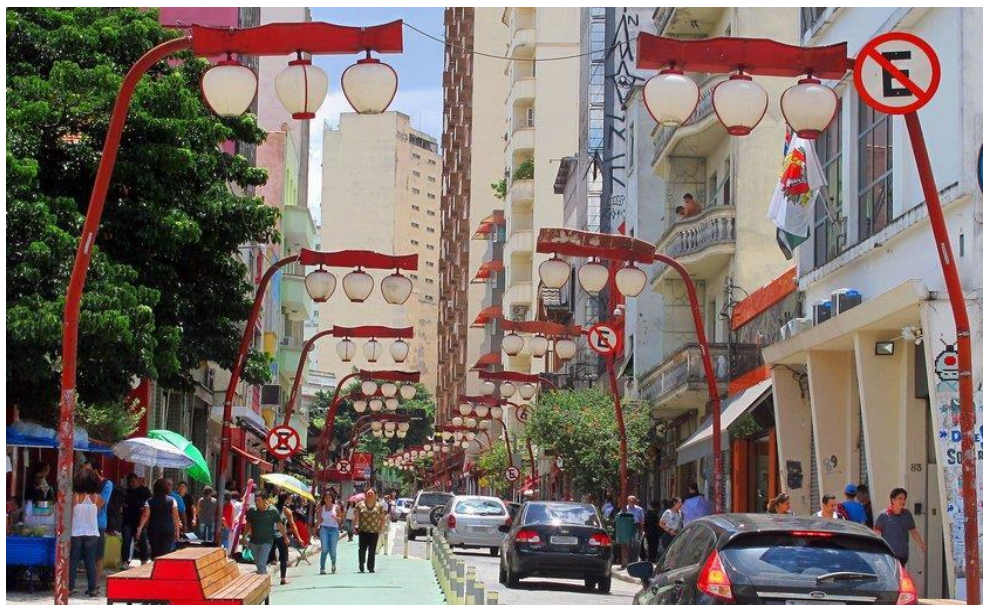


Figure 2: <https://www.guiadasemana.com.br/na-cidade/noticia/lugares-obrigatorios-na-liberdade-para-quem-ama-a-cultura-oriental>

Law and Debate

A 2018 law renamed the central square of the neighborhood, from “Praça da Liberdade” (Freedom Square) to Praça Japão-Liberdade (Square Japan-Freedom). The change generated debate and revolt on social networks. The trigger was the publication of a post on Facebook made by the lawyer of Japanese origin Renato Igarashi. Among other points, he pointed out that the tribute would be unnecessary, since the population automatically associates the neighborhood with the Japanese community. In addition, he continues, this change made invisible the role of other peoples in the construction of the area.⁸ The post brought visibility to an issue that has long been the subject of academic studies and institutional debates.

Chinese Influence

Chinese immigration to Brazil predates the Japanese. The first records of Chinese immigration date from 1812, when workers came to Brazil to work in the tea plantation. With the beginning of the immigration policy after the end of slavery, groups of Chinese, although less expressive than the other groups, were directed to coffee plantations in the interior of the State of São Paulo. These immigrants, like the Japanese, also faced prejudice and difficulty in inserting themselves into the Brazilian community. The great flows of Chinese immigrants arrived in the country, however, between 1949 and 1950 and in 1966. The first group immigrated due to the Communist Revolution. The second arose from the Cultural Revolution.

The Chinese began to arrive in the region of Liberdade in the 1970s. Despite having spread to several neighborhoods in São Paulo, the influence of the Chinese community in the region is remarkable. Progressively, Chinese immigrants began to occupy the businesses and jobs, until then controlled by the Japanese, in addition to importing products from China and selling them in Liberdade.

⁸ Giovanna Constanti, *O que a Liberdade significa para a memória dos negros em São Paulo?* Carta Capital, 2018, available at: <https://www.cartacapital.com.br/sociedade/o-que-a-liberdade-significa-para-a-memoria-dos-negros-em-sao-paulo/>, accessed on 04.02.2021.

The neighborhood also acquired characteristics of Chinese culture, integrated there with the Japanese heritage. Today, for example, the Chinese Year is celebrated annually at Praça da Liberdade, which is the most well-known and visited party in the region. In 2012, the Chinese consulate estimated that about 250,000 Chinese and descendants lived in Brazil, with around 180,000 in São Paulo alone.⁹ In Liberdade, the vast majority of stores are run by Chinese, although they maintain Japanese names and decoration, and continue to trade in products from Japan.¹⁰ The region however remains mostly associated exclusively with the Japanese community.

The Korean Influence

Korean immigration to Brazil began in 1962. In São Paulo, the Korean community, like the Chinese and Japanese communities, concentrated in the Liberdade neighborhood, due to its central location and low prices. In addition, the region already had the presence of Korean immigrants, who had acquired Japanese nationality during the Japanese occupation in Korea and came here together with that group. This allowed a better cultural adaptation of the new immigrants, in addition to the possibility of finding products, especially food, similar to those consumed in Korea. At that time, part of the Liberdade neighborhood came to be known as *Vila Coreana* (Korean Village).¹¹

A large part of the population was dedicated to working in reselling or making clothes (usually small workshops in homes). Oswaldo Truzzi highlights the reasons for this choice:

⁹ C.F. Silva, *Conexões Brasil-China: a migração chinesa no centro de São Paulo*. Cadernos Metrópole, v. 20, n. 41, São Paulo, 2018, available at: https://www.scielo.br/scielo.php?script=sci_arttext&pid=S2236-99962018000100223#fn3, accessed on 07.01.2021.

¹⁰ K. Mello, *A Liberdade é chinesa*. Valor Econômico, 2012, available at: <https://valor.globo.com/eu-e/noticia/2012/09/28/a-liberdade-e-chinesa.ghtml>, accessed on 07.02.2020.

¹¹ K.J. Choi, "Imigração coreana na cidade de São Paulo", *Revista do Instituto de Estudos Brasileiros*, São Paulo, n. 40, 1996, pp. 233-238 *apud* B.M. Antonio; J.R.C. Araújo, "A diáspora coreana: o caso brasileiro", *Revista Franco Brasileira de Geografia*, n 39, 2019, available at: <https://journals.openedition.org/confins/18851#quotation>, accessed 07.02.2021.

“For a large part of those who settled in Vila Coreana the available work was either making or going out with a suitcase full of goods to peddle clothes and other cheap products. Most Koreans who arrived here had never operated in the clothing business before. However, sewing activities were embraced by newcomers thanks to the low need for capital (many fabric factories provided extended deadlines for payment for the goods withdrawn), the small risk and the possibility of hiring all family.”¹²

With the improvement in the financial situation, the Korean population tends to move to *Aclimação* neighbourhood, while garments are concentrated in *Bom Retiro*, leaving a small number of Korean immigrants in the Liberdade region.¹³

The Forgotten Past

Slavery in Brazil lasted 370 years. In the State of São Paulo, slave labor was used for many years in coffee plantations, located in the countryside. In the capital, many families kept slaves for domestic services.

The Liberdade neighborhood played an important role in this period and in maintaining slavery. Between 1775 and 1858, where today the stores of Japanese products are located, there was a cemetery dedicated mainly to the burial of slaves and people killed by hanging, called Cemitério dos Enforcados (cemetery of the hanged). Where the “Praça da Liberdade” (Freedom square) is located today, there was the “Largo da Forca” (Gibbet square), where those condemned to death, especially slaves, were executed.

This past is unknown to a large part of the city's population, who associate the neighborhood only with the Japanese immigration. Researchers on the subject believe that the erasure of memory is due, in large part, to an elitist policy developed in the country and in the city of São Paulo after the

¹² O. Truzzi, “Etnias em convívio: o bairro do Bom Retiro em São Paulo”, *Revista Estudos Históricos*, Rio de Janeiro, v. 2, n. 28, fevereiro de 2001, pp. 143-166, available at: <http://bibliotecadigital.fgv.br/ojs/index.php/reh/article/view/2144/1283>, accessed on 07.02.2021.

¹³ K.J. Choi, *Além do arco-íris: a imigração coreana no Brasil*, São Paulo, 1991, apud B.M. Antonio; J.R.C. Araújo, “A diáspora coreana: o caso brasileiro”, *Revista Franco Brasileira de Geografia*, n 39, 2019, available at: <https://journals.openedition.org/confins/18851#quotation>, accessed on 07.02.2021.

official end of slavery. Over time, the elite sought to build an image of São Paulo as a modern city, and the slavery past would not match the concept of modernity. Hence the intention to erase this memory and the symbols associated with the slavery period.

The great criticism made of the law mentioned above, which added the term Japan to the name of the square, is that the change contributes to the erasure of the past and the role of the black population in the construction of the neighborhood, which may have even influenced the choice of the name Liberdade.

Liberdade means freedom. The origin of the name is controversial. Some authors point to a possible relationship between the name of the neighborhood and the liberal theory adopted by the elite of São Paulo. Historian Sevcenko (2004) says this:

“In the middle of the 19th century, the gallows was deactivated and the name of the square was changed, in 1851, to Praça da Liberdade, due to its connection with the Fountain of Liberdade, located next to Largo do Curso Jurídico (now São Francisco). That fountain, in turn, was so named in 1832, in a tribute by the City Council to the popular revolt that culminated, in Rio de Janeiro, the previous year, with the fall of the absolutist government of D. Pedro I and his return to Portugal. The tribute thus marked the liberal vocation of the São Paulo elite and the key role it had been assuming in the management of the young independent nation. From the fountain, the name extended to the square, then to the street that connected them and finally began to cover the entire area of what had been the Distrito da Glória.”¹⁴

There is, however, another theory about the origin of the name, which would be linked to the hanging of Francisco das Chagas, known as Chaguinhas. Chaguinhas was a black military man who led a revolt against the payment of “soldos”, a kind of remuneration given to the military. Changuinhas was sentenced to death by hanging. The condemnation would have, from the beginning, generated revolt in the population of the current neighborhood of Liberdade, since Changuinhas had grown up in the region and was known by a good part of the local inhabitants.

¹⁴ N. Sevcenko, *A Cidade Metástasis e o Urbanismo inflacionário*. Revista USP, São Paulo, n. 63, setembro-novembro 2004, p. 21.

It is said that at the moment of the hanging, the rope broke three times, while the population cried out for “freedom”. This scene would have taken place in Praça da Forca (Gibbet square), which after this would have become known as “Praça da Liberdade” (Freedom square). Despite the popular outcry, Chaguinhas was executed and buried in the “Cemitério dos Aflitos” (cemetery of the afflicted), where the Nossa Senhora dos Aflitos Chapel was located.

According to Sevcenko “(...) *the General Cemetery or Cemetery of the Afflicted, [was] the first public cemetery in the city (1779), intended for the burial of the condemned, the destitute and the soldiers. The rustic graves carried only a wooden cross, with no names, dates, blessings or orders. It was the cemetery of the anonymous, the despicable and the unworthy. Of course, it was also the slave’s cemetery.*”¹⁵

Chaguinhas' hanging occurred almost a century before the arrival of Japanese immigrants in the neighborhood. Unlike the other squares in the city, in Praça da Liberdade there is not even a bust of Chaguinhas that symbolizes or makes reference to this story. This past was forgotten. From that period, only the chapel located in the cemetery (Capela dos Aflitos) and the Igreja dos Enforcados (Church of the hanged), located in Praça da Liberdade, remain in the region.

Currently, the site of the old cemetery is occupied by stores selling Japanese products. Capela dos Aflitos, on the other hand, is located on a small street, hidden among these shops with luminous signs in Japanese. Most tourists who pass through the region do not even notice the existence of the building.

The chapel is recognized by the Council for the Defense of the Historical, Archaeological, Artistic and Tourist Heritage of the State of São Paulo (CONDEPHAAT) as heritage of the city. The author Popperl points out that the process of listing was started in 1969, motivated by the fear that the process of orientalising Liberdade, with the installation of portals and lamps in Japanese style, could mischaracterize the chapel.¹⁶ Despite the

¹⁵ *Ibidem*, p. 20.

¹⁶ M. Popperl, *De que passado queremos lembrar? Problematização da história protegida nos tombamentos estaduais da Igreja Nossa Senhora do Rosário dos Homens Pretos e da Capela dos Aflitos*,

listing, the lack of zeal for the building is evident in the cracks in the walls, caused by the time, poorly planned work in a neighboring building and a fire in the 1990s.



Figure 3: <https://www.portalorientese.com/capela-dos-aflitos-largo-da-polvora-vila-claudina-e-vila-jose-pereira-farao-parte-do-cenario-de-spectros/>

The Santa Cruz das Almas dos Enforcados Church, better known as church of the hanged (Igreja dos Enforcados) or church of the souls (Igreja

São Paulo, 2019 *apud* O. C. Paiva, *Da Glória à Liberdade: a memória em disputa num território paulistano*, XXV Encontro Estadual de História da ANPUH-SP, available at: https://www.encontro2020.sp.anpuh.org/resources/anais/14/anpuh-sp-erh2020/1595342708_ARQUIVO_ac4ce29087dd91cd6a4d3b9cd0d4ed69.pdf, accessed on 07.02.2021.

das Almas), is more recent, dating from 1891, and is located right in the Japan-Liberdade Square. Its origin would also go back to Chaguinhas. There was a tradition in São Paulo of placing a cross in places where a tragic death had occurred. On some occasions, devotion to the victim would arise and give the origin to a chapel on the spot. With the violent execution of Chaguinhas, accompanied by the “miracle” of the breaking of the ropes, the cross planted there gave rise to a chapel in 1891. The building that exists there now, however, dates from 1926.

The Church in question, unlike what happens with the Chapel of the Afflicted, is not hidden among the buildings with Japanese decoration. On the contrary, it is located at the entrance to the main square, being the backdrop for the traditional parties held at Praça da Liberdade. The church is a true symbol of resistance of the black population. In addition to resisting the “orientalization” of the neighborhood initiated by the government in the 1960s, the church is a symbol of religious syncretism that was used for many years by slaves to practice their original religions, under the cloak of Catholicism.



Figure 4: <https://medium.com/@carolinamnzs/capela-de-santa-cruz-das-almas-dos-enforcados-5ce508f790>

Memorial of the Afflicted

The defense of black memory in the region has already won some battles. In 2018, a team of archaeologists found nine bones next to the Chapel of the Afflicted, proving the existence of the Cemetery of the Afflicted, until then only known through documents. One of the skeletons was buried with a necklace of glass beads, possibly linked to an African religion, which corroborates the thesis that the cemetery would be destined for slaves and socially marginalized populations.¹⁷

Along with the controversy over the change of the name of the square, this fact increased the debates about the memory of the participation of the black population in the region. After pressure from black movements, in 2020, a law was passed authorizing the creation of a memorial, called Memorial dos Aflitos, on the site of the old cemetery, with the aim of preserving the archaeological remains and the memory of the black population. According to Tadeu Kaçula, founder of the Nova Frente Negra Brasileira (New Black Brazilian Front), *“it is about the memory of a place of torture for enslaved people that cannot be forgotten.”*¹⁸

Conclusion

Despite the complex and diverse historical and cultural wealth of the Liberdade neighborhood, it is evident that the Japanese heritage in the region is overvalued, to the detriment of the heritage of other peoples and cultures. The neighborhood was built through the effort and collaboration of the Japanese, but also from Chinese, Koreans and slaves and ex- slaves. We can even identify contributions from indigenous Brazilians, Jews,

¹⁷ V. Reis, *Arqueólogos encontram mais duas ossadas do tempo da escravidão em terreno na Liberdade, Centro de SP*, 2018, available at: [https://g1.globo.com/sp/sao-paulo/noticia/2018/12/12/arqueologos-encontram-mais-duas-ossadas-do-tempo-da-escravidao-em-terreno-na-liberdade-centro-de- sp.ghtml?utm_medium=website&utm_source=archdaily.com.br](https://g1.globo.com/sp/sao-paulo/noticia/2018/12/12/arqueologos-encontram-mais-duas-ossadas-do-tempo-da-escravidao-em-terreno-na-liberdade-centro-de-sp.ghtml?utm_medium=website&utm_source=archdaily.com.br), accessed on 07.02.2021.

¹⁸ R. Bonilla, *Terreno de antigo cemitério de escravos ganhará memorial na Liberdade*, 2020, available at: <https://vejasp.abril.com.br/cidades/memorial-escravos-negros-cemiterio-liberdade/>, accessed on 07.02.2021.

Chinese, Koreans, Bolivians and Nigerians, as well as migrants from other regions of Brazil.

In the case of Liberdade, the black presence in the region suffers the most from invisibility. This invisible heritage is of great importance for the black people, as it represents a painful memory and a symbol of the exclusion of the marginalized people. Add to this the historical and religious importance of the Chapel of the Afflicted and the Church of the Hanged, which often do not receive the necessary care and maintenance from the government.

However, even the Japanese "heritage" existing today in Liberdade is decorated, covering up the real challenges faced by immigrants to integrate into Brazilian society. The vision attributed to the Japanese, as an "exemplary minority", hides a need to cover their real cultural characteristics in order to fit the profile of "desired" immigrant by the Brazilian elite. The process of "orientalization" of the neighborhood, in addition to stifling the cultural manifestations of other peoples, does not add value to the real Japanese heritage. The lamps, portals and bridges scattered around the neighborhood were not placed there by the Japanese community and we do not even know whether they reflect the culture of those immigrants, or whether they constitute mere symbols that foreigners associate with Japan.

In the words of the Brazilian historian Abílio Ferreira, "memory is a space of dispute: the memory of the peoples who have the greatest political and economic influence is always the most valued."¹⁹ Hence the importance of movements that claim to value the memory of forgotten peoples. In the case of Liberdade, it remains to be questioned whether the valued memory is effectively that of Japanese immigrants or that of the Brazilian white elite.

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Colombia's Armed Conflict: between Tragedy and Determination to Build Peace¹

Introduction

Through this paper I want to identify the principal causes of the atrocious violence that Colombia, a nation favoured by an astonishing territory with an incredible natural, geographical, and cultural diversity had to bear through his history. I challenge myself to summarize more than 80 years of civil war and argue how this violence has been intrinsically related to the richness of its lands. Colombia is a privileged country, a geographical location in the equatorial region, with no seasons but with all the range of climates thanks to the ramification of the Andes mountain chain, where we can find from the eternal snows in the top of the highest mountains, to the hottest deserts. But the general landscape is mostly covered in between these two extreme climates by all kinds of forest, jungles and rivers between the Pacific and the Atlantic Ocean. Colombia also has a wonderful mixed and diverse culture, product of multiple migrations that after centuries have contributed to the creation of a sublime sincretism present in music, food, art and all the rest of expressions. This mix is mostly a consequence of the violent colonisation by the Spanish where millions of Afro communities from western Africa were introduced to the territory as slaves, after more than 70% of the indigenous communities population died. Nevertheless, after all the horrors that were committed and the structural ethnic violence that continued during the independent republic, an incredibly diverse and sincretique culture flourished and resisted oblivion.

