Lives and territories in movement

Resistances of ten indigenous communities in Colombia, Ecuador and Peru

Credits

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Preliminary

1.1 Presentation

This research report entitled **"Lives and territories in movement. Resistances of ten indigenous communities in Colombia, Ecuador and Peru"** is the result of a participatory process in which ten indigenous communities - most of them located in border areas of Colombia, Ecuador and Peru - the Instituto Pensar of the Pontificia Universidad Javeriana from Bogotá, the Jesuit Refugee Service - JRS Ecuador, Encuentros Jesuit Migrant Service - SJM Peru and the Jesuit Refugee Service for Latin America and the Caribbean - JRS LAC - took an active and collaborative part.

The seed with which we started the research was the recognition of the circumstances of high vulnerability, invisibilization, institutional isolation, structural impoverishment and - in some cases - persecution and threats to the lives of indigenous communities that, on occasions, have forced them to migrate to other territories. This forced migration has increased the protection gaps experienced by indigenous communities, and there is a legal and political debate on how to name cross-border ancestral territorial mobility, and how to protect their rights in all the territories where they are located. Added to this was the work that each organization and community was carrying out at various levels, where there was a need to articulate efforts to identify and propose changes to these realities based on respect, inter-culturality, dignity, and justice.

The permanent nourishment and irrigation that nurtured this process was to put the life of the communities at the center, to dialogue with them, to listen to and accompany their narratives-reflections-denunciations, and to explore new ways of expressing their historical, cultural, social and political awareness. The above, in order to find ways to influence the various actors with whom they maintain relationships at the local, national, regional or international level.

In order for this influence to have a greater impact, it was necessary to support indigenous communities in two ways: the first, in the short term, in order to improve, to some extent, their living conditions; the second, to strengthen the advocacy capacities that communities can exercise concerning the processes of recognition and guarantee of collective rights at the local and national level before institutions such as the State and the International Community. We consider that these actions allow the rooting of a different perspective in which the ability to take action of the communities is recognized, as well as the historical debt that westernized society currently owes to these peoples who continue to resist despite the violence and permanent threat to their lives and territory.

Finally, in the report we want to present the fruits that sprout from the ancestral resistances that these ten communities generously share with us in their deep and spiritual relationship of co-care with the territories where they live. The commitment of this sowing requires more hands, nourishment, irrigation, land, work, and shared life. Therefore, this report also seeks to invite the States, the various actors of the international community, and the cooperation of civil society to take part in the care of this sowing. Cultivation in which equity, dignity and justice for all must be the main fertilizer for the care of life.

1.2 Introduction

Lives and territories in movement is a research report carried out in ten communities located in Colombia, Ecuador and Peru, where the diagnoses obtained in each of them are presented. These diagnoses are made up of six general parts that take into account the particularities of both the contexts and the teams that carried out the fieldwork.

The first part identified and characterized the communities visited in Colombia, Ecuador and Peru, locating them geographically, presenting their socio-political organizations, addressing issues related to mobility, the way they were constituted and their conception of ancestral territory. Censuses were also carried out to record the people and households directly and indirectly impacted throughout the process.

The second part sought to answer the question of how to understand the protection gaps, based on the practices of production and reproduction in community life; collective logics of care and self-subsistence that question the logics of the commodification of life imposed by capitalism.

The third part advanced further in understanding the negative character of the term *protection gaps*, pointing out the origin of the obstacles that each community identified in the production and reproduction of its life. In other words, the problems that the members of the communities face in order to subsist individually or to perpetuate the existence of the community in terms of its permanence and transformation over time. Specifically, the difficulties were formulated from the experience with the communities (fieldwork) and not from the diagnoses of the specialized literature on protection gaps in the region or the impact of institutional responses.

Based on the map of actors and the political map, the following are presented: humanitarian actors, state institutions, illegal actors, other indigenous communities and the types of people or institutions that could have relevant interactions with each community (commercial, transport, health). Thus, based on the current situation and historical legacies, these actors were characterized and the interactions they have with the communities were highlighted.

In the fourth section, three scales were covered: (1) International in terms of the humanitarian narrative, (2) National in relation to the legal frameworks, and (3) Local, with respect to the diversity of needs of each of the communities, attending to issues at a regional level. Also, when appropriate, based on the location of problems that are not delimited either by the political division of the national maps or by spatial contiguity, but by common features, family ties, traditional practices and other geographically transversal elements.

In the penultimate section, the abilities to take action identified in each community were highlighted and answers were provided to several questions. For example, how can humanitarian actors and state institutions articulate with the communities' capacities to support them, strengthen them or, at least, not become an obstacle to their life and subsistence; and how do these capacities relate to the obstacles to community production and reproduction?

Each diagnosis -Colombia, Ecuador and Peru- presents conclusions and recommendations regarding the territorial and structural threats faced by ethnic peoples, and the way in which indigenous migration in the current context is becoming a forced migration. The common and differential factors of the institutional responses to the situation are indicated, as well as the common and differential factors regarding the demands of each of the communities.

In addition, at the end of each document, recommendations were made based on the experiences of interaction between the mobility of indigenous communities and the institutional response. This was done taking into account key factors, social dynamics, protection needs and challenges (related to the production and reproduction of community life and institutional responses), accompaniment practices that could improve, change or incorporate humanitarian actors and state institutions for the care of cross-border indigenous communities.

1.3 Findings in the research process

The following are the findings and learnings from the research process in which ten communities in the three countries participated, as follows: in Colombia, El Escobal (Yukpa people), Villa Esperanza (E,ñapa people), and El Paujil reservation (Puinave people); in Ecuador, Upiritu Kankhe Ancestral Settlement Center (A'i Kofán people), Santa Rosa de los Épera (Éperara Siapidaara people), San José de Wisuyá (Kichwa-Siona people), El Baboso Awá Center (Awá people); and, in Peru, Papag Entsa and Alto Pajakus (both belonging to the Awajún people), and the community of Cantagallo (Shipibo-Konibo people).