¹ Parts of this study have been published in Luiz Oosterbeek (ed.), *Covid 19, guerres et désastres naturels: peur et résilience aux origines de la transformation des paysages culturels*, Area Domeniu 11, Macao, 2020, pp. 307-390.

This diverse and syncretic culture has become the strongest social tissue in the country, with a population mostly mestizo and a big representation of Afro and Indigenius communities. Other migrations happened during history as the libanese or juif communities escaping wars, who fastly integrated to such diverse culture that borned from the merging of Authoctonos, African and European influence. Sadly this natural and cultural paradise never had a moment of peace since the first years of colonisation until our days. The country has lived in uncuntles violence and wars for the fight of the governance and exploitations of its rich lands. Different types of unbearable violence have been used as a fear strategy for creating silence, historic amnesia, distrust, paranoia, social paralysis, fracturing the social tissue and the collective memory. These strategies are created for perpetuating impunity, causing the silence of witnesses, the control of the population, avoiding violent reactions against their victimizers, taking over the land by force, and maintaining the governance of the armed groups in some territories. Colombian people have suffered endless attacks and strategies of violence committed by different actors through time, but furthermore, this paper wants also to understand how has this country constructed peace: ¿what has been the role of the peace processes and how have they contributed to the so anelated peace? We are a deterritorialized, anesthetized and dismembered society, a significant part of the population associates the violence as a part of its history, its future, and its own self. Nevertheless, after all that violence and trauma it is impressive how resilient, hopeful and imaginative the Colombian society is.

But it is unfair to leave all the burden on the Colombian population, who have been the greatest victims and at the same time the greatest agents of change and recovery. The different investigations and peace processes have been emphatic about which are the biggest problems and it is time for governments to legislate to contribute to peace in an effective and forceful manner, and for the judicial branch and control mechanisms to do their job, to avoid fraud in elections and corruption in high command. A model for development that privileges the requirements of extractive activities and disorganized use of the lands, breaks the opportunity for local dialogue, equitable solutions, and sustainability agreed with the local communities,

indigenous organizations, afro-colombian organizations, and natural reserved lands. These logics and missed encounters encourage the conflicts, attract the presence of armed groups generating forced displacement of the communities, terror, and violence. The principal economic source of the armed groups is illegal mining, private "sicariato" for particulars (cattle raising owners, companies, and politicians) and traffic of drugs. They need to have power over the territories not only for their economic interest but also for their transit, resting, eating, and forced recruitment. The major problem is the competition for resources, land appropriation, exercise of power, and violence strategies against the civil population, especially against the communities less privileged and less protected by the law, to strip them of their lands. Corruption grew inside the governments, the police officers, and the militaries became involved with armed groups leaving very little room for justice. It is urgent to create spaces of territorial agreement, where the state can provide and assure models of development, judicial and physical protection to the diversity and interculturality of the territories.

I. Bipartisan Violences from the 1940s, 1950s and 1960s

The period commonly called "The Violence" was characterized by a very strong confrontation between conservatives and liberals all around the country. The point of depart is strongly debated by researchers, many used the day of the murder of Jorge Eliecer Gaitan as a symbolic day of depart, but very strong violence was lived prior to the elections of 1946. The marked division between conservatives and liberals, the fear of communism, the role the church played, mixed with the thirst for revenge from what happened during the conservative and liberal hegemony, created a very tense panorama and a perfect ambiance for detonating violence all over the country. *"la violencia nunca estalló así como estalla un táco de dinamita en un barranco. La violencia fue cayendo despacito; fue haciendo nudos, fue amarrando a la gente sin que se diera cuenta. Comenzó a caer por la noche y cuando despertamos estaba metida en medio de nosotros, manejando las cuerdas."*²

² Alfredo Molano Bravo, "Asalto a Marquetalia", *El Espectador*, 2014, p. 60,

At the end of the conservative hegemony when they lost power and governance because of the beginning of the liberal hegemony and the creation of a socialist and communist party, a fear woke up in the conservatives, they were desperate and losing influence, so they reacted violently. The socialist and communist ideas won the acceptance of an important part of the population and in the presidential elections of 1934, only the Liberal party and the communist party were present. The liberal party won with Alfonso Lopez Pumarejo against the communist candidate Eutiquio Timoté, the first and only indigenous presidential candidate in the history of Colombia. Eutiquio Timoté who was from the Pijao community had a very good reception from a part of the population, receiving a strong number of votes. Sadly Eutiquio Timoté was also killed after the elections in the region of Tolima for fighting against the illegal parceling and trade of indigenous territory. After his murder, they erased him from history.

The growing proletarian classes, the liberal hegemony ruling, the presence of a candidate such as Jorge Eliecer Gaitan, who was from the Liberal party with socialist inclinations was the Colombian population's favorite for the elections of 1946. Jorge Eliecer Gaitan became the biggest threat for the oligarchies that had ruled the country since the independence. The conservatives had a strong structure of power in the police and in the army, but the elections had privileged the liberals the last rounds, because of the traditional divisions found at the interior of each political party. The fear of losing another time the government grew, the fear was shared by the most traditional section of the liberal party, making the situation worse. Jorge Eliecer Gaitan had very strong support from most of the popular segments of the country, most of the syndicalists, farmers, and workers felt represented by him. At the time, the political party was something inherited from your family and the region you were born in. Colombia had lived through many civil wars, and both sides were already firmly divided. Jorge Eliecer Gaitán put these political traditions into question, a big part of the Colombian population felt represented, even conservatives and elites went hiding to hear

<https://www.elespectador.com/noticias/nacional/asalto-marquetalia-articulo-498380>, accessed 7 January 2021.

his discourses and as the writer and researcher Alfredo Molano explains, maybe some conservatives were tempted to vote in secret for him.

The situation in rural places was becoming very tense, conservatives were threatening liberals, so they did not vote. Mayors, police officers, and militaries of all around the country were only accepting conservatives in their offices and in the military service, this way, the liberals had a lot of problems to find a job and were easily identifiable, (it was required until recently to have a card proving that you have done the military service to find a job for men). But even worse, this situation was preparing conservatives all around the country to know how to shoot, so they will be in control of the police and the militaries. Liberals were warned, if they voted they would be killed, or they would lose their lands. Many liberals were killed, mutilated, exposed in public spaces to produce fear, and threatened to go away and leave their lands behind. These violent strategies of fear were mixed with structural corruption and social discrimination. For a very long time, there has been corruption in national elections in Colombia. In addition, the Catholic Church supported the Conservative party and many priests started to make political discourses in their masses favoring the conservative and decoulgating the liberals, "*hasta llegaron a decir que matar liberales no era pecado.*"³ The elections were finally won by the conservative party with Mariano Ospina Perez and Jorge Eliécer Gaitán lost. Before the elections. After the conservatives won things became worse, the military and police continued only accepting conservatives, rejecting liberals from the military service, arming the civil community, paying professional killers for doing the job of terrifying, killing and displacing liberals from the territories.

Two years after Mariano Ospina Perez won the elections, Jorge Eliécer Gaitán was killed in Bogotá, he had made multiple speeches denouncing the violence against the liberals in the rural places and talking about the social problems of the country, he was too dangerous for the conservative party and for the traditional politicians, so they killed him. The radio made the news travel fast and people, mostly liberals and farmers from all around the country lost their minds. They lost hope and with a feeling of injustice went out to the streets mad, sad, in mourning and searching for revenge. Gaitán

³ *Ibidem*, p. 39.

had a famous quote, but he did not imagine what it could provoke "*Si avanzo, seguidme; si retrocedo, empujadme; si os traiciono, matadme; si muero, vengadme.*"⁴ Chaos spread all around the country, it was the first time the cities felt the violence like that, but it was also heavily felt in rural places. This event was named as the *Bogotazo*, people organized themselves from every part of the country to go to the central squares in all the cities. Trucks full of people arrived at the center of multiple cities, the people who arrived had machetes and torches and after felt that the screams made no difference in their pain, some started to set on fire the city. All the conservatives were persecuted and the country was paralyzed for days. From this day on, the violence became atrocious coming from every political party and region, a sensation of terror and omnipresence of violence spread, there were no armies, they were civilians, sicarios and escaped inmates everywhere, betraying, killing, hiding and fearing. At this point, I think the paranoia and the silence became a sickness from many not cured yet. "*Yo les doy un consejo: en esos bochinches la única manera de conservar la vida es no meterse en nada, no ver nada, no oír nada. Callarse todo. Lo que se viene es cosa jodida y si ustedes quieren vivir, esa es la consigna.*"⁵

Meanwhile, multiple guerrillas from both parties, civilians and paid professional killers organized and perpetrated acts of violence all around the country. During this period the famous 'cuts' appeared, they were cuts inflicted on people but it was much more than only for killing people, they were done to denigrate the person, exhibit the body and create fear by killing the idea of humanity and safeness. Some professional paid killers did mutilations for keeping parts of the body as proof and asked for the payment of each one. They were mutilations, with their own names, for example, cutting someone in small pieces was called "*Picar para tamal*", make a small incision and leaving the people to slowly bleed out, was called "*bocachicar*", cutting the throat was "*Corte de franela*", when they pulled the tongue out through the incision was called "*Corte de corbata*", when they removed the scalp was called "*Corte frances*", when they did a semi decapitation living the

⁴ German Guzman; Orlando Fals Borda ; Eduardo Umaña Luna, *La violencia en Colombia Estudio de un proceso social Tomo II*, Ediciones LAVP, 2019, p. 36.

⁵ Molano, *op. cit.*, p. 61.

head hanging from the torso was called "Mica", and "*no dejar ni semilla*" was when they killed pregnant women or babies, destroying the reproductive systems of women. The castrations were common to men and women and the genitals were placed in the mouth of the victims. This morbid exhibition was common to see in the public spaces or through images of the written press, thousands of dead bodies arrived in trucks to cemeteries, and thousands were thrown to the rivers making them red for days.

The profound feeling of pain and injustice most part of the population felt must have been huge, after seeing all that blood spilled was for nothing. After these violence a military dictatorship started led by Rojas Pinilla in 1953 with the argument that this would stop the bipartisan violence, where massacres against students and other opponents occurred. Then the traditional political parties overthrew him and simply divided the power between periods, leaving to the perpetrators of the most atrocious violence and the richest lands and treasures stolen. It is impossible that after all this chain of violence and revenge the civil population lived, the education they received from church, school, and family against everyone from the other political party could just forgive with no social process or help at all. It is very worrying the new distribution of lands and richness after the constantly forced displacement and stolen lands during all these decades of violence. The investigations of the commissions and studies done by Orlando Fals Borda, Mgr German Guzman, and Eduardo Umaña Luna showed after a extraordinary report of the bipartisan violence, the necessity of an agrarian law, to repair the divisions created by the conservative and liberal villages, and review the legitimacy of the ownership of unimagined extensions of land concentration to large landowners.

II. The Revolutionary

The pact of the "Frente Nacional" will stop violence superficially, while the foundations for creating a new age of terror are just around the corner, the pact maintained the traditional political hegemonies in power and blocked the opportunity to any other political view, opinion or even young candidates without the correct parentage to postulate in a democratic way.

The economic crisis that all those years of armed conflict, the corruption inside the governments, and the terrible inequalities just made the political situation tenser. The conservative and liberal party united themselves against the fear of communism in times of the Cold War. The United States was very attentive to what was happening in Latin America. They used money, arms, students and everything to fight communism but the triumph of the Cuban Revolution had an enormous acceptance in the Latin American society, especially in the student movements, syndicates, and the farmer organizations. The amnesties were not followed by the militaries nor the armed groups creating an atmosphere of distrust and the continuing of clashes, there even were territories called '*Republicas Independientes*' or '*Zonas Liberadas*' that defined themselves as autonomous governments, many farmers running from the violence between the Colombian army and the armed groups, took refuge in these independent regions, for example, in El Pato (in the region of Caquetá), Riochiquito (in the region of Cauca) and Guayabero (in the region of Tolima).

Orlando Fals Borda, Mgr German Guzman, and Eduardo Umaña Luna had already studied the leaders of the violence from 1948 to 1962 and they had already warned about the skills of "Tirofijo" (Manuel Marulanda Velez) since 1948, for convincing people to follow him to the revolution and to revenge Gaitán's death. Tirofijo returned to the mountains with liberal and communist farmers and created one of the '*Zonas liberadas*' in a village called Marquetalia. In 1964 the senator Álvaro Gómez denounced these independent regions as a focus of communism, the government organized the military operation called '*Soberanía*' to attack Marquetalia. Proposing a peaceful alternative, 300 civilians and Tirofijo redacted one letter to the president of Colombia at the moment Guillermo León Valencia, where they proposed to stop the violent response in exchange for some basic needs. The town lacked necessities since long ago, so they asked for a medical center, a rural school, a road, so they could sell their agricultural products, the return of the stolen goods by the militaries, and justice for those who did not follow the law. The intellectuals Fals Borda and Camilo Torres also proposed themselves as mediators to resolve the situation pacifically to prevent the death of civilians and families in the clashes but Guillermo Leon Valencia

rejected the propositions and responded by strongly bombarding the town with Lapam given by the USA.

Tirofijo was already well known in the mountains of the region of Huila, and a significant part of the country. Nevertheless Guillermo Leon Valencia did not measure the consequences nor cared enough to find alternative solutions. The attack lasted for days, they had an enormous inversion, a fleet of helicopters, thousands of militaries, napalm airstrikes, but Tirofijo, his men, and the families resisted. The result was the destruction, of hundreds of houses, people and animals burned, the attacked cost almost 300,000,000 COP, the amount with what they could have built the health center, the school, the roads and much more, but even worse, the guerrilla led by Tirofijo escaped and founded the most powerful and ancient guerrilla that the world has ever know until 2011, were the so-called FARC-EP (Fuerzas Armadas Revolucionarias de Colombia) was dismantled by the peace agreement. This attack led to a war of almost 60 years. This was not an isolated situation, the panorama at this moment was very complex, other guerrillas followed the FARC-EP, a year after, in 1965 the ELN (Ejército de Liberación Popular) was created by a group of students that studied in Cuba with a scholarship, two years after the ELP (Ejército de Liberación Popular) was born in the region of Antioquia, and during the '70s the Quintin Lame Guerrilla and the M-19 followed the steps of the previous guerrillas fighting through arms against the government.

A combination of international and national factors led to a massive civil war in the form of guerrillas. On the other hand John F. Kennedy created politics to block communism at all costs in South America, the Colombian Government received money, constructions, arms, and loans to fight communism, in exchange Colombian government did what the United States dictated. For example, voted in favor of the block to Cuba in the OEA and persecuted any communist ideas in the territory in any form, syndicates, intellectuals, artists, etc. Usually, everything against traditional practices of agriculture, cattle raising, and mining that had created the elites from the colonial and the independence period was and still is considered communism, even when it is for the development of the industry. The political panorama was tense, the movement of the ANAPO, known as the

opposition's strongest party against the pact of the "Frente Nacional" was conformed by multiple sectors of the opposition. The ANAPO felt that the elections of 1970 were rigged and many of their participants created the only guerrilla predominantly in the cities, the M-19. This guerrilla conformed of multiple sectors and had a big student representation, they made themselves popular throughout the population through symbolic practices learned from the guerrilla *Los Tupamaros* from Paraguay. They did publicity through the press without revealing that they were a guerrilla but just inviting people to wait for the beginning of the M-19. Some commercials were related to publicity for medications, for example, *lack of energy, inactivity? Wait for the M-19, or Parasites, worms? Don't worry the M-19 is coming.* Shortly after, the M-19 stole the sword of Simon Bolivar from a museum, also inspired by acts of the guerrilla of *Los Tupamaros* from Paraguay, and then they started to make an armed and violent fight.

The violence was stronger in the rural places of the country, the indigenous guerrilla of Quintin Lame, for example, was born during the 74 because the Colombian army was killing indigenous communities in the south of the country. In the region of Cauca and landowners were appropriating their lands, a common horrific practice that never stopped since the first years of the colonial period until now. The group was multi-ethnic and had a strong acceptance from the communities of those regions.

The conservatism was so extreme that even the Vatican wanted to modernize part of the extremely conservative church in Colombia so the church could participate actively in modern life. With that purpose the Vatican proposed the study of sociology to clerics, especially in Leuven. It is no coincidence that some of the most important promoters and professors of the discipline of sociology were Camilo Torres (Catholic priest) and Orlando Fals Borda (protestant bishop), both were in the INCORA board. But the social conditions in Colombia were too unfair, too heartbreaking and even the church developed an internal movement called the Golconda that is going to become afterwards the "*Teología de la Liberación*" where many ecclesiastics, priests and nuns are going to be politically engaged in the country and some are going to join the guerrillas. Like was the case of Camilo Torres, the celebrated sociologist that decided to join the ELN. Camilo Torres

was shot to death in 1966 in the first clash against the militaries, becoming a social martyr in the country. The cultural and academical spaces were also permeated by a strong revolutionary enthusiasm and against the pact of the "Frente Nacional".

The presidents Carlos Lleras Restrepo, Alfonso López Michelsen, and Julio César Turbay Ayala all declared a state of siege and curfew in their respective mandates, along with extreme measures to maintain public order. Many of those belonging to the opposition social movements were randomly arrested every day, people could not leave their home after 8:00 pm mostly in big cities, accompanied by blackouts. The economy of the country had been declared in state of emergency during the mandate of Alfonso López Michelsen, the inflation rose, subsidies were removed, and public services became more expensive, the workers' sector had grown in the last years, and they were organized. The opposition did not find any representation in the government and many sectors of society, in discontent, a massive civil strike started in 1977 counting the hours for the president López Michelsen to surrender power, but things during the mandate of Julio César Turbay Ayala just became worse. Julio César Turbay Ayala stated measures even more extreme and violent, a hall constitutional program with a new penal regime named "*Estatuto de Seguridad*" was imposed with the help and some financial support from the foreign political program of the US called "Doctrina de Seguridad Nacional" to fight against communism in all Latin American countries. Special permissions to the Colombian army were imposed, they could judge civilians in verbal councils of war in special military judges, arrest civilians without taking into account the police and many other permissions for the oppression of civil movements, actions or rights. These social and political movements felt in a sort of "witch hunt", threats, disappearances, torture, and arbitrary arrests took place frequently.

But all these political situations hide a very serious problem that was growing without the attention it deserved, the drug traffic started to gain a lot of power with what is known in Colombia as "Bonanza Marimbera", the cultivation and traffic of weed had permeated the political, economic and social situation of Colombia. Settler farmer families, couples, or unparented groups deforested jungles and forests trying to win a part of the territory for

cultivating and win precarious but useful titles as owners of the land. The regions of Urabá, Magdalena, Caquetá, Guajira, Cauca, and Putumayo become zones with strong phenomena of settlers, in these zones, there was any presence of the state, no roads, no schools, no health centers, no judges, and when the state arrived usually was through the army and violent repercussions against the settlers. At first, the settlers were the owners but then the armed groups took by force the lands, and the settlers had two choices, to become workers of the big farms that organized all the traffic, to be displaced, or killed. Then corruption from all the drug trafficking infected all the state institutions, armed groups, and a big portion of the civil population. The traffic of drugs and the terror these armed groups represented created all kinds of drug slaves, on the bottom of the pyramid were entire villages of farmers that depended on the crops of cocaine for surviving and were in constant harassment from the armed groups. The journals and government were divided into two, a corrupted part composed by the collaborators of these mafias and the ones who did not participate, some stayed quiet and some braves that made denunciations and fought against the mafias were harassed, threatened, or killed.

III. The Sunless 1980s

The 1980s reaped the fruits of corruption, torture, violence, inequality, and decomposition that the state had sown in the last decades. Its fruits were the most ruthless forms of violence that had been seen in the country's history, and dolefully mostly of these violences were inflicted against the civilian population. Paramilitary groups were organized and supported by the government and the military forces. A war of massacres begun while they also adopted other forms of violence and torture as the kidnap, extortion, sicariato, disappearances, bombing, torturing, and landmines for ensuring their power over those territories. The violence installed in the big cities and amplified in the countryside, the drug traffickers of cocaine became powerful landowners buying and stealing territories to use in the plantation, cooking, and trafficking. The guerrillas disputed control of many of these territories, the lack of presence of the state, the difficult access, the geographical

situation, natural richness, and the potential vulnerability of some communities without any protection made these territories very desirable for these armed groups. At the start, the disagreements were shown as ideological from the guerrillas against these new figures of power, extensive owners of the land, and drug traffic, against the communist but very quickly it was clear that they both were disputing the control of the lands.

For many drug traffickers and big landowners, these practices of extortion, kidnaps, and fight for power over lands were jeopardizing their power and safety. In 1979 the FARC-EP kidnaped Jesus Castaño Amalfi, who was tortured and killed even after the FARC-EP had already received half of the payment for his rescue. Two years later the M-19 kidnaped Martha Nieves Ochoa, the daughter of one of the most powerful drug traffickers' families in the country. The "Ochoas" did not hesitate to use all their resources, money and arms to create the paramilitary armed group called the "MAS" against the kidnappers of her daughter, and join forces with the army of the famous drug trafficker Pablo Escobar. Between both, they killed more or less 200 people between FARC-EP members, cooperators, and civilians until Martha Nieves Ochoa was returned to her family. A year after the drug traffickers José Gonzalo Rodríguez supported Fidel y Carlos Castaño Gil created the new paramilitary group called "*Autodefensas Campesinas*" as revenge, because the FARC-EP had exploited 3 of his laboratories of coque. Few after the same model of the MAS was applied for creating a new paramilitary group in the Magdalena region named ACDEGAM (Asociación Campesina de ganaderos y agricultores del Magdalena medio) led by Pablo Emilio Guarín y Henry de Jesús Pérez and supported by the Colombian army. It didn't take long for the boundaries between the paramilitaries, the police, the militaries, drug traffickers, and the guerrillas to become blurred by complex alliances, enmities, and collaborations.

The police and the militaries were supposed to be enemies of the drug trafficking mafias but at the same time, government officials from Colombia and USA, police officers, national army, the D.A.S, and Israeli mercenaries supported financially, with training, and with arms these paramilitary groups. Meanwhile, these paramilitary groups perpetuated the largest

number of massacres in the country's history, applying the military training learned from the USA and Israeli manuals for the extinction of communism used in Vietnam and in some Latin American dictatorships. These newly arrived acts of violence mixed with the already horrifying violences and terror strategies already lived in the country creating unthinkable monsters of violence. All the armed groups intensified the violence methods, massacres happened at a horrifying rate in small villages and cities, the country had live massacres during previous periods of violence but never at this rate. The country experienced 2505 massacres from 1982 to 2007 where approximately more than 14,660 persons were killed, after the reports of the Centro Nacional de Memoria Histórica. All the armed groups committed massacres even the national army and the police officers, that were responsible for the 8%, but the worst of them all were the paramilitaries having committed the 58.8% of the massacres, followed by the guerrillas with 17,3%. These massacres were accompanied by multiple other forms of violence like the bombs in civil public spaces, disappearances, landmines, and others to create terror in the population, destabilize the government, and between all the massacres and multiple forms of violence condemn the country to perpetual and incomplete mourning.

The paramilitaries, militaries, and police officers shared the information and list of names of those that they wanted to kill, everyone considered insurgent, collaborator of the guerrillas or a problem to the government, the drug traffickers, big owners of the land. In these witch hunts many civilians, indigenous communities, professors, farmers, journalists, artists, and people from all areas were killed for commentaries, political views, and minimal gestures. The guerrillas also killed political figures, big owners of the land, narcos, sicarios, informants, farmers, and mined their lands. The terrifying part is that the acts of violence during this period were mostly directed against the civil population. The bombs, massacres, and murders had as military objectives the civil population, children, women, men, all indiscriminately killed. An unimaginable injustice, fear, rage, impotence, paranoia, fear, and pain spread through the Colombian population, the principal targets from a war, with no reliable state institution for justice, denunciation, or protection.

People lived in a constant panic because every armed group reclaimed the authority, the governance, the ownership, and that the exclusive “cooperation” of the civil population, if not, they would be killed. Farmers and civilians from all around the country did not have many alternatives, if the guerrilla, the paramilitaries, the army or the police arrived at your home, fully armed, you were obligated to give them what they asked for, and if you didn't, you and your family could be killed. Giving, seeing, or hearing any kind of information could be a death sentence. Every armed group, legal or illegal, was extorting civilians in every region of the country, and in front of the newspapers, public institutions or civil houses appeared dead bodies with threats marked on them. Once again displaced families arrived to the cities looking for shelter when armed groups, drug traffickers, and powerful landowners forcibly appropriated their lands. The student movements became a target for the militaries, police officers, and paramilitary groups. Plainclothes infiltrators entered the universities and selected their victims, snipers near the universities killed students in clashes, disappeared and unjustified arrests were frequent to weaken and scare the student movements. No one wanted to speak, or do anything, distrust, silence, loss of memory were direct consequences of these violences.

Violence flared up, all the armed groups radicalized their position and demonstrations of power, the M-19 and the president Belisario Betancur had broken the ceasefire because of the unsuccessful deal with the president Belisario Betancur. One of the main reasons the dialogues stopped was because of one of the points of the agreement demanded by the M-19 in which they asked for an open trial against the president Belisario Betancur where the civilian population would be able to make their accusations and allegations against the president through radio. The president emphatically rejected this point and the dialogues stopped, shortly after, the 6 of November the M-19 took the Palace of Justice by force, multiple militants of the guerrillas dressed as civilians entered heavily armed and allowed the entrance for two trucks full of M-19 militants. The objective was to compel magistrates of the Supreme Court to hold a hearing against President Belisario Betancur. Apparently, confirmed by the “Comisión de La Verdad” of the current peace process there were some alliances between the M-19 and

Pablo Escobar but those reasons have not been fully found and checked. Pablo Escobar and the "Cartel de Medellin" threatened many magistrates of the Supreme Court because of legal proceedings against them, for example, the debate around the extradition to the USA that was having a place that day, there were also many investigations and legal proceedings against thousands of militaries from the Colombian Army.

The militaries were able to enter the Palace of Justice through helicopters and war tanks, the clashes started in the basement and the hostages were taken to the upper floors. At that Moment the magistrates called the radios and the president to tell him to cease the fire and if not they were going to kill them all. A fire started in a part of the building, the M-19 and the magistrates were on the last floor and in the bathrooms of the second and third floors. The president did not accept any dialogue, the clashes were very violent and lasted for two days. The hostages liberated and the members of the M-19 captured were taken into the home museum of the cry for independence (Casa del Florero de Llorente), where they were interrogated, tortured and disappeared. The national television and the radio were bound by the government to transmit anything related to the Palace of Justice siege, some were threatened to be locked down by the militaries as well, and ironically the TV and the radio chains stopped transmitting the historical event to put on a soccer match. Finally, the Palace of Justice was retaken by the militaries and the police but a huge number of dead, missing, and tortured civilians and half of the magistrates dead opened strong criticism and legal trials against the military and its procedures.

The take of the Justice Palace was the prelude of the storms of atrocities that came soon after, the terrible series of massacres. During the '80s the massacre was the first form of violence perpetrated against the civil population and became progressively routine until the '90s, like the series of massacres endured by the civil population of the municipalities of Trujillo, Río Frío and Bolivar. From 1986 until 1994 the civil population of Trujillo, Río Frío, and Bolivar suffer a systematic and frequent series of massacres committed by the drug Traffickers Diego Montoya and Henry Loaiza, with all the support of the public institutions and the militaries were more than

342 people were tortured and murder. *"Las masacres —se ha dicho— son espectáculos de la crueldad"* (Report from Memoria Histórica, Pg. 15, paraphrasing Sofsky Wolfgang, *Traité de la violence*, Éditions Gallimard, París). The bodies were destroyed, not only for murdering purposes, the perpetrators wanted to generate the worst pain and horror possible. Even after the victims were dead, they destroyed the body taking them away any kind of humanity, fracturing the symbolic and sensitive reality and producing a psychological pain in the others who knew him and saw the dead body. The credibility, trust, feeling of justice, and safeness that the state organizations should provide to the civil population were destroyed when part of the perpetrators of the massacres were the Colombian Army and when any kind of protection, justice, or proper reparation to the victims has been received. Only through the proofs that the "Comisión de la Verdad" shared with the country during the presidency of Ernesto Samper (1995) confirmed that there was responsibility from the Colombian state in the massacres, but no further justice or process succeeded and impunity sowed the ground for new massacres to proliferate. The impunity of these tragedies legitimized the armed groups to commit future massacres in the country, the mutilations with chainsaws became a recurring practice and symbol of the paramilitary groups, the thousands of bodies disappeared in the rivers and mass graves.

IV. The Turbulent 1990s

The 90s started with a lot of contrasting situations, on one hand, the president Virgilio Barco opened negotiations for making a peace process with the guerrillas M-19, Quintin Lame, EPL, and PRT, and also made a National Constituent Assembly for giving the opportunity to all political parties, sectors of society and minorities (ethnic and religious) to have political representation in the new constitution of 1991. On the other hand, these years showed the degradation of the armed conflict in Colombia through the normalization and routinization of the previously discussed acts of violence; the massacres, the kidnaps, enforced disappearance of people, "limpieza social", extortion, selective murders, bombs, and others. Murder

became the first cause of death in all the cities, 3 million arms were in the hands of civilians, the fight against the two cartels had led to multiple terrorist attacks, almost all the participants of the new political movement called UP (Union Patriota) were exterminated, his presidential candidate, Jaime Pardo Leal was killed in 1986 and after the other 3 presidential candidates for the elections of 1990 were also killed. All the expectations were placed in the peace process of 1990, where thousands of militants of the guerrillas handed over weapons. This was clearly an immense step forward and gave hope to find peaceful alternatives to war even when it felt almost impossible and irreconcilable after the atrocities both sides had committed. Dolefully the sabotage against the peace process did not take long to become visible through murders and threats and the genocide against the UP, the affiliates to the peace process, or any political sector of left.

The UP was a political movement born during a previous peace process between Belisario Betancur, the FARC-EP, the M-19, the EPL, and the ADO (Autodefensas Obreras) with the negotiations of La Uribe in 1984. The peace process did not achieve its goal to convince the armed groups to lay down their arms, the FARC-EP and the M-19 actually radicalized their actions, but a significant portion laid down arms to start a peaceful political channel of fight. The UP was also a very important step forward for the construction of peace born from this peace process because it became an open political space who welcomed civilians and politicians from the liberal, conservative, communist parties and participants of the peace process of 1990, from the M-19, Quintin Lame, EPL, and PRT that wanted to participate through politics and not through arms for achieving their political goals. The UP, became in this way an important platform for the debate, the reconciliation of multiple political perspectives, and space of denunciation and reconstruction of what happened during the previous years of war. In a way the UP was a symbol of the peace process where persons from all sectors converged in one diverse political party. The party had a very good reception from the Colombian population in many sectors and regions of the country, demonstrated by numerous democratically elected representatives in the form of deputies, senators, mayors, magistrates, representatives to the chamber and human rights defenders, despite the constant persecution. But from 1984 until 2002

almost every member of the UP was persecuted and killed. A systematic program led by the paramilitaries, drug traffickers, with the help of public officers, the army, the police, and the DAS, killed almost all the political representatives of the UP. The ones who remained hid or went to exile until they achieved the complete destruction of the political party. The victims of the genocide of the UP have not been repaired by the state, there are still unresolved lawsuits against the state for crimes against humanity related to this genocide, that also means that the history of what happened is unclear, and they want to erase this chapter from Colombian history.

Despite the sabotaging of the peace process, the extermination of the UP and the assassins of 3 presidential candidates in 1990, the peace process of 1991 succeeded many of its goals and achieved a very important breakthrough in Colombian History; the constituent national assembly with the creation of the constitution of 1991. Since 1957, during the referendum called by the military council for the creation of the "Frente Nacional", Colombia did not have until 1991 a massive call from the civil population to provoke a direct exercise of democracy. All the other constitutions had been pacts between the government in power or the winner of the war, legislating in their own benefit. The creation of a new constitution demanded by the civil population and developed with the participation of all political movements, representatives of all ethnic and religious minorities and the ex-guerrillas that participated in the peace process signify an enormous opportunity to change the hermetic political system led by the traditional political parties, the imposition of political values by the catholic church, and the ethnic, cultural, religious and political persecution. The M-19 signed the peace process and established the political party by the name of AD M-19 with the goal of making possible the development of a constituent national assembly.

The new political party AD M-19 was supported by many sectors of the Colombian society, and the student movements that also saw in the new constitution an opportunity for peace. They developed a massive symbolic act in the elections called "*La septima papeleta*" which consisted of a voting card added to the official cards, which was distributed massively in the streets, businesses, and meetings by the students so that those who were in

favor of the constituent national assembly introduced it into the voting boxes. This symbolic, heroic, and very clever way of manifestation was enormously well-received by the civil population demonstrating with numerous symbolic votes the cry of the people for a constituent national assembly for the creation of the new constitution. Thus, after seeing the good reception and hoping the constituent national assembly the PLN, the MAQL (Movimiento Armado Quintín Lame), and the PRT (Partido Revolucionario de los Trabajadores) finally signed a peace process and laid down arms. Frightened by the union demonstrated by the civilian population and different political sectors, and with the legal and political consequences of creating a new constitution, the paramilitary groups and drug traffickers responded with violence. But the civil population and the guerrillas that were participating in the peace process and some political leaders knew better, they kept the goal of achieving the peace process and a new constitution for helping change these structural violences once and for all.

The new constitution of 1991 was an historical and heroic moment, the dialogue from very different political and social spaces that resisted incredible violence created some foundations for achieving peace in the future and new mechanisms for understanding the violence of the previous decades. From the important advances that the constitution gave was the prohibition of the declaration of site status because previous governments had misused these political figures for committed abuses against the constitution and the civil population through the abuse of force by the military and police officers. It also declared Colombia as a secular country, where the Catholic Church could not intervene in political matters and where all the different religions were recognized by the constitution. The new constitution also declared that Colombia was a multicultural and multiethnic country and reinforced the political representation of the ethnic minorities like the indigenous and Afro communities. Multiple democratic and judicial mechanisms were established, such as the plebiscite, the referendum, tutelage, and popular consultations. Public bodies such as the prosecution and the constitutional court were created and the bank of the republic gained the responsibility that the president had before for handling the currencies. The constitution of 1991 helped substantially in the construction of social

bases for peace but the country still has a long way to go, the paramilitary groups brutalized their attacks against the civil populations during the '90s, the massacres happened constantly, the chainsaws became symbols of the violence perpetrated by paramilitaries all around the country and the AUC (Autodefensas de Colombia) led by the Camacho brothers with the help and financing of drug traffickers and politicians become the nightmare of many. All the remaining armed groups dedicated themselves to gain power over territories, forcibly displacing families, and appropriating their territories to finance or impose their authority on lands so that communities would work under threat for their benefit.

V. The 2000s

Despite the fact that it has only been 20 years since the beginning of the second millennium, these 20 years have been able to compress and contain the highest number of murders and massacres in Colombia and new figures of state criminality such as the "falsos positivos" and the "parapolitica" are still in the spotlight. These 20 years were witness of one unsuccessful peace process between the FARC-EP and the ex-president Andrés Pastrana, secondly, one unreliable peace process between the paramilitaries and the ex-president Alvaro Uribe Velez and thirdly, a peace process still in progress that has been successful in many ways but it has been the target of countless attacks and sabotages signed by the previous president Juan Manuel Santos. In the beginning of the '2000s the country felt geographically divided in two, during the unsuccessful peace process under the presidency of Andrés Pastrana an area of 42,000 km² in the Meta and Caquetá departments was given to the FARC-EP. As part of the agreements during the negotiations, there could not be any presence of militaries in this area and a ceasefire would be settled from both sides. Not long after the agreement, the FARC-EP began to govern, impose laws, steal cattle and wealth, extort, threaten, and impose other acts of violence in order to strengthen and secure its government over those territories. In addition, other departments in the south of the country such as Nariño, Cauca, and Putumayo had a strong guerrilla occupation. In the cities, all armed groups developed also urban

armies to make terrorist attacks, selective murders, and introduce informants. In the northern regions of the country a paramilitary violent campaign was happening at an extreme speed rate, in the region of Montes de María from 1999 until 2002, 43 massacres took place leaving a balance of 345 dead. (Centro de Memoria Histórica, Pág 16). Massacres and large-scale attacks on the civilian population proliferated. These acts left hundreds of victims, they were mainly committed by the paramilitaries, but the guerrillas also committed terrible massacres. One example is the massacre of Bojayá, committed by the FARC-EP in 2002, when a large bomb was detonated in the town's main church.