The reflections emerged from the field visits and the situated perspectives that respond to national, territorial and cultural peculiarities, based on the collaborative exchanges between the research teams and the community promoters who took an active part in the research. This made it possible to prepare a diagnosis for each country regarding the threatening situations faced by the communities, including a multiscale analysis of the challenges or protection gaps, a mapping of actors, and the recognition of the forms of reproduction of life and culture.

With this in mind, the main reflections emerging from the three country diagnoses were presented, which in no way seek to subsume the complexity of the particular, situated and contextual realities of each community. The intention is to gather the most significant common elements in order to make a critical analysis of the sometimes conflictive and antagonistic relations with the State, humanitarian actors and other actors that are beginning to have strategic interests in the territories. Further analysis is

therefore recommended by looking at the diagnoses for Colombia, Ecuador and Peru.

In this sense, the following are six reflections that were identified as common and that allowed for a critical understanding of the meaning of protection gaps..

1.3.1 Threats to the reproduction of life and culture faced by communities

The exercises and knowledge workshops carried out in each of the communities highlighted the fact that the current threats related to the danger of territorial dispossession, the deepening of confinement, cultural loss, the disintegration of the social fabric, institutional disregard of subjects who have collective rights, among others, are part of a continuum of violence that has been experienced historically since colonial times. The historical memory of the indigenous peoples has made it possible to trace the processes of economic exploitation, and forced displacements as a consequence of the presence of armed actors and socio-religious impositions, that were detrimental to their physical, cultural and spiritual survival, and that have been based on modern conceptualizations of appropriation and exploitation of the land and the human, animal and inanimate beings that cohabit there.

Ancestral territories have been understood by the State and white-mestizo society as empty spaces that can be transformed into *commodities* for the international market, while the communities that have

established these special relationships with the territory have been represented as "obstacles" and have had to experience criminalization and stigmatization processes when they have undertaken the collective defense of their territories.

The communities of the Upiritu Kankhe Ancestral Settlement Center, San José de Wisuyá, El Baboso (in Ecuador), Papag Entsa and Alto Pajakus (in Peru) have been put under heavy pressure by the presence of state and private, legal and illegal extractive companies, whose activities have impacted their territory, including "legalized" or de facto forms of dispossession, environmental pollution, and loss of food sovereignty.

In the case of Santa Rosa de los Épera (Ecuador), the main threat has to do with the non-recognition of their territory and the process of confinement and enclosure of the territory they currently inhabit; this, together with the increase in their population, is putting their food sovereignty at risk. On the other hand, the multicultural reservation of El Paujil (Colombia), which -despite being officially recognized as a collective territory- is undergoing a process of confinement due to the arrival of families of the Puinave people. They have family relationships there, and have had itinerant mobilization processes, but recently the current multidimensional crisis in Venezuela has forced them to mobilize in order to ensure new means of food security and reproduction of life.

A similar situation is experienced by the communities of Escobal and Villa Esperanza (Colombia), who have recently settled in urban territories, and recognize themselves as bi-national, cross-border, and even transnational. Their recent itinerancies correspond, not to their own cultural logics of life reproduction, but to urgent responses to the Venezuelan situation, and the Colombian State has placed administrative obstacles concerning the recognition of itinerant and mobile subjectivity, which has resulted in a lack of recognition of their right to access basic services, and the increase of cases of statelessness among minors.

In the case of the community of Cantagallo (Peru), there is also evidence of a mobilization process to the city, in this case in response to the repeated absence of political will to guarantee the minimum conditions of existence in their territories. In addition, they face a broad process of stigmatization and discrimination, and many of these communities - by moving across nation-state borders - have been exposed in recent years to forms of control and violence of illegal armed actors and drug traffickers.

1.3.2 Towards a critical conceptualization of protection gaps

As can be seen in the diagnoses of each country, various reasons make the expression inadequate, insufficient and even an obstacle. For this reason, when faced with the need to use such a notion, the research team was obliged to overcome two of its constituent defects. On the one hand, the notion of a gap implies the absence of something related to a completeness that is never specified, which from the outset is problematic because, on the other hand, it does not take into account the specific situation of the communities on which the notion impacts (those diagnosed as being in a protection gap). This produces the imaginary idea of indigenous communities as societies lacking something and in need of protection, leading to a state or supra-state legality that generates unequal power relations. Therefore, it is stated that:

> … it will require, initially, an approach to a phenomenon that can always be observed again with new tools, due to the continuous reordering of social conditions involving migration, and the fragility of human groups in the face of naturalized violence in territories where the logics of liberal democracies do not transparently govern with their array of rights and institutions. In short, this approach seeks to identify the possible contents of the humanitarian concept of "protection gaps", as it could be understood by displaced indigenous communities, subjected to international migration or living on borders, where their mobilization is determined not so much by their own ability to take action, as by state or illegal actors or climatic factors. Therefore, rather than starting from a definition of the term protection, fieldworkers will collect information from communities to identify in what sense they identify what we might call "gaps" in their conditions of existence, what role these communities consider they play in managing that gap, who or what entity they consider could or should be in charge of filling that gap, how that might refer to a type of protection, and in what sense they relate to the issue of mobilization (methodological document).

As can be deduced, the idea of protection gaps - intended as a way of making visible the living conditions of the communities with which the research teams interacted in the three countries - was crucial to critically

understand the threats and dangers that affect them and how these are articulated with the action or inaction of the State and humanitarian organizations.

The issue at stake is that this term ratifies the state-centric and liberal dimension with which links are established with the communities, with whom exchanges were made during the fieldwork. This logic is problematic in that it is produced "from above", assigns legal-administrative frameworks that are incapable of dialoguing with other ways of "doing" and imposes individualization procedures that ignore the collective and integral character of the indigenous peoples. An understanding that, moreover, tends to reproduce what has been called the myth of the absence of the State, the idea that there is something that the State has not yet been able to cover and that must be addressed because it represents a "gap".