The same year of the massacre of Bojayá, Álvaro Uribe Vélez was elected president, through a campaign of war against the FARC-EP called "Seguridad Democrática", a discourse of extreme right, loss of civil liberties, militarization of public spaces and the over exposure of news against the FARC-EP, distracted the civil community from the murky past of Álvaro Uribe Vélez. The attacks were concentrated on the FARC-EP and managed to weaken the guerrillas, popularizing the image of former President Uribe. But numerous denunciations and investigations in the Colombian Supreme Court of Justice accuse him of crimes against humanity and collaborating with drug trafficking, financing and creation of paramilitary groups, complicity in massacres and a criminal phenomena called "Parapolitica". The government's violent strategies to show the results include the use of "falsos Positivos" (murders of civilians by the national army and counted as Guerrilleros killed in combat, more than 10,000 young men were killed by the policies of Alvaro Uribe Velez). Also he was investigated for manipulation and murder of witnesses and illegal espionage of civilians through intelligence entities such as the DAS and the Colombian Armed Forces. Since the 1980s, Alvaro Uribe Velez began his political career as Director of the Aeronautica Civil and as Mayor of Medellín for a short period with plenty of irregularities. During this time the former President Álvaro Uribe Vélez gave license plates and permits to drug traffickers, including Pablo Escobar. In the 1990s, when he was governor of Antioquia, he was accused of collaborating and founding paramilitary groups such as the "Bloque Metro" and the "12 Apostoles". Paramilitary leaders such as

“Mancuso” and “Popeye” have testified during the peace processes that the former President Uribe had strong relationships with these organizations.

Beyond the accusations, his presidential mandate and political decisions were also stained with blood. In the same year he was elected, he declared a State of Emergency in which he was granted special military and legal freedoms. That same year, he also organized an operation in coordination with his Minister of Defense, Marta Lucía Ramírez, and the military armed forces in the Comuna 13 in Medellín, in which he sought to remove guerrilla groups such as the FARC-EP and ELN from the slums of Medellín. What began as a military operation ended in a paramilitary massacre led by “Don Berna”. They arbitrarily chose and entered people's homes choosing their victims. The paramilitaries killed 71 people, the military 17 people, 12 people were tortured, 92 people disappeared, many of whom are believed to be in mass graves near the site, and 370 people were arbitrarily detained. The thousands of mothers of young people killed by the Colombian Armed Forces during this period have generated significant community processes of memory and peace building, in collaboration with national, international, non-governmental organizations and artists. Nowadays they are seeking to accompany the mourning of so many victims, but at the same time to demand justice in order to shed light on what happened and to find the high officials involved in these executions. Unfortunately, many of these mothers have been severely threatened and their lives are in danger, yet they continue the laudable work for justice and peace.

The elections won by Álvaro Uribe Vélez were accompanied by an unprecedented phenomenon of crime, fraud and political terrorism. Political candidates for Congress, mayors, governors, judges, deputies, prosecutors, police and military leaders from all over the country made pacts with paramilitary leaders to win the 2002 elections. In what were known as the illegal pacts of Ralito, Uraba, Chivolo, among others of the “Parapolítica”. In these pacts, the paramilitaries committed themselves to threaten, force, bribe (with part of the money from drug trafficking) and do electoral fraud in the territories all over the country, so that these politicians would win the elections. The fraud was a success and the paramilitaries had a high number of representatives in Congress, the mayor's office, the courts, the prosecutor's

office, the police, the army and other government institutions. This means that the armed group responsible for the largest number of massacres and civilian casualties was governing a big part of the country. This meant the necrosis of the public entities that are precisely in charge of justice and welfare of the country. In addition to this, a peace process was developed by former President Alvaro Uribe Vélez during his term of office with the country's paramilitary groups.

In this pact the paramilitaries would have reduced sentences and judicial privileges in exchange for surrendering and confessing to the crimes committed. Many paramilitaries welcomed the process, but many avoided the issue of "Parapolitics" in their statements. Others like Popeye, El Alemán and Mancuso (who was invited to the congress) gave statements incriminating high government officials and evidencing the modus operandi of the criminal organization. Many of these paramilitary leaders were extradited because they were destabilizing the high commands in the government with which they were allied. Very quickly after they were extradited to the United States for drug trafficking, silencing the real processes that were taking place. Alvaro Uribe Vélez's peace process ended with the demobilization of some of the paramilitary groups and handed over a part of the weapons, but a large part of the paramilitary groups continued their criminal operations throughout the country. Nowadays, they call themselves by other names such as "Aguilas Negras", "Los Rastrojos", "El Clan del Golfo", "Autodefensas Gaitanistas", among others, but they retain the same criminal practices, structure, leaders, and modus operandi from the paramilitaries. However, the statements given by the demobilized paramilitaries were of great help in clarifying the facts and in the development of investigations by the Supreme Court of Justice and the Attorney General's Office, in which at least 334 (Attorney General's Office, page 10) politicians are being investigated. Unfortunately, many of these politicians continue to practice by changing political parties and restarting campaigns.

After two presidential terms, the constitution does not allow reelection and despite the attempts of Alvaro Uribe Vélez to be reelected it was not possible. Then Álvaro Uribe Vélez nominated his second-term defense

minister Juan Manuel Santos who was elected for the 2010-2018 term. During his term of office, Juan Manuel Santos led the Peace Process with the FARC-EP, in which the guerrillas laid down their arms, and submitted to "La Comisión de la Verdad" and a trial through the JEP (Special Jurisdiction for Peace) in exchange for the opportunity to create their political party and reduce their sentences. The FARC-EP and the Colombian government invited numerous international and national organizations to be observers and supporters of the peace process. The dialogues were held in Habana, Cuba and Oslo, Norway in 2012. The representatives of the peace from the government that participated in the dialogues were: Humberto de la Calle who was the High Commissioner for Peace, Sergio Jaramillo; the president of the National Association of Businessmen of Colombia - Andi, Luis Carlos Villegas, president of the National Association of Industrialists; and retired generals Jorge Enrique Mora Rangel from the Army and Oscar Naranjo from the Police. The representatives in the negotiations of the FARC-EP were: The general commander of the FARC-EP; Rodrigo Londoño Echeverri Timochenko, Luciano Marín Arango, alias Iván Márquez; Rodrigo Granda, alias Ricardo Téllez; Jesús Emilio Carvajalino, alias Andrés París and Luis Alberto Albán, alias Marco León Calarcá. The victims of the conflict were represented by 5 commissions of 12 people where they tried to recognize the different types of direct victims. The dialogues lasted almost 4 years, with difficulties, in which at times the unilateral ceasefire was lost. Former President Álvaro Uribe Vélez felt betrayed by Juan Manuel Santos for directing this peace process. Juan Manuel Santos won all the hate from the followers and political parties of Uribe Velez for doing peace to his main enemies (FARC-EP) and dispelling his smokescreen. Thus, a strong rivalry started between the former President Alvaro Uribe Velez and Juan Manuel Santos when Álvaro Uribe Vélez led the campaign against the peace process in the plebiscite. However the peace processes continued and on September 16, 2016 the peace agreements were signed supported by a pacific mobilization of thousands of civilians all over the country.

Since the signing of the agreement, the importance of the processes of the JEP (Special Justice for Peace), "La Comisión de la Verdad", the program for reparation of the victims, the "Centro Nacional de Memoria Historica", the

program of "Restitucion de tierras" and eradication of illicit crops through agreements have been highlighted. Through these organizations, the country has been able to clarify and measure the impact of the armed conflict of more than 60 years. The investigation by the JEP, the "La Comisión de la Verdad" and the "Centro Nacional de Memoria Historica" were able to compile and communicate figures on victims, perpetrators, regions and impacts. But at the same time they have awakened the importance and multiple processes for seeking means of reconstructing memory, creating memory reports and symbolic reparation for the victims of the armed conflict. Still none of the current generations of the Colombian population has experienced peace. The civilian population has grown up amidst confrontations, insecurity, the presence of armed groups, drug trafficking, forced displacement from the land, extreme poverty, addiction, mistrust, and silence.

The civilian population is trying to create the basis of a new peaceful reality but peace has detractors, dissidents, daily attacks and sabotage. Since the signing of the peace process, at least 442 systematic murders have been committed against social leaders, supporters of the peace process, human rights defenders and participants in land restitution projects. The eradication of illicit crops, indigenous and Afro leaders, ecologists, and many others have been targeted mainly by paramilitary groups and hitmen. At the same time, 200 demobilized guerrillas and peace process supporters have been killed, and at least 160 indigenous and Afro-descendant leaders have been assassinated. The current government of President Iván Duque backed by former President and Senator Álvaro Uribe Vélez are sabotaging peace. The government is denying the participation of victims in Congress, discrediting the JEP, denying the "Comisión de la Verdad" processes and failing to reach agreements with the population in the form of land restitution, and other commitments. They put detractors of the peace process in charge of institutions for the peace to manipulate and sabotage from within as is the case of "Centro Nacional de Memoria Historica". Despite the violent strategy to sabotage the peace process, the willpower of the victims, social leaders and a large sector of the Colombian population have defended the peace process with their life. However, the current government does not pursue the killers or recognizes that social leaders are being systematically murdered.

Nevertheless, it is clear that people who is committing the crimes belong to a network of paramilitary groups at national level and the type of victims are always the same. But the civilian population, social leaders and those who have been reintegrated into civilian life have not been infected by fear and have continued to show courage and praiseworthy strength. Heroically, more than 90% of the people who reintegrated into civilian life from the FARC-EP continue to participate in the peace process, the massacres and deaths have decreased and despite the constant threats and murders of its leaders, the social initiatives have advanced in the construction of peace. Within these processes and social leaders much has been taught to the civil general population about issues of forgiveness, mourning, and rebuilding the social tissue. They guard and defend their memory, their hope to achieve the right to live in peace. These community initiatives founded strategies and processes of great local impact in the reconstruction of the social tissue, in the accompaniment of mourning and forgiveness after having been the victims of the most heartbreaking massacres and violences. Giving a light of hope, methodologies and an example to continue generating processes of peace building foundations for the future the reconstruction and healing of their past.

VII. Conclusions

I believe that after so many years of horrors and wars, the wounds in Colombian society are deep. Re-establishing trust in justice, governmental entities and even trust towards our neighbors is a difficult and long process. It is to be expected that there will be opponents to the peace processes, the war created the perfect scenario for trafficking and other very profitable illegal markets that gave wealth, land and power to some and they are not going to let that go peacefully. But I believe that the most important thing that the peace processes have demonstrated is the will of the great majority of the country, an unbreakable will for peace that in spite of putting the lives in danger of the people who support the peace process, this has not stopped them. Immense transformations have been achieved in the peace processes, the 1991 constitution that recognizes ethnic and cultural diversity, which

acknowledges the state as a secular entity and recalls the fundamental freedoms and expressions, as well as the creation of new democratic tools to prevent the excessive use of force against the civilian population. The peace process also create new democratic exercises of popular participation and tutelage, who are of fundamental importance to create a solid foundation to reach one day a lasting peace. At the same time, the last peace process has shown that the creation of independent identities to the government in power for the construction of peace such as the JEP (Special Justice for Peace), the Truth Commission, and the Historical Memory Center have been of great importance to clarify what has happened in all these years of violence and thus understand the big picture, be able to make reparations to the victims and provide justice.

On the other hand, the problems and challenges are extensive and what is demanded from the victims and the civil community is a heroic act of forgiveness and trust in peace, even when the governments are openly corrupt, negligent and saboteurs of the process itself. I believe that as long as justice cannot grant the minimum of credibility towards the civilian population and the victims, this process is almost impossible. There must be at least a purge of the extreme corruption in government positions, the national army and the police. Ensure transparency and prevent fraud and impunity in basic democratic exercises such as the presidential elections, the sentencing of the great massacres and tragedies of the country and the due reparation of the victims. In addition, as identified in the studies of the bipartisan violence during the 60's, the country must work on the deep inequities and injustices that generated the violence. In the first place, generate a proper cadastre of land distribution in the country and review the legitimacy of land ownership in order to make reparations to the people who were victims of land theft and displacement during the last 80 years. Secondly, to end state negligence and improve state presence in forgotten, impoverished and neglected areas of rural regions. These regions need access to basic services: aqueducts, electricity, health, schools, roads and transportation. If these regions do not get the proper attention it is only a matter of time before armed groups move in.

Finally, I believe that if governments and national institutions have the capacity to make these profound changes, civil society is capable of making profound processes of forgiveness, truth and ownership. Colombian civil society has shown an enormous courage and will to achieve the dream of one day living in peace. Peace is an abstract dream that the current civil society has never lived, those of us who have grown up in Colombia have spent every day of our lives involved in war, but the hope of finding it is strong and sincere. This is demonstrated by the many victims' groups and their tireless work for the truth and the incredible capacity for forgiveness after the horrors they have lived through. Also the number of social and environmental leaders, human rights defenders and others who have put their lives in danger to generate processes of reconstruction of the social fabric in their communities. This is also proven by the more than 90% of those reinserted into civilian life from the FARC-EP who, in spite of being murdered, remain at peace and embrace the peace process. I have hope and I believe that the Colombian society is capable of incredible things, but this process cannot take place in the complete abandonment of the governmental institutions, I believe that it is time for the country's ruling class to contribute its grain of sand for the construction of this dream and right to peace for all.

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Afro-Brazilian Religious Heritage: from Resistance to Patrimonialization

Introduction

This chapter presents a discussion on Afro-Brazilian Heritage. This term designates the dissonant heritage that evokes the experience of slavery or, as its origin, the meanings and symbologies that refer to African ancestry. The term "African origin" will be used throughout the text as a synonym for the category defined above.

Thinking about Afro-Brazilian heritage is sensitive because it is a memory of destruction; it is a history that contains loss and, therefore, involves pain. The relevance of these heritages is precisely due to the recovery of Afro-Brazilian history and memory; more than recovery, it is also valorization.

The anthropologist Darcy Ribeiro wrote one of the most important works for understanding the ethnic and cultural formation of the Brazilian people: "O Povo Brasileiro - A formação e o sentido do Brasil". According to the author, what defines a people is the set of characteristics that makes it an identity group. It is what makes it, therefore, different from other groups. Then, the three ethnic matrices that would have formed the identity of the Brazilian people would be the white colonizer (the Portuguese), the Indians, and the black Africans. For Ribeiro, a particular feature of the formation of the Brazilian people is that even with all the crossbreeding of its population, it would be the presence of large and divergent sociocultural groups.¹

Currently, about 56.10% of the Brazilian population self-declares to be black (black or pardo) in Brazil. Although they represent more than half of

¹ Darcy Ribeiro, *O Povo Brasileiro – A formação e o sentido do Brasil*, 3rd ed., Global Editora, 2015, p. 53.

the population, black men and women are the majority among those who are unemployed or underemployed. They are also the majority of homicide victims and make up more than 60% of the country's prison population. The remnants of slavery also persist in the various manifestations that racism assumes in our country.²

It is within this context of sociocultural differences that the article approaches the complexity of Afro-Brazilian religions as elements of identity and resistance of the descendants of African slaves in Brazil. The paper will discuss how religions of African origin were criminalized in Brazil from the colonial period until the 1970s, through contemporary episodes of intolerance, discussing the categories that can be used to characterize the historical phenomenon of marginalization to which these practices were subjected, both socially and institutionally - the demonization, promoted by the Catholic and Protestant Churches, of African entities and the criminalization of religious practice. The objective of the text is to problematize the manifestations of discrimination and religious racism against practitioners and temples, understanding its formation from the colonial thought that continues intrinsically in Brazilian society and institutions.

The problematization of race relations has progressively expanded in Brazilian society. This issue involves both the daily practices of these relations, the political clashes and actions, and the conceptual constructions related to them. One of these theoretical debates is about the relevance of using the concept of race or ethnicity among the different population groups in the country. Guimarães explains that, even though the thesis of biological race has been superseded in the scientific field, the clash is between those who support its transmutation into social race and those who defend the use of the concept of ethnicity, whether it is articulated to culturalist currents or linked to the historical-political-social perspective, based on the idea of territory as an aggregator of political meaning.³ The research for this article showed that most Brazilian scholars use the term race, and it is rare to find

² J.M. Vela, *A formação do povo brasileiro: História e miscigenação*, 2020, <https://cursoenemgratuito.com.br/formacao-do-povo-brasileiro/>.

³ Antônio Sérgio Alfredo Guimarães, "Raça e os estudos de relações raciais no Brasil", *Novos Estudos CEBRAP*, 1999, n. 54, pp. 147-156.

the use of the term ethnicity to refer to the descendants of Africans brought to Brazil. In this sense, reference to race will be found in this article, since the literature used is mostly Brazilian.

Historical Context: Slavery in Brazil

Before discussing the attacks on religions of African origin in Brazil, it is first necessary to understand the historical context of the coming of these people to Brazil, as well as the origin of the slaves and their relationship with religion.

The slave traffic brought black Africans from several regions of Africa to Brazil. According to the Brazilian Institute of Geography and Statistics (IBGE), political chiefs and merchants from Central-West Africa (a region now occupied by Angola), supplied most of the slaves used throughout Portuguese America. In the 18th century, the commerce of Rio de Janeiro, Recife, and São Paulo was supplied by slaves coming from the African east coast (Indian Ocean), particularly Mozambique. In the current state of Bahia, from the middle of the 17th century until the end of the traffic, the slaves came from the region of the Gulf of Benin (southwest of today's Nigeria) (IBGE).

Despite this data, there are no registrations of the exact origin of the slaves. Consequently, their descendants still do not know the origins and the ethnic group from which their ancestors came. Zulu Araújo highlights in a report for BBC News Brazil how the slaves and their descendants were deprived of their origins:

“I have always been aware that one of the greatest crimes against the black population was neither torture nor violence: it was removing the possibility of us knowing our origins. We are the only population group in Brazil that does not know where we come from.”⁴

⁴J. Fellet, “Na África, indaguei rei da minha etnia por que nos venderam como escravos”, *BBC News Brasil*, 2016, https://www.bbc.com/portuguese/noticias/2016/01/160113_dna_africa_no_zulu_jf_cc.

Regarding the entry of Africans into Brazil, Sodré states in his book *Pensar Nagô* that Brazil was proven to be the largest buyer of slaves in the Americas,⁵ spreading them throughout the national territory. According to Maurício⁶, from the 16th century to the 19th century, Africans of various ethnic and cultural groups, often rivals, were captured and brought to Brazil as slaves. Among the groups that came to Brazil, we can mention the Bantos, the Fons, the Yoruba and the Minas. There were 300 years of slavery and it is not known the exact number of Africans that were brought to America, nor the exact origin of these people.

The slaves were kidnapped and loaded onto slave ships, without knowing why they were being transported and where they were being taken. They were treated as merchandise and not as human beings. They were brought to work on sugar cane plantations, cotton plantations, and mining operations to produce wealth to build the colonial economy.⁷ Mununga states that the process of destruction of African culture, including their religions began early, even before they arrived in Portuguese America. "By baptism, their ethnic names were replaced by the European names of the Christian calendar, which marked the beginning of the process of destruction of their ethnic-cultural identities symbolized by their original names."⁸ Similarly, the surnames of the African families were replaced by those of the families that enslaved them. It is noteworthy that the current descendants of these families never knew the names or origins of their ancestors.

If during the crossing from Africa to the Americas they were forbidden to worship their gods, upon their arrival in the land of destination, the process of dismissal of their religious identities intensified with the implementation of laws and police prohibitions.⁹ Fernandes explains that as the country since the beginning of colonization was dominated by the

⁵ M. Sodré, *Pensar Nagô*, Editora Vozes, 2017.

⁶ G. Maurício, *O candomblé bem explicado: Nações Bantu, Iorubá e Fon*, Pallas, 2014, p. 32.

⁷ K. Munanga, "As religiões de matriz africana e intolerância religiosa", *Crítica e Sociedade: Revista de Cultura Política*, 10 (1), 2020, pp. 7-15.

⁸ *Ibidem*, p. 9.

⁹ *Ibidem*, p. 10.

Catholic Church, any other religious manifestation was understood as a criminal contravention.¹⁰

Slavery was abolished in Brazil only in the year 1888, the last country in the American continent to end this type of regime. However, the lack of any policies for this population caused a huge inequality that persists until our days.¹¹

Religion as a Driver of Resistance and Cultural Identity

Given the constant attempts at cultural erasure, for Franco, it was in religion that Africans found the strength to resist the cruelty of the slave system and the purposes imposed by colonial domination. For Eugênio, the populations subjected to slavery and genocide had to elaborate a series of survival mechanisms.¹² And among all the survival mechanisms, religion was one of those that most collaborated to keep alive the traditions of African origin in Brazil. Munanga also considers religion the core of Afro-Brazilian cultural resistance in other aspects such as arts, music, dance, cooking, and medicinal plants among others. Munanga explains the strategy used by slaves to circumvent the prohibitions of practicing their religions imposed by the plantation and mill owners and the colonial government.¹³ They discovered similarities between the Catholic saints and those of some of their divinities, *Orixás*¹⁴, which they adopted as their protectors or correspondents to protect their saints from the violence of the oppressors.¹⁵ Thus, when there was police surveillance in the places of worship, Catholic saints, altars, and lit candles were found there.¹⁶

¹⁰ N.V.E. Fernandes, "A raiz do pensamento colonial na intolerância religiosa contra religiões de matriz africana", *Revista Calundu*, 2017, 1(1), pp. 117–136.

¹¹ Vela, *op. cit.*

¹² R.W. Eugênio, "A benção aos mais velhos: Poder e senioridade nos terreiros de Candomblé", *Arole Cultural*, 2017, p. 44.

¹³ Munanga, *op. cit.*, p. 9.

¹⁴ *Orixás* are divinities of the Afro-Brazilian religions represented by nature.

¹⁵ For example: the Ibeji were close to the saints Cosme and Damião; Oxalá to Jesus or Our Lord of Bonfim; Yemanjá to Our Lady of Conception; Xangô to Saint Peter; Oxossi to Saint George; Obaluaé to Saint Lazarus, among others. See Munanga, *op. cit.*, p.10.

¹⁶ Munanga, *op. cit.*, p. 9.

The cult of the *orixás* arrived in Brazil along with the Africans who crossed the Atlantic and were enslaved in Portuguese America. The cultural miscegenation between the elements of the three matrices that formed Brazilian society - indigenous people, Africans, and Europeans - was called religious syncretism by the African religious literature of Brazil. According to Franco, from this contact between African and Christian religions emerged the so-called Afro-Brazilian religions, among which we can mention: *candomblé*, *candomblé de caboclo*, *Umbanda*, *quimbanda*, *tambor de mina*, *jurema*, *omolocô*, *umbandomblé*, among others.¹⁷ For Munanga, this is a religious pluralism characterized by symbolic exchanges and peaceful coexistence in the same social and geographic space.¹⁸

According to Fernandes, syncretism was an expansionist strategy also on the part of the Catholic Church. According to the author, the Church allowed non-Christian religious practice, as long as Catholicism was assumed as the superior religion and the practices of religions of African origin as popular belief. Fernandes also points out that from the 18th century on, religious practices were considered manifestations of magic and sorcery, punishable by the canonical code and persecuted by the church and authorities.¹⁹

In the 20th century, the 1950s marked the peak of police persecution against Umbanda and Candomblé, and this persecution cooled down in the 1970s.²⁰ However, the 1980s saw the resumption of persecution against religions of African origin. This persecution was no longer led by the State, but by a growing group of Protestant religious organizations, mostly those with neo pentecostal ties.²¹

¹⁷ G.P. Franco, "As religiões de matriz africana no Brasil: Luta, resistência e sobrevivência", *Sacrilegens*, 2021, 18, p. 33, <https://doi.org/10.34019/2237-6151.2021.v18.34154>.

¹⁸ Munanga, *op. cit.*

¹⁹ N.V.E. Fernandes, "A raiz do pensamento colonial na intolerância religiosa contra religiões de matriz africana", *Revista Calundu*, 1(1), 2017, pp. 117–136.

²⁰ J.S. Braga, *Na gamela do feitiço. Repressão e resistência nos candomblés da Bahia*, EDUFBA, 1995.

²¹ V.G. da Silva, "Prefácio ou notícias de uma guerra nada particular: Os ataques neopentecostais à religiões afro-brasileiras e aos símbolos da herança africana no Brasil", in *Intolerância religiosa. Impactos do neopentecostalismo no campo religioso afro-brasileiro*, EDUSP, 2017.

When the Republic was proclaimed in Brazil in 1889, there was the official separation between Church and State and the introduction of the principle of laicization of the State. Constitutionally, it was the Constitution of 1891 that formally abolished the concept of official religion and propagated freedom of any belief. However, this prerogative did not happen effectively.

Thus, religions that had a different character from the Catholic one suffered from persecution, discrimination, and prejudice. In addition, many of the religions of African origin were not categorized within the framework of 'religion' by the State.²² This state recognition only occurred in 1988, in the most recent Federal Constitution, in which freedom of belief and the exercise of worship are guaranteed.²³ However, the right to religious respect is not effectively practiced by society. Christianity since the conquest follows as a public religion and is imbricated in the structure of the state. In the same way, freedom of worship is not guaranteed for the religions of African origin. There are many daily cases of religious intolerance, discrimination, and racism against followers of these religions in Brazil.

Current Repression of Afro-Brazilian Cults

In present-day Brazil, violence is a phenomenon of great proportions. However, multiple population segments are not equally affected by violence. The 2019 Atlas of Violence (Ipea; Brazilian Public Security Forum, 2019) highlights this well. When it comes to race, its data shows that the black population is the biggest victim of lethal violence. Between the years 2007 and 2017, the homicide rate of black individuals increased significantly (33.7%), while the homicide rate of non-blacks showed a small growth (3.3%).

One form of violence that has grown exponentially in Brazil is that directed against certain religious groups. In Rio de Janeiro, in 2017, according to data from the state government, 68 cases of religious violence were recorded. In 2018, according to the same source, this number rose to

²² M.L.P. Oliveira, "Religiões de matriz africana: Quais são e por que sofrem preconceito", *Politize!*, 2022, <https://www.politize.com.br/religioes-de-matriz-africana/>.

²³ Fernandes, *op. cit.*, p. 118.

103 cases, an increase of 51%. The analysis of this data shows that the violence in question falls to a greater extent on religions of African origin. Data compiled by the Commission to Combat Religious Intolerance of the State of Rio de Janeiro in 2016, reveal that more than 70% of 1,014 cases of offenses, abuses, and violent acts recorded in the state between 2012 and 2015 are against practitioners of religions of African origin.

According to Teixeira and Góis, today we experience a repetition of practices that date back to the 19th century, with the persecution of individuals through the police apparatus, which acts violently. The authors state that agents of the state and practitioners of Protestant Christian religions are among the main perpetrators of violence. Although Brazil has officially instituted state laicity in the Constitution of 1891 and reaffirmed the separation between Church and State and the right to freedom of religious worship in the Constitution of 1988, in practice violence against temples and practitioners of these religions in Brazil is still constant.²⁴ According to Teixeira and Gois, the violence against practitioners of Afro-Brazilian religions is characterized by physical, verbal, and patrimonial aggression, which can be individual and collective, of simple or more brutal practices. Patrimonial aggression is the most frequent. It is objectified through the invasion, breaking, or destruction of temples, plants, and sacred objects, especially clothes and images related to the Afro-Brazilian divinities. In some situations, the violence can lead to the destruction of places of worship, making evident the hatred against religions of African origin. This is what happened in Sobradinho, in the Federal District, where they set fire to a Umbanda temple and stole clothes and objects used in religious rituals.²⁵

Brazilian researchers are discussing how these attacks against practitioners of Afro-Brazilian religions should be classified, whether they are cases of religious intolerance, discrimination, or religious racism. In activist circles, there are expressions of discontent with the concept of

²⁴ K.C.S. da Teixeira; J.B.H. Góis, "Violência contra os cultos de matrizes africanas no Brasil contemporâneo. *Trabalho Alienado, Destruição Da Natureza e Crise de Hegemonia*", *Jornada Internacional de Políticas Públicas*, São Luís, 2021, p. 3, http://www.joinpp.ufma.br/jornadas/joinpp2021/images/trabalhos/trabalho_submissaoId_1247_1247612ea0a27dba7.pdf.

²⁵ *Ibidem*, p. 12.

“religious intolerance.” Fernandes states that the most appropriate conceptualization would be religious racism, since, according to the author in cases of manifestations against religions of African origin, the generating factor of discrimination is exactly the affirmation of Africanness that the religious practice carries through the context in which Africans were brought to the country, and the representations of the black (phenotype, culture, and cosmovisions).²⁶ Xavier and Omiojúàró agree that the process of religious intolerance against religions of Afro-Brazilian origin is, in fact, religious racism.²⁷

The stigmatization of Afro-Brazilian beliefs goes back to the condition of slavery to which its members were subjected during the African Diaspora. The racial inferiorization created by the European white man imprinted the Eurocentric ethnocentric perspective that has been perpetuated throughout the centuries, devaluing, invisibilizing, and annihilating African identities, bodies, subjectivities, cultures, and symbologies. This genocidal practice reinvents itself until today, showing itself to be a continuous project of destruction of the black population. And one of how this structural and systematic racism is concretized is precisely the attempt to erase black memory, tradition, and existence.²⁸

For Teixeira and Góis²⁹ this harassment is part of a socio-political power project of a large group of Protestant churches that has created an alliance with sectors of the Brazilian economic elite and the rise of extreme right-wing politicians in the House of Representatives.³⁰ We can still find

²⁶ Fernandes, *op. cit.*

²⁷ L. Xavier; I. Omiojuarô, *Levantamento de casos de racismo e intolerância religiosa contra religiões de matriz africana-brasil*, Criola, 2017, p. 3, <https://criola.org.br/wp-content/uploads/2017/10/Levantamento-Intoler%C3%A2ncia-Religiosa-Criola-e-Ile-Omiojuaro-online.pdf>.

²⁸ *Ibidem*.

²⁹ Teixeira; Góis, *op. cit.*, p. 4.

³⁰ These groups are represented by bodies in the Houses of Representatives, or “Bancadas”. The main extreme right-wing benches in Brazil that work together in the construction of a “hegemony” are: “Bancada da Bíblia” (Bible), composed of leaders and supporters of Protestant churches; “Bancada do Boi” (Cow), which maintains umbilical ties with large farmers, landowners, and cattle ranchers; and the “Bancada da Bala” (Bullet Caucus), which represents the arms industry (Löwy, 2016).

prejudiced actions by government agents, as seen, for example, in Salvador, Bahia, where the police invaded a temple (*terreiro*) and threatened the father of saint with a gun. In this case, there is a classic role reversal: the agents, who should guarantee order and security, are the ones who perpetrate violence and generate instability in the communities. These aggressions are also perpetrated by civil society.

Xavier and Omiojúàró classify the violence against places of worship of Afro-Brazilian beliefs as an attempt to erase the Afro-Brazilian religions. These aggressions aim to destroy the settlements of the revered entities, deplete the physical structures, make it impossible to perform the services, and force members of the Afro-Brazilian religions to perform vexatious actions of immeasurable cruelty under coercion. In Nova Iguaçu, a municipality in the state of Rio de Janeiro, more than six Candomblé and Umbanda houses were attacked in the space of a week and their leaders were forced in an atrocious manner to participate in the devastation of their places of worship. In the same period, *terreiros* in several regions of Brazil were attacked. The perpetrators of the aggressions, in some situations, even used audiovisual material to produce records of the attack. It is often noticeable a fundamentalist discourse of the aggressors, who ally a supposed design of God with violent practices, repeatedly stating that the religions of Afro-Brazilian origin are charlatanism and the result of pacts with evil forces that must be fought. The same discourse used during the period of criminalization of religions of Afro-Brazilian origin is resumed. Despite this, in the great majority of cases, impunity to attacks still prevails.

As an example, consider the case of the attack on the Ylê Axé Oyá Bagan *terreiro*, in the Federal District. On November 27, 2015, the Candomblé *terreiro* was set on fire. The fire destroyed the shed where members of the temple Axé Oyá Bagan gather, but no one was injured. In three months, this was the fifth attack on temples of religions of African origin in the Federal District and surrounding areas. Although denounced, police investigations into this and the other attacks were never concluded, and the perpetrators were never penalized.

Patrimonialization of Afro-Brazilian Heritage in Brazil

Despite this gap in the application of the laws that guarantee religious freedom and the preservation of the integrity of the practitioners of religions of African origin and their temples, these have been increasingly accepted by society and recognized by the state, even if slowly.

It is understood how the heritage related to African descendants is treated as dissonant in Brazil to the extent that, for the Brazilian public power, the symbolic references and goods of black origin in Brazil did not offer a corpus to be valued as good of national amplitude, or even, at state and municipal levels.

The institutionalization of public policies for culture shows that the concept of cultural heritage, throughout history, has been linked to Eurocentric thought and its artistic and aesthetic values, and that in the process of consolidating the Brazilian national cultural identity, the Afro identity was excluded from recognition and valuation.

On the other hand, the patrimonialization of Afro-Brazilian cultural goods has taken place irregularly in Brazil. The first refers to the granting of the Museu de Magia Negra (Black Magic Museum) in 1938, a collection that, among other pieces, consisted of Afro-Brazilian cult objects seized during police operations in Rio de Janeiro. The second refers to the registration of the Terreiro da Casa Branca in Salvador, registered in two books: Livro do Tombo Histórico and Livro do Tombo Arqueológico, Etnográfico e Paisagístico in August 1986. The Afro-Brazilian intangible heritage has only been protected by the state since the 2000s.

The Terreiro da Casa Branca was the first non-Catholic religious temple to be listed as a heritage site in Brazil. It was the first time that the Afro-Brazilian tradition obtained official recognition from the National State. The recognition process was marked by divergences and conflicts of interest among the actors involved.

For Velho, the protection of the Terreiro de Casa Branca by the State meant the affirmation of a vision of Brazilian society as multi-ethnic, constituted and characterized by sociocultural pluralism. The author considers this measure of State recognition as reparation for the persecution

and intolerance against Afro-Brazilian beliefs and rituals manifested for centuries by the Brazilian elites and authorities.³¹

Through this protection, it is possible to see that the valorization of Afro-Brazilian culture through heritage is not an easy process, but it is a process of decolonial valorization, after all, Afro-Brazilian culture was illegal in Brazil for years, and the people who practiced it were criminals according to the law. Fraga defends that patrimonializing material and immaterial heritages inherent to Afro-Brazilian religions is also a historical reparation; it is a necessary process for the construction of a Brazil that fights for social justice and full democracy.

After that, not only other terreiros (religious centers) were recognized, but several monuments and constructions linked to traditions other than the Luso-Brazilian one were also recognized.³²

Conclusion

Since the beginning of the consolidation of Afro-Brazilian religions, they suffered persecution from individuals dissatisfied with their existence, from civil society and, especially, from the State that, through the police apparatus, acted violently in the control and repression against them.³³ Fernandes states that the struggle of Afro-Brazilian religions against intolerance is historical. The disrespect, demonization of their worshiped deities, physical and verbal aggressions, and attacks on the physical space of temples are some of the violence and discrimination suffered by the practitioners of these religions.³⁴

Currently, we continue to witness different forms of oppression against Afro-Brazilian cults, which include aggression toward their members, the dilapidation of the material patrimony of their houses, and reaching, at the limit, the physical survival of their adepts.

³¹ G. Velho, "Patrimônio, negociação e conflito", *Mana*, 12, Universidade Federal do Rio de Janeiro, 2006, p. 240.

³² *Ibidem*.

³³ Braga, *op. cit.*

³⁴ Fernandes, *op. cit.*, p. 118.

It can be said that even with the end of slavery at the beginning of the 19th-century racism is still rooted in Brazilian society and institutions. The black population remains on the margins of society. The attacks on the heritage of Afro-Brazilian religions are the portrait of all the discrimination and violence suffered by Afro-Brazilians in various aspects of their lives: from the absence of quality education and housing to the devaluation of their culture, music, and art.

However, the patrimonialization of Afro-Brazilian assets, including religious temples, represents small advances in the democratization of religious practices in Brazil and the effective recognition of Afro-Brazilian culture as a component in the formation of the Brazilian people by the population in general.

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The Destruction of Maya Heritage during the Civil War in Guatemala

In a world where diplomatic negotiations fail or are not even considered as a solution, warfare is inevitable. While people are undeniably the biggest subjects of suffering, cultural heritage is no exception. The enemy targets pieces of cultural heritage since they are closely linked to the identity of a certain group. Numerous societies are built on their specific culture, without them they are stripped of their characters. In the case of the Maya people, they have been persecuted for centuries with an attempt at integrating them into modern society. The aim of this paper is to briefly present the destruction of tangible and intangible cultural heritage of the Maya in Guatemala as a consequence of the Civil War. Moreover, to show how the government committed cultural genocide against this indigenous community.

Currently, the Maya people are Guatemala's largest indigenous group and they make up 51 per cent of the country's population. This ancient ethnic group has over 21 different groups that are differentiated by the language they use. The Mayan civilization has a long history and rich culture that dates back to five thousand years.¹ After colonisation they have been persecuted all their lives. In Guatemala, they have always been the subjects of discrimination, assimilation, and genocide.

The ancient Maya civilization has been considered as an obstacle by Christian missionaries.² Ever since the conquest of the Americas, their reluctance to leave and give up their culture placed them in the role of the villain. The colonizers wanted to convert the indigenous population to

¹ "Maya", *Minority Rights Group*, 2018, <https://minorityrights.org/minorities/maya-2/>.