However, such a gap actually shows a type of operation, a social order, that serves specific political and economic interests. In this sense, the cracking of the social fabric, territorial loss, as well as the individualization already mentioned, produces individuals on the margins of their social conditions of existence. In the end, this depoliticizes their situation turning it into a matter of self-sustainability and adequacy to a market that, for reasons that are widely presented in the country reports, does not offer equitable conditions of participation and perpetuates colonial relations.

Based on the above, the research took as a starting point the reflections proposed by Professor Louidor (2017), to understand protection gaps as "(…) the inadequacies or shortcomings at the analytical, legal, political, institutional and other conceptual levels…"

> *EIn this sense, the gaps range from the lack of (officially accepted) names to categorize certain groups of migrants, through the absence of international instruments for the protection of their rights or their limitations. Then there are also analytical, political or institutional gaps in order to be able to carry out a correct analysis of their needs, adopt adequate measures (in terms of public policy, support programs and services) and implement them through institutions established for this purpose (p. 66).*

Thus, the notion of a gap, from being a fixed characteristic of indigenous communities, becomes a tool to identify the difficulties that States and humanitarian actors have to account for, intervene, support, make visible, and even produce, for the communities with which they work.

1.3.3 Ways of naming and conceptual frameworks matter

The conceptual frameworks produced by governments and humanitarian aid platforms end up limiting and even blocking the understanding of practices associated with the *continuum* of human mobilities. This also makes it difficult to empathize and accept the complexity implied by other forms of socially producing and inhabiting the territory, which, at the same time, enter into contradiction with forms of dispossession and violence. This is why there is no form of nomadism without uprooting, re-adaptation, hopes and cultural differences, and there is no sedentary lifestyle that can be understood as a definitive fixation to geographical coordinates. Nor is there human mobility in an objective, unique sense: each settlement and each mobility is impacted by a series of specific details related to the borders crossed, national legislations, the personal situation of those who migrate, and the networks they are part of.

The diversity of situations contrasts with the homogeneity of such concepts and the institutions' statement records on the subject of migration: a series of statements as part of an official narrative that produces identities, classifications of territories, policies and institutional practices, as well as social responses and resistances, all of them empirically identifiable. We speak of migrants when members of an indigenous community cross territorial borders (defined by modern nation states), when, from the community's point of view, this mobility takes place in the territories of circulation and reproduction of life that are their own, defined even from ancestral times.

This vocabulary problem is repeated - mutatis *mutandis* - with terms such as *citizenship* or other figures in national legal frameworks, such as displaced persons or refugees, for example. And while these terms may serve to identify specific situations, they also conceal, ignore and promote processes of stigmatization against migrating groups, as well as persecution or segregation in the host societies; cases that can be identified in their diversity and particularity in the country diagnoses.

The above made it possible to understand the work with the communities that participated in the research, because the protection gaps are produced by the vertical imposition on the ways of speaking. This aspect

makes it impossible both to establish horizontal dealings with the indigenous communities and to account for the diversity of phenomena to which they are exposed due to the territorial situation in which they live. Therefore, this leads to the impossibility of treating them on equal terms beyond the narrow framework of citizenship, the impossibility of accepting their own point of view, the impossibility of thinking of them outside the institutional structures of the territorial organization of nations or of local and transnational humanitarian bureaucracies.

The observations will allow those who read these pages to create a network of statements that establish forms of visibility and concealment of the communities.

1.3.4 Institutional racism and the handling of indigenous communities as cases of otherness

The violence and lack of recognition that befalls indigenous collectives due to the way in which they are named is reinforced by the way in which the national records operate concerning their supranational interactions. These records determine the visibility of the communities from the effects of differentiation to which they continually refer: the presence of others, in relation to the citizenship of the national territory. This condition of otherness is worsened in countries such as Colombia, Ecuador and Peru, where conditions of structural inequality persist. Such communities that are misnamed and/or are not even recognized as members of the citizenship often lack food security, an education according to the needs of their community, a recognition as actors in the labor market, the possibility of taking care of their own health, both in the terms of the communities and in the forms of healing linked to professional medicine.

There is a lack of political will to implement legal mechanisms for protection and recognition, and excessive bureaucracy to address urgent problems of human rights violations. There is also a lack of legitimacy of the State authorities in the eyes of the indigenous communities due to a repeated history of non-compliance with previously established agreements, as well as an inoperability to investigate violations of prior consultation and to paralyze imminent territorial violations. All this is contrasted by a wide margin of maneuver to approve mining licenses, reinvent legal figures concerning

ancestral territories, and the active criminalization of communities that oppose the imposition of extractive industries. These ambivalent but deliberate actions of turning a blind eye when it comes to situations that put communities at physical risk, while facilitating the deployment of extractive and mining-energy economies, provide evidence of a particular form of State intervention based on necropolitics (Mbembe, 2003) and the production of precarious lives, as a continuity of the coloniality of power.

Added to this is the absence of intercultural and territorial approaches when planning and developing social policies, the lack of or very low participation of communities in public discussions that affect them, exclusionary and discriminatory practices in public administration that end up stigmatizing, exoticizing and ignoring the communities and their members as subjects with rights.

The research also identified the legal frameworks of protection, from the international scenario to the complex domestic scenario of each country that is contracting agreements, conventions and other instruments; while at the same time passing through the regional scenario, differentiated specifically in each country, not only in its narrative, its profile and legal hierarchy, but also in its developments.

The legal representation of power relations is linked to fundamental aspects of our South American constitutionalism, even more so in societies that are searching for their identities, associated with ethnicity and territory. So, although the general frameworks survive in abstraction on a universal level, their local, regional, domestic application implies a meticulous process of construction from the diffuse angles contoured by instruments that are difficult to implement, and lack binding force due to the absence of hard mechanisms of enforceability, among others. Although in each of the states investigated there are protection frameworks with different levels of progress, it is necessary to contrast them, to put them in dialogue with each other, in order to methodologically identify common gaps, with a view to presenting serious proposals, with multiple solution levels. This is also what the work presented here will show.

1.3.5 Short-term solutions to structural and pressing problems

The ways of conceptualizing and understanding the realities of indigenous peoples and nationalities "from above" end up shaping public policies and forms of intervention by humanitarian actors. It turns out to be a common denominator that actions are rationalized on the basis of welfarism and humanitarianism. When this happens, the intervention itself ends up producing gaps in the protection of communities, with the following consequences. 1). Humanitarian entities, in the case of the three countries, end up replacing the State in its responsibilities as guarantors of rights, which also poses problems when the measures taken end up being short term. This occurs due to the conditions set by international cooperation, such as the limited budget and the logic of action through projects; that is, disjointed and conceived in the limiting context of emergency relief. 2). Actions from humanitarianism and benevolence are reiterated with no recognition of indigenous peoples as subjects with collective rights; in the long term they do not promote legal guarantees and the recognition of collective rights. 3). There is a gap in the understanding of the situations experienced by the communities. On the one hand, from above these are understood as emergency situations, when they have to be forcibly displaced, but what is not recognized is that behind these situations lie historical demands of indigenous peoples for the recognition of their territories, the inviolability of the same, or the recognition of their conditions as bi-national, transnational or cross-border peoples. 4). As expressed by the different communities that participated in the research, the interaction of the communities with other actors has implied losses in their survival conditions, in their daily life, and in their forms of organization.

1.3.6 Abilities to take action

The research exercise also consisted of making visible the strategies and abilities to take action mobilized by the communities in the three countries and recognizing their historical struggles for the survival of their peoples. For this reason, in each of the reports, the background of each settlement is indicated, in particular issues related to mobility, the way in which each community was constituted, and its conception of the ancestral territory. In addition, the research identified community practices related to the ways in which individually and collectively the life of the community is produced and reproduced, and the ways in which possible obstacles to this end are overcome.

The country diagnoses indicate the various abilities to take action shown by the communities to confront the situation of mobility in relation to the obstacles identified in the fieldwork regarding the production and reproduction of their community life. This implies distinguishing that although from the point of view of the States, the mobility of these indigenous communities may appear as international migration or irregular migration, this displacement is an ability to take action shown by the communities to confront the obstacles to the production and reproduction of the community and its collective practices.

In other words, human mobility - which served as a driving force for the formulation of this research project in relation to protection gaps in transnational indigenous communities - is a capacity of these communities to overcome the daily difficulties that put at risk the subsistence of their members, and also the capacity of adaptation and transformation of the communities to guarantee their durability over time.

This capacity should not be confused, particularly when dealing with communities with some degree of nomadism: it is not always the result of communal will or traditional behavior. Many times, it is the effect of pressure from illegal actors, state-supported industries, the extension of the agricultural frontier, and climatic factors, among others. In each of these cases, the communities' ability to take action is apparent, as evidenced by their subsistence and the trajectory of their mobility (which may include rest or circularity).

This research - carried out in little more than a year - made it possible to get to know the communities in each of the countries, to travel through their territories as far as possible, and to make visible the emerging leaderships and the collective practices of self-care and survival that persist despite the great institutional challenges and the consequences of the extractivist locomotives. In addition, those who read these pages will find, not recommendations, but critical frameworks to understand how States, borders, extractive companies and humanitarian actors have produced forms of vulnerability and have reduced indigenous peoples to

being subjects with needs. These frameworks can surely be replicated to approach other situated experiences.

Finally, with regard to the continuity of the project, in the coming months, the teams will continue to work together with the communities in each of the countries to strengthen their organizational processes based on respect and listening, sharing knowledge and experiences, and accompanying training and political advocacy processes.

1.4 Methodological considerations that framed the research

1. A first factor to consider refers to the notion of *indigenous population* as a unit of analysis. Because in Colombia this notion is polysemic, within the same document, *people* and *community* are used interchangeably, bearing in mind that the sources of information make empirically difficult the historical reconstructions of the indigenous households worked with in this research. Pragmatically, the population units were established based on the condition of *being a speaker of the language of the community*; that is: speaking Panare for the people of the E,ñapa community, and Yukpa for the Yukpa people (any of its dialectal variants).

This ethno linguistic category is included in almost all sources of information with an ethnic marker and is not only a useful criterion in retrospective studies of indigenous demographic dynamics, but also language constitutes an important articulating element of the community or the people, as well as being considered as territory of memory and a space of cultural resistance. (Bartolomé y Barabas, 1996).

In the case of the Puinave community, ethnic recognition was one of the identification criteria also taken into account in the consideration of belonging to this indigenous people. This decision was made for several reasons: 1) Despite the fact that approximately 87.5% of the totality of the people speak the Puinave language and that there is a great vitality of its use[1], gradually and especially in the child and youth population (0-14 years), there are perceived limitations for the adequate use of the language (Ministry of Culture, S.F., p. 1). 2) To account for the variety of multiethnic relationships that occur in the territories where members of the Puinave community live with other indigenous peoples as well as with people who do not identify themselves as such, so that even if people do not speak Puinave, as happens in cases of marriage, adoption, etc., they can be considered Puinave. 3) To question and make evident the spatial mobilities and the construction of new places of life for the Puinave community, which rethink and problematize the use of a single language, the continuity in a single territory, and the development of static cultural practices anchored in time and in a specific historical moment.

By breaking the confinement of indigenous societies as isolated, static communities, alien to local, regional and transnational networks, the complexities regarding the use of their language become apparent. The interrelationships between mobilities make it possible to understand the Amazon as "a complex panorama of regional organization, with large-scale exchange networks, stratified societies and interethnic economic, political and religious systems" (Micarelli, 2010, p. 494).