² Victor Montejo, "Indigenous Threatened Heritage in Guatemala", in James Cuno; Thomas G. Weiss (eds.), *Cultural Heritage and Mass Atrocities*, University of Chicago Press, 2022, p. 265.

Christianity, even if it meant violent action. Pieces of their legacy, for instance their “calendar, art, literature, religion, and spirituality”³ were seen as pagan symbols that needed to be destroyed. Therefore, the indigenous community’s culture was perceived as a threat ever since the period of colonization and this perspective did not change throughout history.

The Civil War in Guatemala lasted for 36 years.⁴ The armed conflict was fought between the government and a handful of guerrilla groups. The fights officially ended in 1996, after the signing of a peace agreement.⁵ During the armed conflict the attacks were focused on the rural highlands, where the indigenous community lived. It is important to mention here that more than 80 per cent of the overall casualties were Mayans, moreover, the guerrilla groups did not have adequate military equipment to overthrow the government.⁶ Thus, the Maya people and their heritage were unquestionably the greatest victims of the Civil War in Guatemala.

In order to properly understand the meaning of cultural genocide, this section will deal with its explanation. Cultural genocide is different from genocide only by the latter’s definition. In the *Convention on the Prevention and Punishment of the Crime of Genocide 1948* genocide is defined as “violence committed “with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”⁷ Since cultural genocide can be committed without the use of violence, this definition excludes this phenomenon as a crime of genocide.

The inventor of the term ‘genocide’, Raphael Lemkin, argued that genocide can be executed in two ways: by killing the people of a particular nation or ethnic group, which is physical genocide (‘barbarity’), and by destructing their lifestyle, which is cultural genocide (‘vandalism’).⁸ He

³ *Ibidem*.

⁴ 1960-1996.

⁵ Susan Kemp, “Guatemala prosecutes former President Rios Montt. New Perspectives on Genocide and Domestic Criminal Justice”, *Journal of International Criminal Justice*, 2014, p. 135.

⁶ *Ibidem*.

⁷ Gerard John Maguire, “A Genocide by Any Other Name: Cultural Genocide in the Context of Indigenous Peoples and the Role of International Law”, *Strathclyde Law Review*, 2018, p. 1.

⁸ Damien Short, “Cultural genocide and indigenous peoples: a sociological approach”, *The International Journal of Human Rights*, 2014, pp. 836-837.

further wrote that “physical – massacre and mutilation, deprivation of livelihood (starvation, exposure, etc. often by deportation), slavery – exposure to death; biological – separation of families, destruction of foetus; cultural – desecration and destruction of cultural symbols (books, objects of art, loot, religious relics, etc.), destruction of cultural leadership, destruction of cultural centres (cities, churches, monasteries, schools, libraries), prohibition of cultural activities or codes of behaviour, forceful conversion, demoralization”⁹ are all tools of genocide. In the following parts it will be demonstrated that all of these elements were used against the Maya people of Guatemala. To sum up, the constant mentioning of cultural factors proves that cultural genocide and genocide are almost interchangeable, they both have the same intention and final goal, moreover, they rarely occur without the other being a consequence.

Lemkin underlined that culture is a crucial element in the lives of societies, especially those of indigenous people. Hence, its destruction threatens the survival of the ethnic group. The importance of culture is further highlighted in numerous international human rights articles. For instance, the *1948 Universal Declaration of Human Rights* states that “everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits”¹⁰ The right to culture is universal, since its prohibition is a form of social discrimination. The recognition that cultural genocide is just as harmful and destructive as physical genocide means that it should be punished in the same way. Both forms of genocide threaten the survival of the targeted ethnic group or social community. The result can vary however: in one case the victims will definitely lose their lives, in the other one they lose their identity completely. In the case of the Maya population in Guatemala both outcomes took place.

As mentioned above, the Maya were discriminated throughout history in Guatemala. They were victims of racism, social exclusion, and forced

⁹ *Ibidem*, pp. 837-838

¹⁰ Gerard John Maguire, *op. cit.*, p. 2.

assimilation. They mostly lived in the rural highlands and this was the place where the guerrilla forces took refuge during the Civil War.¹¹ They were seen as the allies of the opposition, thus, the government punished them in a barbaric way. The violence culminated in the early 1980's, during the dictatorship of Ríos Montt. Under his command "[t]he army destroyed ceremonial centres, sacred places and cultural symbols. Language and dress, as well as other elements of cultural identification were targets of repression."¹² In addition to eradicating the core elements of Maya culture, the indigenous group was also a subject of "killings, massacres, torture, mistreatment, forced displacement, and other abuses."¹³ Therefore, it is evident that the Maya were the victims of cultural genocide and violent actions were taken against them by the government of Guatemala.

The innate hatred directed at the Maya was passed down from generation to generation. Their prosecution has a long history that dates back to the beginning of colonization in the 1500's. Following their lead, the Guatemalan government wanted to completely eradicate the country of the indigenous community. Demolishing their culture, history, and way of life was the primary goal of the army.¹⁴ According to reports "the massacres, scorched earth operations, forced disappearances and execution of Mayan authorities, leaders and spiritual guides, were not only an attempt to destroy the social base of the guerrillas, but above all, to destroy the cultural values that ensured cohesion and collective action in Mayan communities."¹⁵ With the demolition of their five thousand years old cultural heritage the government intended to deprive them of their legacy. Mayan society was built on spirituality, community and their sacred land. By killing the elders and their leaders they were left without guidance, without people that could pass down the old ways to the younger generation. A significant amount of

¹¹ Emmanuel Guematcha, "Genocide against Indigenous Peoples: The Experiences of the Truth Commissions of Canada and Guatemala", *The International Indigenous Policy Journal*, 2019, p. 10.

¹² Gerard John Maguire, *op. cit.*, p. 5.

¹³ Emmanuel Guematcha, *op. cit.*, p. 10.

¹⁴ Gerard Maguire, "The unacknowledged genocide: The Guatemalan Maya's quest for justice", *NPPSH Reflections*, 2020, p. 12.

¹⁵ *Ibidem*.

Mayan cultural heritage was lost this way. The elders meant the source of heritage, wisdom, and history, consequently, their loss meant the loss of a valuable piece of cultural heritage that could not be recovered in the future. Furthermore, the ones killed did not receive proper burials. They were thrown into mass graves or were simply discarded of in unknown ways.¹⁶ The ceremony of burials and funerals are of great importance all over Guatemala, but it is particularly sacred to the indigenous population. They possess a “core belief in the active bond between the living and the dead. The lack of a sacred place where this bond can be attained is a serious concern that appears in testimonies from many Mayan communities.”¹⁷ They could not hold traditional burials for their fallen members since even the sacred sites and places were destroyed. Moreover, their spiritual guides were among the first people to be killed during the massacres, hence, they could not provide support either. Their inability at paying the dead their rightful respects is a wound that will never heal and will be passed down to future generations.

Other means of torture and cultural cleansing were just as cruel. As a form of psychological torment, the military used Mayan symbols and names for their formations and missions.¹⁸ The lack of respect and slander of the indigenous culture could be interpreted as blasphemy from a Christian point of view. However, the government saw them as pagans and as it has been proven all throughout history, Christians are the saviours of these lost souls. Religion is an important factor in the genocide of the Maya, since Ríos Montt was the first evangelical president of Guatemala.¹⁹ Hence, he enjoyed the support of evangelical churches from the United States of America.²⁰ During his reign, he infamously appeared on television every Sunday to preach about morality, while his men were mass killing indigenous people.²¹

¹⁶ *Ibidem*, p. 13.

¹⁷ *Ibidem*.

¹⁸ *Ibidem*.

¹⁹ Rachel Nolan, “Ríos Montt, the Evangelist”, The North American Congress on Latin America, 2018, <https://nacla.org/news/2018/04/24/r%C3%ADos-montt-evangelist>.

²⁰ *Ibidem*.

²¹ *Ibidem*.

The official justification of the government for the massacre was that the Maya are insurgents and collaborators of the guerrilla groups. However, the underlying reason was that the indigenous groups threatened the unity of the nation. The president stated that Guatemala is “broken up into ‘twenty-two nations’—a reference to the nation’s nearly two dozen indigenous languages—was lacking in any overarching sense of national identity or unity, consisting only of loosely articulated self-serving individuals and parochial ethnic clans.”²² Furthermore, in a testimony a soldier that took part in the bloodshed confessed the following: “The Indian problem. Who can tell us what to do about it? They are ignorant. They are dirty. They don’t even speak Spanish. We made some mistakes, but we had to terminate the guerrilla.”²³ These words point to the fact that the indigenous people were always seen as subordinates in the social hierarchy. Discrimination by the ancestors of colonizers and European immigrants is a phenomenon all over South and North America, but it is especially serious in the case of the indigenous peoples. Being seen and treated as inferior simply because of one’s culture should be more heavily prosecuted and punished accordingly by international and domestic legislation. Therefore, deeply rooted nationalism and elitism can be the real explanations for the genocide of the Maya.

In order to disrupt the Mayan way of life, the government put significant effort into the establishment of ‘model villages’. The surviving members of the indigenous community were placed in model villages in order to disrupt their lifestyle. The members were separated forcefully from each other, thus, dismantling their culture where kinship is one of the most important factors in life.²⁴ The model villages played an important role in the destruction of the cultural heritage of the Maya, since they hindered “the transmission of indigenous cultural identity and heritage from generation to generation as a result of the hostilities and violence directed towards them

²² Miho Egoshi, “Evangelical Dictatorship Driving the Guatemalan Civil War: Reconsidering Ríos Montt, the ‘Savior of La Nueva Guatemala’”, *CUNY Academic Works*, 2018, p. 72.

²³ *Ibidem*.

²⁴ Gerard Maguire, *op. cit.*, p. 13.

and the evolving need to conceal their ethnicity.”²⁵ The Ríos Montt regime used “psychological operations to re-educate the people”²⁶, this unnatural way of assimilation into modern society caused irreversible loss to Mayan cultural heritage. The destruction of their traditional villages and sites deprived them of tangible cultural heritage, moreover, their “re-education” replaced their intangible cultural heritage.

The model villages were under constant military surveillance in order to ensure full control over their inhabitants. These small closed communities “were created with government funds and support from U.S. evangelical churches, which maintained close relations with then-dictator Efraín Ríos Montt.”²⁷ According to survivors, every morning they were ordered to sing the national anthem in front of their huts, in this manner, they were continuously humiliated. The relocated indigenous community’s members started dying because of malnutrition and lack of doctors and medicine. In these villages the cause of death was not violence, but negligence by the state. The majority of deaths were of children under twelve years of age who died due to sickness or malnutrition.²⁸ The demolishing of the model villages started slowly only after the signing of the peace agreement in 1996.²⁹ The full degree of the damage in the destruction of Mayan cultural heritage at the model villages is still being uncovered and justice is nowhere to be seen in the near future.

In addition to being placed into model villages, the Maya were strictly supervised in every aspect of their daily lives. After the military destroyed their agricultural and sacred sites, they also prohibited the use of their languages and dressing up in traditional clothing.³⁰ The most important crop for the Maya is maize, since it is a sacred element that is a necessary ingredient

²⁵ *Ibidem.*

²⁶ *Ibidem.*

²⁷ “Bodies Emerge From Guatemala’s War-era ‘Model Villages’”, *Voice of America*, 2017, <https://www.voanews.com/a/bodies-emerge-guatemalas-war-era-model-villages/4184230.html>.

²⁸ *Ibidem.*

²⁹ *Ibidem.*

³⁰ Gerard Maguire, *op. cit.*, p. 14.

in their everyday meals. Unsurprisingly, that was the biggest target of the military.³¹ Moreover, their sacred agricultural sites are crucial in Mayan culture. The *milpa*³² represent their closeness with their gods.³³ It is necessary to highlight the fact that “for the indigenous culture the value or worth of a person and all his identity marks (language, clothes, religion) are linked to the community. Social identity refers usually to the village or community first, linguistic group second, and only recently, after the turmoil suffered during the nineteen eighties, has a Mayan identity emerged.”³⁴ Being separated from their specific society meant the gradual loss of their individual identities. Thus, their displacement disturbed their religious lives and forbid them from practicing their indigenous cultural lives, which consequently led to the loss of religious rituals, performances, legacy, and beliefs.

A poignant example of the government’s brutality is the case of Dos Erres. In the small community of Las Dos Erres around 300 people were ruthlessly killed. The massacre took place between the 6th and 8th of December in 1982, under the command of president Montt.³⁵ The soldiers did not care whether the victims were women or children. Little girls and women were raped, then were forced to have miscarriages.³⁶ The children of the indigenous people were put in orphanages or became helpers around urban households.³⁷ These merciless actions were brought before national and international court, but only in recent years.

On the 10th of May in 2013, former president Ríos Montt was found guilty of crimes of genocide. He has been sentenced to 80 years in prison, alongside his then general. Montt died on the 1st of April in 2018, which gave the chance for journalist Rachel Nolan to write the following passage: “Ríos

³¹ Carlos Marín Beristain; Darío Paez; José Luis González, “Rituals, social sharing, silence, emotions and collective memory claims in the case of the Guatemalan genocide”, *Psicothema*, 2000, p. 118.

³² Plots of mountain lands.

³³ *Ibidem*.

³⁴ *Ibidem*.

³⁵ “Case of the ‘Las dos Erres’ Massacre v. Guatemala”, *Legal Information Institute*, https://www.law.cornell.edu/women-and-justice/resource/case_of_the_%E2%80%99Clas_dos_erres%E2%80%9D_massacre_v_guatemala.

³⁶ *Ibidem*.

³⁷ Susan Kemp, *op. cit.*, p. 135.

Montt died on April 1 of this year, while under house arrest pending re-trial, just a day after Pope Francis caused controversy by seeming to indicate that hell doesn't exist. A meme went around among Guatemalans on social media: the Pope said there was no hell, and Ríos Montt finally figured he could finally take the risk of dying. Then the Pope took his comments back."³⁸

This section will deal with the findings of the trials and their judgment. In relation to genocide, the court found witnesses and evidence to prove the president's responsibility: "the Tribunal concluded that the military had carried out selective executions and massacres; destruction and burning of villages; bombing of communities and areas where civilians sought shelter, including sacred places; sexual violence; interrogation of detainees under torture; concentration of civilians in camps to undergo a process of conversion of their identity and way of life to fit the regime's nationalist model; looting of civilian property; persecution of displaced persons; forced disappearance; sweep operations to capture civilians; control operations to prevent access to food and medicine; servitude and forced labour, and the transfer of children to military bases or urban centres where their names were changed and they could not speak their native language."³⁹ Additionally, the court accorded significant attention to the mental harm done to the indigenous community. With the help of psychologists, they investigated its degree and found that the psychological torture by the government broke the Mayas, moreover, took their sense of belonging to their community.⁴⁰ It is crucial to remember here that to the Maya people their community is the foundation of their lives, everything else is built on it and revolves around it. Thus, the loss of it meant that even if they lived together, they did not behave as before. The stolen social lives meant the loss of cultural life altogether.

Under the section of conditions of life, the court decided that because of their forced "re-education" the Maya community "was culturally destroyed in part."⁴¹ They further stressed that cultural destruction can lead

³⁸ Rachel Nolan, *loc. cit.*

³⁹ Susan Kemp, *op. cit.*, p. 138.

⁴⁰ *Ibidem*, p. 139.

⁴¹ *Ibidem*, p. 140.

to physical destruction, in this manner, proving that cultural genocide and genocide go hand in hand. The charges of sexual violence were ruled “to be physical and mental harm as a constituent act of genocide.”⁴² Culture is of essence in this case too, since in indigenous society women are the disseminators of cultural values to children. The highlighted result was that while the main victims were women, every member of the group was affected.

The general intent behind the massacres was officially found to be the deliberate extermination of an ethnic group. They justified it with the fact that “in the Ixil region, injuries were 243% times more likely to be fatal than would be expected in combat. On this basis he concluded, and the Tribunal agreed, that these findings are consistent with an intention to kill in execution-type attacks, as opposed to combat deaths in hostilities as argued by the defence.”⁴³ The general intent correlates with the specific intent, it further emphasizes that the attacks on the Maya were carefully planned and executed.⁴⁴ Hence, the massacre’s goal was to eradicate Guatemala of the Maya peoples.

The destruction of tangible and intangible cultural heritage was also an important element of the trials. Based on evidence provided by witnesses and experts, the court determined that the military under the control of president Montt attacked every kind of feature of Maya culture.⁴⁵ Kemp argues that “The Ixil culture itself was considered subversive: it had always been a means of resistance since the Spanish conquest. Expert evidence on culture was accepted showing that the state planned to sever the links between individual members of the group and between members and the group itself. These links were physical, linguistic, customary, psychological, territorial and spiritual. The aim was to remould the indigenous Maya (including the Ixil) as compliant individuals defined by their new Guatemalan national identity, controlled by, and loyal only to, the state. Forging a new nation based on ‘Guatemalidad’ did not allow for the co-

⁴² *Ibidem*.

⁴³ *Ibidem*, pp. 141-142.

⁴⁴ *Ibidem*, pp. 142-143.

⁴⁵ *Ibidem*, p. 144.

existence, let alone pre-eminence, of ethnic group loyalty and membership.”⁴⁶ The goal was complete destruction of the Mayan way of life, of their ethnicity, culture, and heritage, in order to form a “pure” country. Their displacement played a crucial role from this perspective. It proved that their separation meant much more than a mere change of scenery, it meant the destruction of their previous lives, their cultural identity. The calculated attacks show that president Montt knew how he could break (or in some cases break in) the indigenous community. All in all, having knowledge about their cultural values, traditions, and customs was what made his massacres so effective in the destruction of Mayan cultural heritage.

In conclusion, the Maya peoples were subjects of cultural genocide in the Guatemalan Civil War. Being one of the oldest civilizations in the world, the destruction of Maya cultural heritage is a great loss for the whole world. Under the orders of president Ríos Montt their tangible heritage in the rural highlands was completely destroyed. Their sacred sites, crops, and maize were deliberately demolished because of their importance in cultural life. The slaughter of their elders meant the loss of information, since culture is passed down from generation to generation. Their traditional dresses were prohibited, as for intangible cultural heritage, their languages and traditional practices were forbidden. Consequently, the damage is irreversible. The life in model villages transformed them, their forced “re-education” resulted in the loss of cultural identity. Social life is the basis of Maya culture; hence, its expropriation meant the eradication of their culture. The massacre of indigenous people marked the culmination of atrocities committed against them. However, the president was only found guilty in court of his crimes in 2013. Therefore, we can say that the biggest victims of the Civil War in Guatemala were the Maya. The offenses against Maya culture can remind us of another genocide case, the Holocaust. The intent behind both of these catastrophes was the cultural and physical extermination of a specific group. Not surprisingly, the victims often refer to the events in Guatemala as the Silent Holocaust. Nowadays, the Mayan people make great efforts to protect their cultural heritage and to retrieve the lost pieces of their legacy.