On the other hand, it is pertinent to clarify the use of the term *community* when referring to the Puinave people. The SINCHI institute, in a research project on human settlements in Guainía, defined it as: "The spaces of this people, with fluid and ambiguous limits,

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[1] The Puinave language is also called wänsöhöt yedöhet, guaipuinace, caberre, uaipi and belongs to the Maku-Puinave linguistic family. (Ministry of Culture, S.F., p. 1).

whose organization is based on cultural rather than political or economic criteria, which are given by the hierarchy of the clan and their respective lineages. Here the communal ownership of land establishes associative forms that are fundamental for the unity of the ethnic group" (Salazar et al., 2006, p. 28).

This definition will be expanded below, given that -when reference is made to *community*- we are talking about multiethnic and intercultural spaces and populations that do not correspond -most of the time- to the notion of a single ethnic group, although there may be a predominance of one of them. A Puinave community promoter, when asked about the definition of the word community, answered: "It is a group or association of people who are mostly located near bodies of water such as rivers or streams, and organized as hamlets with their houses, their families, their sports field and their church, and where it does not matter that not all the people are of the same ethnic group". (Conversation with a leader during a social and historical mapping exercise in the archives of the El Paujil reservation).

2. Community promoters. This work provided two connotations: (1) "As an activist who assumes a specific and delimited role in the research carried out in his or her territory of struggle or in another of those visited together. Their work is not equivalent to or a substitute for the academic[2], but is developed out of their knowledge of the struggle for and experience of their territories" and (2) as "central figures in the network of affinities" that sustain the research (Flórez-Flórez et al., 2020).

This is based on the scope described above and four specific aspects of their actions: 1. As a *community liaison actor* to facilitate communication between those who participate directly -from their own people- and the research team, with their own traditional authorities, and with other indigenous peoples with whom they coexist and live together in the same space or territory. They also motivate group participation and exchange in the research activities, ensure the proper use of the research materials, share, debate, and present relevant information and plan and adapt the methods for its collection, and value the life experience and knowledge of their own people. 2. As a *linguistic and intercultural mediator* to translate and interpret in different scenarios between the indigenous people and the different actors, in addition to the different activities developed in the project and its products, to ensure the dissemination of the indigenous language in scenarios of access to information, forms of integration, and resistance of the culture and intellectual heritage of these populations. 3. As a *methodological facilitator* who is an integral part of the field research team, and who also participates in the design, execution and socialization of listening sessions, participatory diagnoses (social mapping), and dialogues with different actors, communication pieces and didactic materials throughout the project, and the implementation of community initiatives. 4. *Guides and counselors* who question the way of being, doing and undoing the research, in a way that goes far beyond the classic figure of the informant in the field and tries to challenge, even if only a little, the unequal relations in research projects. Many times the processes, the ways of implementing the activities, and the results were discussed, as well as the successes and failures in the processes carried out and the expected results.

3. Regarding the political aspect of the research. The notions of counter-narratives and counter-mapping have been a reference: they refer to the production of new maps or heretical cartographies[3] of migration and borders with the intention of contributing to the reflection on the different forms of appropriation of mapping practices for critical research and political activism. These practices encourage the problematization of official cartographies or cartopolitics for the

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[2] Two puinaves chosen as community promoters, two leaders who accompanied this process from the beginning and the people who responded to the call for the process and the accompaniment provided, often went beyond the academic work because they questioned and nurtured it in the various activities carried out. These included the accompaniment of the tours to the different parts of El Paujil reservation, the ways of relating to the community, the stories about the ways in which the territory moves and is transformed and the time to understand the processes, the way in which the proposal of the community initiative (Kogkag-ajícero-restaurant) took shape, and the relationship with the entities (calls for proposals, patience, etc.). All this enabled them to understand that the struggles and experiences in their territories are precarious struggles in transnational border spaces where life and death are determined.

[3] A notion inspired by the work of Abdelmalek Sayad on new modalities of mapping as practices of negotiation, contestation and resistance, arising in the context of the intensification of migration and border controls and multiple violence exercised on migrant subjects. (Basualdo et al., 2019).

critical analysis of the disputes and resistance concerning the control and freedom of movement in the South American territories. (Basualdo et al., 2019). The heretical in Sayad (2010) implies a critical interrogation of "state thinking".

The objective of the new textual and territorial narratives was to promote participation and the use of their own forms of representation, and to narrate the movements through the territories. The exercise of "mapping" was conceived as "a practice, an act of reflection in which the map is only one of the tools that facilitates the approach to and problematization of social, subjective, geographical territories" (Risler and Ares, 2013, p. 7). Through these community practices and the stories that emerged from them, it was intended to subvert the dominant and hegemonic views on territories and question the creation of "borders" as a mechanism that manages, organizes and regulates the people who inhabit or transit through different places, spaces and territories.

4. Regarding the scope of this research, the results are limited to the communities worked with, and caution is required when generalizing findings and conclusions for the totality of indigenous peoples; in this sense, the findings are limited to each subgroup of families in each of the ten indigenous communities mentioned at the beginning of this preliminary text.

Colombia

Acronym

ACUSHIKOLM: Shipibo Urban Community Association of Metropolitan Lima

ASHIREL: Shipibo Residents Association in Lima

AVSHIL: Shipibo Housing Association in Lima

ACHR: American Convention on Human Rights

CEPLAN: National Strategic Planning Center

IACHR: Inter-American Commission on Human Rights

CEDAW Committee: Committee on the Elimination of all forms of Discrimination against Women

Convention 169: International Labor Organization (**ILO**) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

IAHR Court: Inter-American Court of Human Rights

OMB: Ombudsman's Office

DS: Supreme Decree

DIRESA: Regional Health Directorate

DNI: National Identity Card

UDHR: Universal Declaration of Human Rights

ENDES: Demographic and Family Health Survey

ETPV: Temporary Protection Statute for Venezuelans

GIFMM: Inter-Managerial Group on Mixed Migratory Flows

GORE: Regional Governments

IDE: State Density Index

INDEPA: INational Institute for the Development of Andean, Amazonian and Afro-Peruvian Peoples

INEI: National Institute of Statistics and Informatics

MIDIS: Ministry of Social Development and Inclusion

MML: Metropolitan Municipality of Lima

MIDAGRI: Ministry of Agrarian Development and Irrigation

MIMP: Ministry of Women and Vulnerable Populations

MINAM: Ministry of Environment

MINCUL: Ministry of Culture

MINDEF: Ministry of Defense

MINEDU: Ministry of Education

MININTER: Home Office

MINJUSDH: Ministry of Justice and Human Rights

MINSA: Ministry of Health

MINTRA: Ministry of Labor and Employment Promotion

MTC: Ministry of Transportation and Communications

MVCS: Ministry of Housing, Construction and Sanitation

NNA: Children and Adolescents

ODECOFROC: Central Organization for the Development of the Cenepa Border Communities

ILO: International Labor Organization

ICCPR: International Covenant on Civil and Political Rights

ICESCR: International Covenant on Economic, Social and Cultural Rights

UNDP: United Nations Development Programme

PPT: Temporary Protected Permission

SAIPE: Agricultural Service for Economic Promotion and Research

FTA: Free Trade Agreement

Content

2.1 Characterization of the communities

2.1.1 Yukpa Communities (Cúcuta, Norte de Santander)

2.1.1.1 Geographical location

Between 2012 and 2017, various family groups of the Yukpa people settled and resettled in a strip of the Nuevo Escobal neighborhood on the outskirts of Cúcuta, a geographic area familiar to these groups, as it is part of the territory through which they have transited for as long as they can remember: the Sierra del Perijá, which extends naturally between Colombia and Venezuela.

The Nuevo Escobal neighborhood is located east of Cúcuta, just before the Francisco de Paula Santander international bridge, where there is an official border control point leading to the municipality of Pedro María Ureña in Venezuela; it is also adjacent to the Táchira River, just meters away, which is the political border between the two countries.

The Yukpa people have historically inhabited the Serranía or Sierra del Perijá, a territory shared by Colombia and Venezuela between the departments of La Guajira, Cesar and Norte de Santander, on the Colombian side; and the state of Zulia, in Venezuela. They speak a language of the northern branch of the Caribbean linguistic family, Yukpa, which has eight dialects. Among the two communities settled in Nuevo Escobal three of these dialectal variants were found: Atapshi (Rionegrinos-Macoitas), Parirí and Irapa (Chaparro, Viakshi). The people of the community consider that: "My identity is not represented by a document but by my language. We do not know the term Venezuelan or Colombian but Owaya/Oweija, which is the territory where we walk".

The geographic area of the Yukpa population is very broad and goes beyond state border lines; therefore, this people are considered, but not recognized, as bi- or pluri-national.[1] In this regard, the Colombian Foreign Ministry stated for this analysis that their bi-national status is not recognized, given that there is no public treaty between Venezuela and Colombia where this recognition is explicitly stated, which is contrary to their indigenous worldview and law of origin, and contrary to international human rights law and ILO Convention 169 of 1989, which establishes obligations for the Colombian and Venezuelan states in this matter.

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[1] Bi- or pluri-nationality shall be understood as the double legal and political link between these indigenous peoples and both states (Colombia and Venezuela), which translates into the recognition of transnational citizenship and access to fundamental rights with an ethnic differential approach. According to the Colombian regulatory framework, in order to recognize the bi-nationality of cross-border indigenous peoples, it is necessary to comply with at least two requirements; (1) the existence of an international treaty with the State that shares a border and (2) recognition of nationalities through two channels. Article 96 of the Political Constitution establishes that Colombian nationality may be obtained by birth or by adoption. In the case of cross-border indigenous peoples, paragraph C makes this recognition conditional upon the existence of a treaty with the State with which the territory is shared, by virtue of the principle of reciprocity.
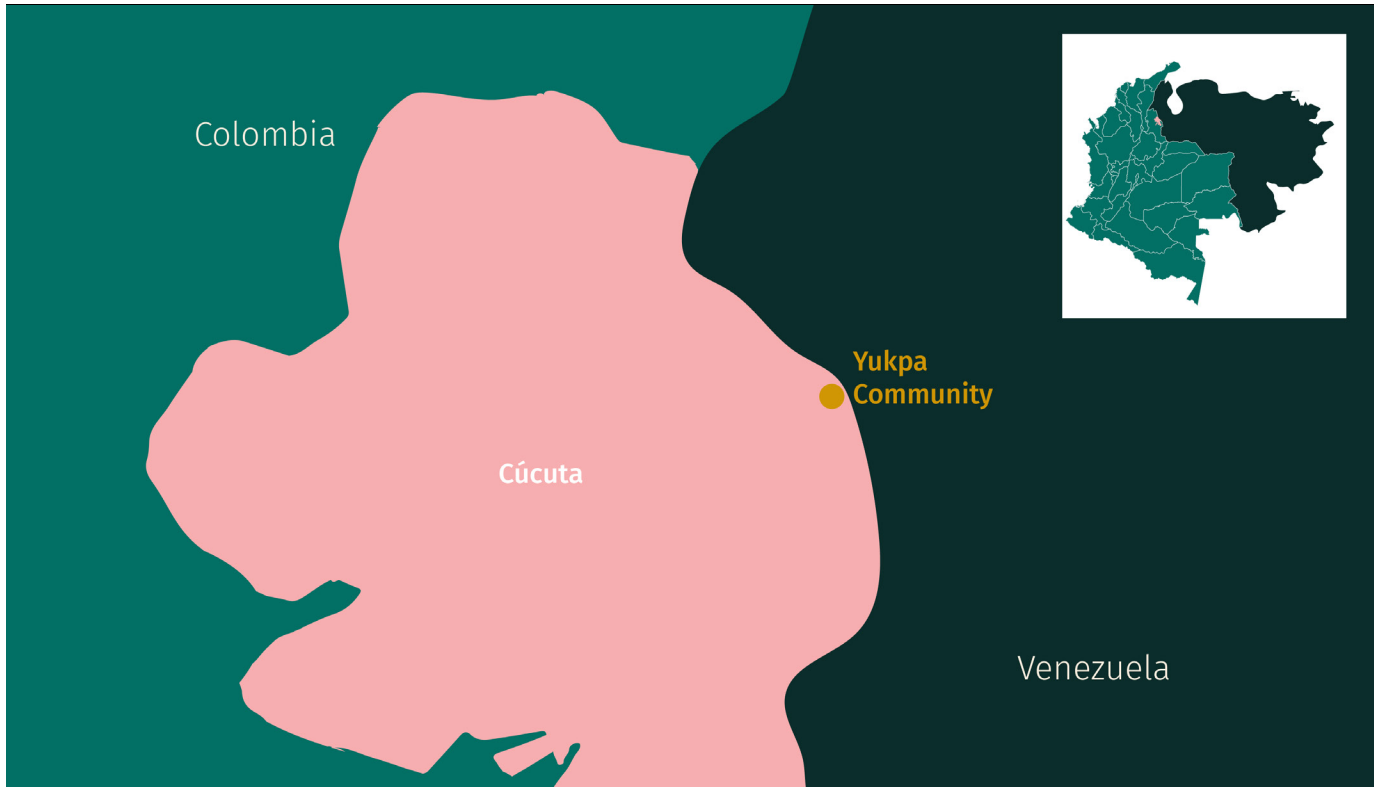
Map 1. Location of the Yukpa people (Cúcuta, Norte de Santander).