⁴⁶ *Ibidem.*

As Lemkin said, cultural genocide is just as brutal and has just as many consequences as physical genocide. His proposal to treat them equally needs more international legislation than those existing. Perhaps, if the international community would pay more attention to such events, it would discourage actors from committing such crimes. The response, however, should be non-violent to prevent further damage in the cultural sector and - with the escalation of the conflict - eventual bloodshed. As a final thought, the destruction of cultural heritage as a consequence of armed conflict is a war crime and should be punished accordingly. How that could be achieved is a topic that is worth exploring in the future.

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Narrating Mexican Necrolandscapes: Trauma and Violence as Heritage

Introduction

The ongoing “war on drugs” in Mexico has shaped what could be called “necrolandscapes”: places related to the production of death. From sumptuous and luxurious graveyards for drug lords and hitmen, passing through mobile morgues in the form of trailers that cross every day the main streets of some cities, to the countryside, turned into an immense clandestine grave. Where the Cartels dispose of human beings and the civil society searches for the missing. The description of these landscapes was reduced for a long time to academia, exploitation media, and journalism. However, the last few years have witnessed a new wave of narrations, which explore the conditions that drive the Mexican population to be participants in the cycle of violence. This article aims to explore them and as structuring question wants to problematize how they may reconfigure the relationship between the locals and a traumatic reality.

The chapter starts with a brief historical and sociological contextualization of the violence in Mexico for approaching the reader to the different pillars and mechanisms of the local specificities of structural violence. Moving forward, there is a general look at how violence has been portrayed by the media, certain local communities, the cartels, and the army; this with the aim of problematizing the cultural perception of violence in the country. Later on, there is a description of the main documentaries exploring the subject in recent years, and how they propose a different sight with the potential to resignificate such dissonant heritage. In the same tone, there is a panorama of a similar wave of narrations, but in the literature. There is a particular emphasis on the work of Fernanda Melchor for the reason of the

intriguing elements of her novels. To finish, there is a wider discussion on how these expressions may help to tackle differently a heritage that hurts.

A context of Violence

The apparition of large-scale drug plantation in Mexico can be dated to the last decades of the XIX century, when opium was introduced in the state of Sinaloa. However, for most of the XX century, the role of the different criminal groups with a more or less coordinated interaction with State actors was to facilitate the transit of drugs to the main international markets, particularly the United States.¹ Nevertheless, since the decade of the 80s, with the fall of the Colombian cartels, and as Natalia Mendoza explains, the introduction of Neoliberal economic policies the outlook of the criminal organization changed completely.² These elements implied a redefinition of the methods to produce value and exercising sovereignty. In particular, in what concerns the economies of extraction and extortion. If previously these activities were more or less supervised, controlled, or conditioned by the State, now criminal groups start to privatize them, as well as long extensions of territory.³ This implies that these organizations appropriate themselves of the monopoly of violence, and therefore the State's authority.

The main scheme to control and exploitation of territory in this context is the "*sicariato*". Understood as an enterprise specialized in the violent control of territory. These operations distribute the territory through "franchises" -commonly known as *plazas*-: the heads of the cartels grant the rights to exploit space to a certain group in exchange for a part of the economic benefits and subordination. The popularization of this model of territorial exploitation and accumulation of value has fragmented the territory, as more and more organizations want to profit out of the economies of extraction and extortion.⁴ And, as the own model suggests, even if for

¹ D.E. Osorno, *El Cártel de Sinaloa. Una historia del uso político del narco*, Mexico, Debolsillo, 2013.

² N. Mendoza, *La privatización de la ilegalidad*, Mexico, 2017. Available at: https://www.academia.edu/38115110/La_Privatizacion_de_la_Ilegalidad?source=swp_share.

³ *Ibidem*.

⁴ *Ibidem*.

conceptual reasons we speak about *carteles* -cartels- as unitary organizations, they are virtually rizhomatic networks without a stable leadership or subordination.

This competition has pushed the development of new technologies of territorial control, surveillance, and defense of borders. Mainly a quota-based system for the transit of goods and people. Which is funded on the extraction and accumulation of value through gates and circulation filters. This has implied the use of violence in order to protect the territory, not only in the form of executions, but also in the form of forced disappearance and the devastation of nature.⁵ The steady fragmentation of the territory, as well as the increased necessity of militias to defend the franchises, and the militarization of public forces have begotten an exacerbated climate of violence in the country. Especially after the start of the war on drugs in 2006 by president Felipe Calderón Hinojosa, which implied a scheme of direct confrontation against the cartels, and therefore, the use of military forces as ordinary police officers.

The trans-valorization of territory and life itself into merchandises and spaces of violent confrontations of different actors to impose their sovereignty relies on the basis of the management of death or the question of who lives and who dies.⁶ The overspecialization of violence has become a profitable economic activity that has as end the commerce of the death process. The numbers show the systemic extent of these phenomena and a notion of how the country has been completely shaped in the last years by it: from 2006 to 2019: 304,937 dead by homicide and femicide⁷, from 2006 to 2020: 71678 people have been accounted as missing, and 3978 clandestine graves have been found.⁸

It is important to remark that these numbers are nor always precise as they only represent a fraction of the extent of this reality, and that the

⁵ *Ibidem.*

⁶ S. Valencia, *Capitalismo gore*, España, Melusina, 2010.

⁷ INEGI, *Mortalidad. Conjunto de datos: Defunciones por homicidios*, 2020, Available at: https://www.inegi.org.mx/sistemas/olap/consulta/general_ver4/MDXQueryDatos.asp?proy.

⁸ *Pájaro Político*, "En México hay más de 73 mil desaparecidos y más de 3 mil fosas clandestinas", 2020. Available at: <https://www.animalpolitico.com/2020/07/mexico-73-mil-desaparecidos-fosas-clandestinas/>.

Mexican authorities for different reasons have failed to properly account them. This is the case of the recent recognition by the Mexican State of over half a ton of human bones in *La Bartolina* a locality in Tamaulipas, in what they described as a killing center. The great question mark regarding this site is that it was already discovered in 2016, but for political reasons, its exploration was moved forward multiple times.⁹ The acknowledgment of the existence of this place by the authorities did not stop the particular dynamics that take place in it, and thus, the natural phenomena as the wind or the tide often unearth more remains.

Representing Violence

Moreover, the relationship between the inhabitants of the country and territory has acquired a new configuration as a result of this context. Hence, new landscapes have been produced and become part of everyday life, I conceptualize them as necrolandscapes or places related to the production of death. There is a wide spectrum of examples, as the sumptuous graveyards for drug lords and hitmen found in the North of the country; also for the reason of overcrowded morgues, the government started to use trailers as mobile storages of dead people that cross the main roads of cities as Guadalajara or Morelia¹⁰; or in general, the countryside turned into an immense clandestine graveyard, where the criminal groups dispose the bodies of their victims and families search for their missing ones. An endless cycle of soil removal produced by the territorialization of narcoviolence.

It is important to explore the representations of these realities, places, and landscapes, as they are a glimpse of some ways of how society copes and appropriates these events. Or more precisely, how the different groups

⁹ C. Manuel Juárez ; Elefante Blanco, "Cinco años después de descubierto, aceptan existencia de centro de exterminio en Matamoros", *A dónde van los desaparecidos*, 2021. Available at: <https://adondevanlosdesaparecidos.org/2021/07/12/cinco-anos-despues-de-descubierto-aceptan-existencia-de-centro-de-exterminio-en-matamoros/>.

¹⁰ INFOBAE, "Tráiler de la muerte": el día que una morgue rodante apareció en Jalisco con más de 270 cadáveres, 2021. Available at: <https://www.infobae.com/america/mexico/2021/04/01/trailer-de-la-muerte-el-dia-que-el-gobierno-abandono-una-morgue-rodante-en-jalisco-con-mas-de-270-cuerpos/>.

involved in this reality signify it, and its material outputs. The mainstream representations of violence are dominated by mass media, in particular television soap operas and bestsellers, which for the most part represent it through a romantic lens, highlighting the glory and adventurous life of drug lords.

Other main approaches to this phenomenon have been journalism and academia: the first one still deals with the challenges of how to display the brutality of fact without being morbid and the dangers of reporting when the government cannot protect your life. Between December 2018 and January 2022, 24 journalists have been murdered for doing their job, while at the same time, the government reduced the funds for the instruments supposed to protect them.¹¹ On the other hand, the second one is challenged by the limited possibilities of divulgation and the lack of influence in policymaking.

In what concerns the popular representation, in some cases the symbols of drug trafficking have become entangled with local identity, thus they are represented as part of everyday life. That is the case of Jesus Malverde, legendary figure of a highwayman who stole to the rich and distributed the loot within the common folk, which has turned into a sacred figure among the drug dealers and in the zones under their influence, to such extent that they build chapels and officiate ceremonies in his name in places as far as Los Angeles. Its sacredness comes from the fact that it represents a character that despite all its conditions is capable with a mixture of force and wit of overcoming a challenging social context. And, even the forces of the State, which are shown from all the angles as inept: unable to create any welfare for its citizens, they turn astray for surviving. And then, it is incapable of facing them with the force when they become “criminals”.

Another example is the *narcocorridos* a widely extended type of music that derivates from a traditional musical genre that was created during the Mexican Revolution, which had the social function of transmitting the news and the feats of the warlords. Nowadays, it is used in the same way, with the

¹¹ J. Ospina-Valencia, “Periodistas asesinados en México entre diciembre de 2018 y enero de 2022”, *DW*, 1 February, 2022. Available at: <https://www.dw.com/es/periodistas-asesinados-en-m%C3%A9xico-entre-diciembre-de-2018-y-enero-de-2022/g-48597020>.

added intention of creating a social base and sowing fear among rival organizations. The rapid popularization of this kind of music was uncanny, as traditionally these groups preferred to rely on the “law of silence” and the discretion, nevertheless, the description of the codes of values and dailiness of this withheld reality produced by the economic and social inequality proved to be a reliable way to symbolically challenge the official sight on this phenomenon. The Mexican State recognized this, and thus forbade its reproduction in the public radio.¹²

As Natalia Mendoza observes, the lyrics of the *narcocorridos* are filled with narrations of the loss of closed ones and the death as a sacrifice. Stories of perpetual mourning, which have a specific function of creating lineages. These narrations work as a symbolic deposit from where it is possible to trace long traditions of *capos* over which is built the legitimacy by the new generations of workers of violence.¹³

In parallel, the armed forces have equally created spaces with a similar function. The most important example is the Museum of the Drug, which is reserved for authorized personnel and which can be found in the heart of the Secretary of National Defense. The war boutin of the conflict can be found within it, thus weapons covered in gold and with encrusted jewelry, the clothing of the *nacos*, as well as samples of the different drugs. The history of violence that covers these objects becomes an empty signifier which is filled with a narration about the honor of the national forces, the myth of the sacrifice justified by the Motherland. The logic behind that and the one found in the *narcocorridos* is not that different: both are mechanisms of social cohesion that reinforces the identity of the factions. As Ashworth mentions: “violence can be tamed and transformed into courage and sacrifice for a cause.”¹⁴ Or as Mendoza says:

¹² L. Astorga, “Corridos de traficantes y censura”, *Región y sociedad*, 2005, 17(32), pp. 145–165.

¹³ Mendoza, *op. cit.*

¹⁴ G.J. Ashworth, *The Memorialization of Violence and Tragedy: Human Trauma as Heritage*, United Kingdom: The Ashgate Research Companion to Heritage and Identity, 2008.

The collective mourning is now fragmented into a plethora of local graveyards, which are defined by their opposition to the Nation. Hence, the more sacred they become, the resulting violence shall turn bloodier.¹⁵

Representation in Documentaries

One of the main representations of violence comes from documentaries. Their role has been of such importance that they have been part of seminars, meetings, and round tables between the victims, their families, and the government. Some of them have been projected in what used to be the heartland of the political power of the country: the previous official residence of the president, “*Los pinos*”. Now transformed into a cultural center. This has been part of the policy carried out by the current administration, which aims to recognize the excess and crimes of the State. In that sense, there was an official apology towards the parents of the 43 missing students from the Ayotzinapa Rural Teacher’s College in 2014.¹⁶

Some documentaries about violence in Mexico to highlight are *Tempestad* by Tatiana Huezo from 2016. In this film, the histories of two women are told: Miriam Carvajal and Adela Alvarado. The first one, a custom house worker who was falsely accused of human trafficking, and imprisoned in a jail under the control of criminal groups; the second one, a working mother of a circus who searches for justice for the disappearance of her daughter for more than a decade ago. Another remarkable film is *El paso de la Tortuga* by Enrique García Meza from 2017, where there is an explicit intention of giving voice at the same time to the 43 missing students of Ayotzinapa, and to their parents. While reconstructing the facts of what happened through the narration of the involved, this documentary also aims to take note of solidarity and how important it is for attaining justice.

Still from 2018, *No sucumbió la eternidad* by Daniela Rea speaks about Alicia, who lost her mother in 1978 during the so-called “dirty war”, and

¹⁵ Mendoza, *op. cit.*

¹⁶ *Mx Político, AMLO pide disculpa a nombre del Estado con padres de los normalistas de Ayotzinapa*, 26 October, 2020. Available at: <http://mxpolitico.com/nacional/politica/amlo-pide-disculpa-nombre-estado-padres-normalistas-ayotzinapa>.

Liliana, who lost her couple in 2010 in the hands of the organized crime. The uncertainty regarding the whereabouts of their relatives approaches them to thousands of Mexicans who are in a similar position. The film also explores the implications of having to continue living without a resolution, while deepening on how memory can have a role as an antidote to a State-based policy of oblivion. From the same year, *La libertad del diablo* by Everardo González premiered. This film is a compilation of interviews of victims and authors of violence in Mexico: soldiers, hitmen, mothers, survivors. The main particularity lies in the fact that everyone must cover their face with a burned mask, which equalizes them and breaks away from any Manicheism or dichotomic notion of good/bad. The more the narration weaves their stories, the more it portrays how in certain moments all of them have been victims of the systemic violence in the country. In that sense, the aesthetic of the film is clear: this phenomenon is like fire. It can be a tool to exercise power, but it can easily turn uncontrollable and ends up scorching everything around it.

In 2018, it was projected by the first time *Hasta los dientes* by Alberto Arnaut, which recounts the story of the murder by the army of Jorge Mercado and Javier Arredondo, students of excellence of one of the most prestigious universities of the country. In the beginning, the Mexican Army declared that they had killed two hitmen on the campus, and for doing so, they fabricated a crime scene that corresponded to this version. However, later, the security videos of the university proved the innocence of the students and the subsequent fabrication of the scene by the soldiers. The documentary retraces the facts, as well as the reactions of the government and the fight for justice and truth.

Finally, in 2020, *Las tres muertes de Marisela Escobedo* by Carlos Pérez Osorio was released in Netflix. This documentary recounts the fight carried off by Marisela Escobedo for bringing justice to the femicide of her daughter, Rubí Fraire Escobedo. This fight was marked by the incompetence and corruption of the judiciary authorities, but mainly by the unwavering will of Marisela, who could not be stopped but with her murder, the 16 October 2010 in front of the municipal palace of Chihuahua.

Representation in Literature

However, the last decade has seen the appearance of literature marked by a clear-cut intention to cope with the trauma of these events. An exploration of normalized violence and an invitation to start pending mourning. Some examples are "*Las tierras arrasadas*" by Emiliano Monge, which tries to explore the roots of violence in Mexico beyond the drug traffic;¹⁷ "*Fiesta en la madriguera*" by Juan Pablo Villalobos, which plays with the idea of the consequences that the request of a rhinoceros by the son of a drug dealer may carry in the lives of a plethora of people¹⁸; or "*Asesinato en el parque Sinaloa*" by Élmér Mendoza, which draws on the traditional crime novel, but in the local context of the writer.¹⁹

This article will deepen on the work of Fernanda Melchor, a journalist who lived during her youth the most intense moments of war on drugs in her home state: Veracruz, one of the most affected places by violence in the country. Her second novel "*Temporada de Huracanes*" shooked the scene of Mexican literature. This book - as well as "*Páradais*" - has as central point a femicide, thus the main character is absent. But it is a specter that keeps hunting through her intangibility the destinies of those who outlived her.

The structure of the work is marked by fragmentation, a direct representation of what the aforementioned system of producing death has done to everyday life. Therefore, there is no specific time, and the narration takes place in "*La matosa*" a fictional town that fits the characteristics of any rural town in Mexico, so, despite its apparent specificity, Melchor intends to explore the common experience of violence, regardless off the atomization of society. Moreover, every chapter explores the vision of a different inhabitant of the town, and despite the divergent experiences around the crime, this shows how every encounter with violence is related and how everybody produces and is produced by its relationship with this environment.

¹⁷ E. Monge, *Las tierras arrasadas*, Mexico, Penguin Random House, 2015.

¹⁸ J.P. Villalobos, *Fiesta en la madriguera*, Mexico, Anagrama, 2010.

¹⁹ Élmér Mendoza, *Asesinato en el parque Sinaloa*, Mexico, Penguin Random House, 2010.

The final chapter is grim and realistic regarding this as it explores the outcome of this particular story, but also of mass death production in a burial site through the eyes of a character that relates to this through the disposal of human remains. The manager of the place is used to pose his eyes over a constant stream of limbs and decomposition, and to hearing insensitive mocks of his assistants regarding this bloodshed. Systematically, he digs graves and covers them with sand and lime. Despite this, he tries to talk to the human remnants with empathy and insists on explaining to them that the suffering and darkness are over, because he knows that the unquiet souls may continue to haunt the living.²⁰ This is a diagnosis on two things: the indifference that a constant exposition to violence has created among a splintered society. And the fact that ignoring the violence will not make the death disappear, moreover, the way out of the sequels of brutality can only be found through dialogue and sensitivity.

“Páradais” on the other hand tries to widen the societal scope of this approach. If *“Temporada de Huracanes”* focuses on the excluded countryside, this book explores the exclusive residential neighborhoods of the Mexican bourgeoisie through the eyes of an uprooted gardener. And exhibits how privileges, impunity, and inequality have a fundamental role in producing necrolandscapes. Furthermore, it analyzes the autopoiesis of violence: a violent environment will not be extinguished once a brutal act comes to an end. Instead, it will leave the seeds for its replication and extension through every societal corner. In other words, violence is a virus that may not stop until its host is gone. This book also explores guilt: who is to blame for the violence in the country? And proposes a bleak diagnosis: even those who seem to be innocents will perpetuate violence.²¹

Conclusion

To conclude, it is important to remark the role of narration and in particular the role that this kind of reflection may play in redefining the relationship with this environment. As Ulrika Maude explains, narration is

²⁰ F. Melchor, *Temporada de huracanes*, Mexico, Random House, 2017.

²¹ F. Melchor, *Páradais*, Mexico, Random House, 2021.

the privileged space to address the inadmissible and the unspeakable, as formulating through words is the institution of the absolute possibility of imagination, and thus a free space to face trauma.²² Nevertheless, this kind of representation may be a double-edged weapon: on one side it allows the memory of violence and trauma to recover its potential as scandal and specter: the possibility to keep acting despite being absent. And so a booster of reflection.²³

It is accepting that the past still has an agency in the present, and that in order to create an ethical relationship with it for producing a different future, it is important to accept its ungraspable and sporadic haunting.²⁴ And on the other side, the narrations of cruelty imply a harsh emotional reaction of the spectator that one of being crossed by the experience of someone else's suffering. Facing this implies a whole economy of emotions, which entails necessarily the body and everything that exceeds it. In other words, such a portrayal leaves a scar over the psyche of the spectator, which may be either a ballast or a key for the future.²⁵ The memory of violence leaves a mark that is a mediation between the bodies crossed by it, and those that are not. Thus, it is possible to perceive this cruelty in the present and act accordingly in response to the uneasiness that it produces.²⁶

Deepening on that, Maggie Nelson explains that this kind of art opens the possibility to redistribute the precariousness: in a society where this experience is not lived in the same way by everybody, this kind of works clears the possibility of a dialogue. Cruelty is a space of incertitude and ambivalence, therefore an antidote to reductionism, dogmatism, and generalization.²⁷ Accordingly, if normalization and amnesia have not shown to be effective methods of tackling the ballast that prolonged exposure to violence has left in Mexican society. Then reflections like those presented in

²² M. Ulrike, *Health and Humanities*, European Humanities Conference, 7 May 2021. Available at: <https://europeanhumanities2021.pt/sessions/health-and-humanities-round-table/>.

²³ A. Mbembe, *Políticas de la enemistad*, Spain, NED, 2018.

²⁴ G. Spivak, "From Ghostwriting", in *The Spectralities Reader Ghosts and Haunting in Contemporary Cultural Theory*, United Kingdom, Bloomsbury Academic, 2013.

²⁵ A. Mbembe, *Critique de la Raison Nègre*, France, La découverte/Pêche, 2013.

²⁶ É. Ndagijimana, *La mémoire de la violence dans le roman africain contemporain*, Canada, Université de Montréal (Thèse de doctorat), 2013.

²⁷ M. Nelson, *The Art of Cruelty. A Reckoning*, United States, Norton & Company, 2012.

this article may be an open door to the experience of otherness and all that it implies: thinking on Levinas, if the basis of humanity is being-for-the-other, this kind of expressions that approach to the other's suffering may push us to mourn and search justice together.²⁸

Conflicts create heritage, even if societies do not want it. What they can choose is how to interpret, respond and use it for the remaking of the community. The places created by brutality remain, and they will inevitably be covered by meaning, but they can also become places where the sense of belonging can be restored, instead of pure alienation.²⁹ But the condition to do so is a proposal of a shared future. Heritage is not only a matter of conservation, but it also comprises an active establishment of new meanings that are crossed by recognition and agreements. To replace it, these places of the unspeakable can turn into signifiers of understanding: the remembrance of suffering may turn apart people, but also, unite them.

In this particular case, since necrolandscapes do not have a fixed meaning, they can be redefined to encompass a new project of societal healing. In the most immediate case, they may become "*precarious-scapes*": cultural landscapes that remind us that precariousness is the basis of the human condition, and the only palliative treatment for that is mutual care. The ink of horror over the bodies may seem to condemn to resignation and solitude, but it also holds the possibility to trace together new threads that may tie use in compassion.

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Indigenous Peoples' Rights and Cultural Heritage: Threats and Challenges for a New Model of Heritage Policy. The View of Marta Kania¹

This paper focuses on the topic of cultural heritage in Latin America and how this is affected by local policies, considering political and economic appropriation and their impact on local communities. In this sense, the chapter builds on ideas of Marta Kania and her analysis on indigenous peoples' rights and cultural heritage. Simultaneously it explores the relationship of indigenous communities towards these policies, how their lives are being affected, and how important it is to include them in the decision-making process. It also examines the options of the communities on regaining their rights on their cultural heritage. The paper will approach the historical background and the abuse that these communities have suffered, as well as the presence of the indigenous people on the international stage. Furthermore, it dives into the examination of how policies can be more effective in their implementation in order to secure and protect cultural heritage, but also how to include the communities in all processes and help them redeem management rights to their heritage.

This paper will try to analyze the current status of the involvement of the indigenous community in safeguarding their cultural heritage by trying to answer the following questions:

¹ This chapter is built on ideas and arguments discussed by Marta Kania in "Indigenous Peoples' Rights and Cultural Heritage: Threats and Challenges for a New Model of Heritage Policy", *Latino America*, México 2019/1, pp. 121-157

1. Why is the presence of the indigenous people in policy-making important and to what extent does their absence lead to political and economic appropriation?
2. What solutions could be approached in order to close the gap in the effective implementation of policies that are directed towards protecting cultural heritage?

Introduction

Cultural Heritage is an expression of the ways of living developed by a community and passed on from generation to generation, including customs, practices, places, objects, artistic expressions, and values. Cultural Heritage is often expressed as either Intangible or Tangible Cultural Heritage.²

The population of indigenous people in Latin America is estimated to be between 41,8 million and 53,4 million, according to the statistics offered by the World Bank's LAC Equity Lab.³ The term "indigenous" is used to enclose other ones, such as "ethnic minority", "nation", "tribe" or "sociolinguistic groups". The U.N. webpage dedicated to indigenous peoples says: "Indigenous people are inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live."⁴ The annex of the U.N. Declaration on the Rights of Indigenous People states "Indigenous Peoples have suffered from historic injustices as a result of, inter alia, their colonization, and dispossession of their land and territories and resources."⁵ Indigenous languages are disappearing rapidly. Experts are

² ICOMOS, 2002,

http://www.cultureindevelopment.nl/Cultural_Heritage/What_is_Cultural_Heritage.

³ Congressional Research Service, *Indigenous People in Latin America: Statistical Information*, Summary R46225, Carla Y. Davis-Castro, 2021, Dec 8, p. 2.

⁴ *Ibidem*

⁵ UN, *UNDRIP*, https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.

fearing that⁶ four out of ten are on the verge of extinction and henceforth the United Nations considered it imperatively to declare 2022 - 2032 the International Decade of Indigenous Languages. This is considered to be an immediate threat to cultural heritage and drastic measures are required in order to stop languages from dying out. According to a publication by the Summer Institute of Linguistics (SIL International), 881 languages were reported to be spoken across 20 Latin American countries and 13 of these countries have categorized more than 50% of their indigenous languages as endangered.⁷

The rights of indigenous people around the world have been a much-debated topic for several decades now. This particular paper approaches the issues regarding the indigenous people from Latin America. They have long fought and are still fighting for their rights regarding territory and their cultural heritage. For centuries the colonizing empires have tried to impose their own values, culture, and way of living onto natives. They were trying or forcing them to assimilate, instead of accepting them for whom they were and giving them the freedom to choose. On the other hand, colonizing empires are not known for their tolerance, quite the contrary. For centuries they have imposed their own cultural values and principles, and have dismissed everything else, based on the fact that everyone else was considered "savage" on their spectrum of what it means to be "civil". The socioeconomic data is also reflecting a dire outcome, displaying that almost half of these communities live in poverty or alarming impoverishment. Therefore half of the population of these groups have chosen urban dwellings, which has a direct correlation to the loss of cultural heritage. As reported by the Rights and Resources Initiative 29,9% of the forested area is legally recognized to belong to the indigenous people. Considering all the data mentioned above, it is hard⁸ to believe that they are truly benefitting from this land. There were reports that found illegal mining on more than 20% of the land owned by these communities. This begs the question, how many more illegal businesses are benefitting from these natural resources? It

⁶ Congressional Research Service, *op. cit.*, p. 2.

⁷ *Ibidem*, p. 7.

⁸ *Ibidem*, p. 16.

is important that the percentage keeps increasing and that their rights are indeed respected and followed up because their role and contribution to climate mitigation and protecting biodiversity is crucial.

Historical Background

Most of Latin America has been colonized by Spain, but France and Portugal were also present in major regions. They imposed their own language, onto the natives and henceforth we have the present examples such as Spanish in Peru and Portuguese in Brasil. Besides the oppression, the colonists or otherwise known as conquistadors also brought deadly diseases, such as smallpox and influenza, to which the locals had no immunity. This led to a greater number of deaths than actual warfare. The indigenous were literally decimated. The language was not the only aspect that was assimilated, but also the Catholic religion, which is predominant in Latin America to this day. Throughout the years the indigenous communities decreased significantly and the ones that could not preserve their territories became exploited workers. The colonists were the ones who created poverty and discrimination for these communities and increased the gap between them and the rest of society. They stole Latin America's wealth and took everything for granted. The colonizing empires would never see indigenous communities as equals. They were always going to be a means to an end. Colonisations happened for economical reasons and to further territorial gains, standards by which an empire's power was measured. Latin America was and still is of great interest due to its resources. The conquistadores turned most of the indigenous people into slaves even though Spain considered them to be equal subjects, the reality was a completely different story. Mainly in Peru but also in other regions, they introduced the system of *encomienda*, which was a secure way of exploiting all the natives and enforcing the systemic abuse towards them. The people were allowed to be worked to death according to the *encomienda* guidelines. There are still powerful foreign interventions that profit from the destruction of Latin America's ecosystem. And this is where policies prove their loopholes and ineffectiveness when it comes to protecting cultural heritage, such as land. It

is being exploited continuously, such as the Amazonian forest with complete disregard for the indigenous communities and their livelihood. They have left these regions, currently countries in a state of poverty, rivalry, and instability. On top of that colonists and many missionaries tried to destroy their cultural heritage to eliminate any physical ties that were linked to their cultural identity. A part of their history was rewritten by the colonists, as they saw fit because they did not recognize the way that it was recorded by the locals. Part of Latin America's cultural identity has been wiped out and there is nothing that can undo the crimes that were committed. Colonists were always about exploitation and never about exploration.

Nowadays the number of indigenous people is decreasing and a lot of what is used to represent their cultural heritage has been destroyed. Still, the ones that are left are continuously fighting for their rights and to protect their cultural heritage. The matter is much more complex and deeply rooted in the historical context. The issue of whom should be in charge of managing and safeguarding tangible and intangible heritage is of international relevance because even though some wrongs cannot be undone, there are still ways to help and learn from previous mistakes. Being involved in the process is important for the indigenous community because it lies at the core of their cultural identity and it is they who are entitled to benefitting and managing everything that is linked with heritage. That is why it is crucial to extend them the invitation of participating in policies that are directed towards managing cultural heritage. Their opinion matters the most and it should be heard.

Latin America faces constant dynamic changes in regards to cultural policies, but also territory. To follow through with the decolonization discourse, indigenous people have to be given back what is rightfully theirs, starting with the territory. Although we are on the right path, we still have a long journey ahead. For most of the 20th century, the regimes have tried to eliminate ethnic and cultural elements, always perceiving being different as being uncivilized. Indigenous people fighting for what is rightfully theirs could be considered a paradox. Historically there is a lot to make up for, especially towards certain communities, but it is truly disturbing that there still has to be a debate on this issue when the right answers are before our eyes.

The Effectiveness of Policies and the Issue of Appropriation

UNESCO World Heritage has by now included several sites and monuments on its list. These cultural heritage elements are being managed by governments and they are also the ones that are benefitting from it. Not including indigenous people in the discussion is what leads this to be a political appropriation, because branding and selling it as a touristic hot spot is not the same as protecting and preserving it for future generations. Using policies to one's advantage to turn cultural monuments into an economical tool is disheartening. Especially since the income that this provides is not directed to preserving and protecting the communities that they actually belong to. This political appropriation leaves the actual indigenous people outside the main conversation. Decades long they have not even been consulted in regards to the protection and preservation of their cultural heritage, let alone benefit from them. Mass tourism has added to the government's desire of having more and more cultural heritage sites and having them commercialize all elements of local cultural heritage, which of course leads to more tourism. But this does not mean that it favors and protects the indigenous people. It is quite on the contrary. Even though bringing awareness can help with preservation, it is not the only factor that matters and it should not be the main focus. Letting communities lead the conversation would be the first step in the right direction.

Heritage includes all types of expression of the relationship between the people, their land, and other beings and spirits that share the same land and are the foundation for keeping up social, economic, and diplomatic relations with other people, and with whom it is also shared. All parts of heritage are interconnected and intertwined with each other and cannot be separated from the traditional territory of certain people. These communities also play a crucial role in regards to promoting a more sustainable way of living. They have the knowledge and are role models for our modern society. Inserting sustainable models into all economical layers is necessary because it is the only way that we can lessen the negative effects of climate change. The importance of the indigenous communities has been clearly stated in our international sustainability goals and it cannot be ignored.

Heritage is a social construction, that a person inherits and it is not something that is chosen. The states need to revise and update their cultural agenda and shift it towards the benefit of indigenous people and there are still many that have to reconnect with their cultural identity because it was stolen from them. It is indeed a complex problem and we also have to take into consideration that most countries in Latin America do not have a very developed economy, which again can be linked to historical events, but pointing fingers will not change anything, henceforth tourism plays a massive role and it is something that in some countries might be considered indispensable. Yet, there are still ways that can be taken into consideration to protect and help preserve all elements of the indigenous people's cultural heritage.

Article 3 in the UN Declaration on the Rights of Indigenous People states as follows: "Indigenous People have the right to self-determination. Under the right, they freely determine their political status and freely pursue under their, economic, social and cultural development."⁹ This clearly offers guidance towards the protection of indigenous people and the fact that no government has the right to impose differently upon them. As long as they are not in opposition to the laws and sovereignty of their state, they can have the right to self-autonomy. Yet some measures such as widening visiting areas interferes with their rights to their own territory. They should be allowed to weigh in on such decisions, because their unfolding spaces keep getting smaller, instead of getting bigger. The Declaration on the Rights of Indigenous People should be the moral compass of governments because its main goal is to protect these communities.

Indigenous people have fought for years until they finally received public and International recognition. Their system of beliefs, language, and their relationship with mother nature was starting to be valued and acknowledged. There are two types of cultural heritages which then have other subcategories: tangible and intangible. The intangible ones are being passed on from generation to generation and are sometimes considered living cultural heritage because they refer to rituals, knowledge, practices, and so on. On the other hand, we have the tangible ones, which are for

⁹ See details in https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.

example Chichen Itza in Mexico, Machu Picchu, Tikal in Guatemala, Copan in Honduras, and so on. Two of these are considered Wonders of the World, because of their overwhelming and breathtaking architecture. Of course, there are several other conditions that they comply with in order to be considered wonders, but just one look is to understand why they have received this status. And yet again we have to consider the fact that indigenous people do not benefit from them, but the government does. Tangible or not tangible, these represent an identity and policies should offer more and they should promote and encourage the way of indigenous people, otherwise, we will lose again precious heritage, because of policies that instead of protection lead to extermination. We must protect what is left.

The Escazu agreement is a step forward, although only 15 countries in Latina America have signed it. This agreement expresses the commitment to taking the necessary measures to defend the communities, but also the environment. On the other hand, we have to be aware that some current governments, such as the ones in Brazil and Columbia, are feeling burdened by these communities because it interferes with their economical plans through the exploitation of resources on lands that are not rightfully theirs to exploit. There is a lot of tension between the indigenous groups and the governments, Columbia even resorting to murder. The local organizations that fight for indigenous rights are not stepping down and are resisting the pressure. These governments are using cultural heritage to their own advantage and they are appropriating land and monuments of their own will. Their growth strategies are against indigenous rights.

Heritage in Conflict: from Local to Global¹⁰

There is a certain controversy in regards to who should be managing these patrimonies and how should communities protect their heritage from political and economical appropriation. Before territories were designated, these indigenous communities have not even been consulted and in order to have these signed up on the list, their governments had to have signed the

¹⁰ Kania, *op. cit.*, 129-136.

World Heritage Convention. So it rather becomes a state problem rather than a cultural one, which is something that in my opinion should be reconsidered. In some cases, it became a political instrument of promotion for tourism, quite the opposite of UNESCO's intention. Even though some monuments have helped with national identity and placed themselves on top of the travel destinations lists, it does not mean that they have a positive impact and consequently they are also being diverted from their original purpose. The conversation should not be about tourism, it should be about these communities.

These visiting objectives for mass tourism have become a threat to local indigenous people. There are tighter restrictions on their territories in regards to land use, farming, hunting, and so on. Conservation of patrimony limits their way of life and prohibits them from enjoying their own heritage and rituals. Their presence is being denied also on the fact that some have adopted a more modern lifestyle, making them look "less indigenous". These labels are unacceptable and inappropriate. Someone's roots or cultural identity cannot be measured or labeled. It is not something that you appropriate, but something that you are born with. Sites that should have brought cultural heritage to life, have become sterile museums, that are just for show and defies the actual continuity of cultural heritage. They are the ones that possess invaluable knowledge, which is indispensable. The focus has to shift towards the indigenous people.

Through aggressive and unnecessary modernization, forced displacement, and artificial decoration the right of indigenous people are being violated. Policies should be reconsidered and rewritten to suit and especially protect indigenous communities and cultural heritage. Governments should tone down on political and economical appropriation and start inviting the indigenous people into the cultural heritage discourse. The voices of indigenous communities should be heard and non-governmental organizations should do everything they can to provide them more legal power and secure their spot on the political stage. We need positive examples and the support of these communities in the sustainable changes that are about to come. The dynamics have to change in order to secure the important parts that have shaped history. Ethnic communities

have endured enough hardships and this needs immediate attention and reaction. On the other hand, the presence of representatives and especially women's groups is increasing on various political platforms and it enables them to open dialogs in regards to the overlapping of policies and protecting their cultural heritage. Governments should encourage the economic initiatives of the indigenous people in order for the country to benefit as a whole and not eliminate them from economic developments as some of them are currently doing. It is a partnership, a joint effort towards a greater goal, from which everyone can benefit from. Also together they can enable better strategies to tackle climate change and sustainable models of using their resources. There are still many gaps to close in the implementation of the rights of indigenous people, but there are significant milestones in the right direction and all the states should be open to negotiations with the communities, which were pre-existing to these states. They should also create a more suitable context for the inclusion and participation of these communities in legal processes. There should be a coordination between these groups and the public institutions in order to create more accurate data, which then can be used to further improve regulatory contexts. Education and access to information should be one of the first steps in the legal framework in order to improve communication between the states and the communities. Growing together as partners is the best way forward.

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