Source: Prepared by the authors with information from Google Maps (n.d.) [Nuevo Escobal Neighborhood]. Available at: https://goo.gl/maps/RadowSMngL4Pej9v7

Although by self-recognition they are bi- or pluri-national and transnational, the bureaucratic logics of the states have failed to accept and protect them, to the point that the members of this people are considered foreigners in their territory. Due to the lack of this state recognition, the geographical mobility of the last ten years has been reduced to irregular and pendular international migration;[2] that is to say, from the perspective of methodological nationalism these people are not indigenous, they are "illegal immigrants" and "non-citizens", therefore: "foreigners".

Their mobilities are based on what they call "territorial memory". This memorial cartography is transferred generationally from the older people, also called living books, to the younger ones. These older people refer to the places and routes they follow because, according to them, they can always return. They narrate that in their journeys they maintain a vital relationship with water and rivers as a fundamental part of the territory. It is not fortuitous then that the groups settled in Cúcuta inhabit the banks of the Táchira River as a reference and part of the natural context; their mobilities also follow the trajectories of the rivers.

Although from their cosmogony they are a culture based on movement, they also have settlement areas that are not very comprehensible for urban and sedentary societies among which they move and where they are rejected. Mobilities include periods of rest and circularity. For this community, time -like movement- comes and goes in a spiral, defying the linearity of time that is governed by past, present and future; and the binary view of origin and destination. The basis that sustains this *continuum* is the deep respect for their origin and culture.

Perhaps one of the main challenges expressed by the Yukpa authorities in the course of this research was precisely the difficulty of explaining to white and non-indigenous people (and in another language) their semi-nomadism, their culture of movement, being this a special opportunity for advocacy.

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[2] Pendular migration, according to the Colombian Comprehensive Migration Policy, is: "migrants who reside in border areas and move habitually between the two states, with the possibility of multiple entries and exits per day, with proper registration, through the same Migration Control Post". This refers to "migration" to satisfy specific needs (medicine, food, health care); therefore, it does not apply to the Yukpa migrants who settled and resettled in Nuevo Escobal.

The mobility of the Yukpa brings them to settle and resettle in the Nuevo Escobal de Cúcuta and passes between the Sierra or Serranía del Perijá, but also in Maracaibo, part of Catatumbo, and Norte de Santander. Mainly they are "visiting families, looking for better opportunities to live and survive because wherever there is a Yukpa family or where there is a settlement of ours, we will continue to pass through there. The communities of Nuevo Escobal are part of our transitions", explained one of the community promoters.

There are Yukpas settled in various places in Norte de Santander, specifically in Cúcuta, Tibú, El Tarra and San Pablo, and others who move frequently between these cities. Additionally, a group from this people has settled in Barrancabermeja (western Santander), and to a lesser extent in Barranquilla and Bucaramanga - from where the municipal mayor's office decided to expel them in March 2022.

The Yukpa people in general, and the Nuevo Escobal families in particular, have always been in Colombia. Since before the current territorial movements, the largest settlements (recognized today as reservations) were Sokorpa and Iroka, both in Cesar.

Their nomadism or semi-nomadism is part of the community's social capital to overcome the daily difficulties that, individually, would jeopardize the subsistence of its members and also the ability to adapt and transform to ensure their duration over time. However, they are not always the result of the will of the community or of traditional behavior; the movements of families framed for at least 10 years respond to historical and structural factors such as the pressure of illegal actors, industries supported by the Venezuelan State, agrarian extractivism and the extension of the agricultural frontier, climatic factors such as the drought of rivers and difficulty of access to land for cultivation, in addition to the Venezuelan multidimensional crisis, among others. Currently, the Yukpa communities settled in Nuevo Escobal express the need for access to minimum security conditions, recognition, rights, institutional offers and services.

The occupation of the land on the banks of the Táchira River -where they currently live- is considered an invasion of public space and a high-risk area by the local authorities, which means that there is no possibility of formalizing this collective property there.

Now, although the Political Constitution of Colombia recognizes the creation of collective territories under the figure of reservations and these constitute, in principle, a guarantee of the right to collective property for the indigenous communities, there is the possibility that by forming a reservation in a "confined" space, the mobile forms in which these communities inhabit the territories are made invisible. This is another possible advocacy issue

For linguist Wilson Largo "the Yukpa word for water is *Kuna*, but the word for river is *Kuna topone* which literally refers to "walking/moving water", which provides a cognitive sense of the movement that is immersed in their culture and which encourages them to be that being that walks", "(..) laughter gave us movement and with it came life." (2018). A fragment of the Yukpa origin myth, which is usually narrated by people who are called living books by the community.

2.1.1.2 Socio-political organization

It could be said that intercultural contact, especially of a humanitarian and religious nature, has generated changes in the forms of Yukpa social and political organization that should not necessarily be interpreted as a weakening, but perhaps as one of the aspects in which the communities manage to produce and reproduce their existence. .

Stage 1. From "pilot centers" in Venezuela (2009), to "camps" (between 2012 and 2017) in Colombia

The Yukpa population of Nuevo Escobal led their lives in the Sierra del Perijá (mainly on the Venezuelan side) before their seasonal arrival in Norte de Santander, as a result of the Pilot Centers created during the government of Isaías Medina Angarita (1941-1945) to control the communities settled in the foothills of the Sierra del Perijá. The objective of these centers was to generate an order "from above" that obeyed the programmatic needs of the government. They were Western-style cities for nuclear Yukpa people dispersed under various strategies such as Christianization through dependence on the religious services of the Capuchin missions called "Social, Humanist or Christian Missions".

Image 1. Social mapping of the settlement of Yukpa families in Cúcuta.

Source: Prepared by community promoters and indigenous authorities.

This new form of organization required them to centralize everything around a single chieftain (Yuwatpū) as a prerequisite to receive specific (economic) attention and the benefits of Christian social missions. Prior to the existence of the Pilot Centers, the Yukpa people were organized in a different way that is beyond the scope of this research.

The testimonies collected in this research account for a primary settlement in 2012 and the subsequent mass arrival of groups of families in 2017 who, following the Venezuelan multidimensional crisis, decided to mobilize and settle in Cúcuta, on the banks of the Táchira River (El Nuevo Escobal).

A member of the community says: "My grandmother and my mother say that this was a Barí and Yukpa village, before the city of Cúcuta, Colombia", "We have been in El Escobal since 2017. We formed these communities because of the situation in Venezuela; we could not live like this without selling what we planted, without food, without health, and without clean water".

In 2017, around 500 Yukpa were mobilized in groups of extended families. At the beginning, they understood that the institutions referred to them as the Yukpa camp, so they coined this term to define the place they inhabited.

Stage 2. From camps to communities in Colombia (from 2019).
After about two years they realized that the camp was associated with migrants because that is what officials call migrant settlements from Venezuela. They quickly wanted to disassociate themselves from the label of migrants from Venezuela.

This research demonstrates that the needs, requests and desires of the Yukpa people is recognition [read protection], recognition of their ethnic and cultural identity. Loudly these people demand not to be called *migrants* and much less to be treated as *beggars* and express: "We are Yukpa, not Venezuelan migrants. We have culture, language, we are artisans, we know how to do many things, we bring knowledge and we need work."

Image 2. Spaces for self-education, internal community assemblies, and open to the community Watilla for meetings with public and private institutions.

Source: Photos taken during listening sessions with the community, March 2022.

For another community promoter, Yukpa mobilities also have moments of settlement when communities are formed, so that they went from being camps to Yukpa transnational communities, to account for a community contextualized as a social relationship with a presence here and there.

About 500 people live, settle and resettle in this place, organized in two transnational communities: Uchapectatpo and Maüracha (See Image 1). But why two communities and not one? The first settlement or community is called Uchapectatpo. This name refers to the first chief who, together with a couple of other families, were the first to settle in El Nuevo Escobal. Later, following the arrival of more families, the need arose to have two chiefs in charge, and so the second community was founded and named Manüracha in reference to the tree of life within the Atansha (traditional Yukpa story).

Each community has its own organization (with a Chief Elder or Yuwatpu), occupies a specific place within the community space they inhabit (Owaya), and also has its own community hall.

These spaces are generally closed and guarded by the authorities of each community. They were built at the request of the communities, given the climatic conditions (heat waves and sun) when remaining outdoors for long periods of time, and facilitate internal and external community work, in addition to providing a sense of security. Within the framework of this project, they provided the space where the listening sessions were held.

The two communities coexist directly on a daily basis, and there are family members up to the first degree of kinship, as is also the case with those of El Tarra and Tibú, and even with those who live in the reservations of Cesar. However, it seems that the decision to divide with two yuwatpū (inherited from the Pilot centers) was made to deal more efficiently with international agencies and government officials, although according to the community promoters, there are also some differences based on the origin of the families. For although the Yukpa people of Nuevo Escobal come and go from the Pilot Centers of the Sierra del Perijá -Tukuko, Shirapta and Aroy - to Norte de Santander, the great majority of the members of the Uchapectatpo

community are from Tukuko - founded by Capuchins with Western ideas and training, while those from Manüracha are from Shirapta - founded by Yukpas.

Thus, once identified as transnational communities, they decided to organize themselves in two ways; internally in accordance with their autonomy, uses and customs, where non-indigenous people have no place (Watilla/Guatía), and externally to respond to public and private institutional demands and offers.

The internal organizational system follows the pattern of the Venezuelan pilot centers around a chief elder or yuwatpu who is in charge of looking after the community in general. He is appointed by the assembly, made up of the whole community, because "no one can elect himself voluntarily and everything must go through the community as a whole". The socio-political organization has two main characteristics: (1) Subgroups of extended families (patrilocal) around a central chief (independent political units) and (2) forms of kinship by social and cultural definition, not necessarily biological.

It is apparently a hierarchical society; however, they clearly state that all decisions are made communally, meaning it is a communal system, a theme to be discussed later.

As for the external organizational system, it revolves around the programmatic needs and available resources of humanitarian and public entities that already have projects and programs to be implemented. The structure was designed based on the guidelines of the Catholic missions of the Missionaries of Mother Laura and the Ombudsman's Office, who during a sustained accompaniment of the communities, suggested an organization by committees responsible for different areas, according to the humanitarian and public offer available for the communities of Nuevo Escobal.

A particularity of this organizational model is that, although it arises from scenarios of cultural exchange between the community and agency representatives, it lacks a pedagogical strategy that takes into account two-way ethno linguistic aspects such as the translation
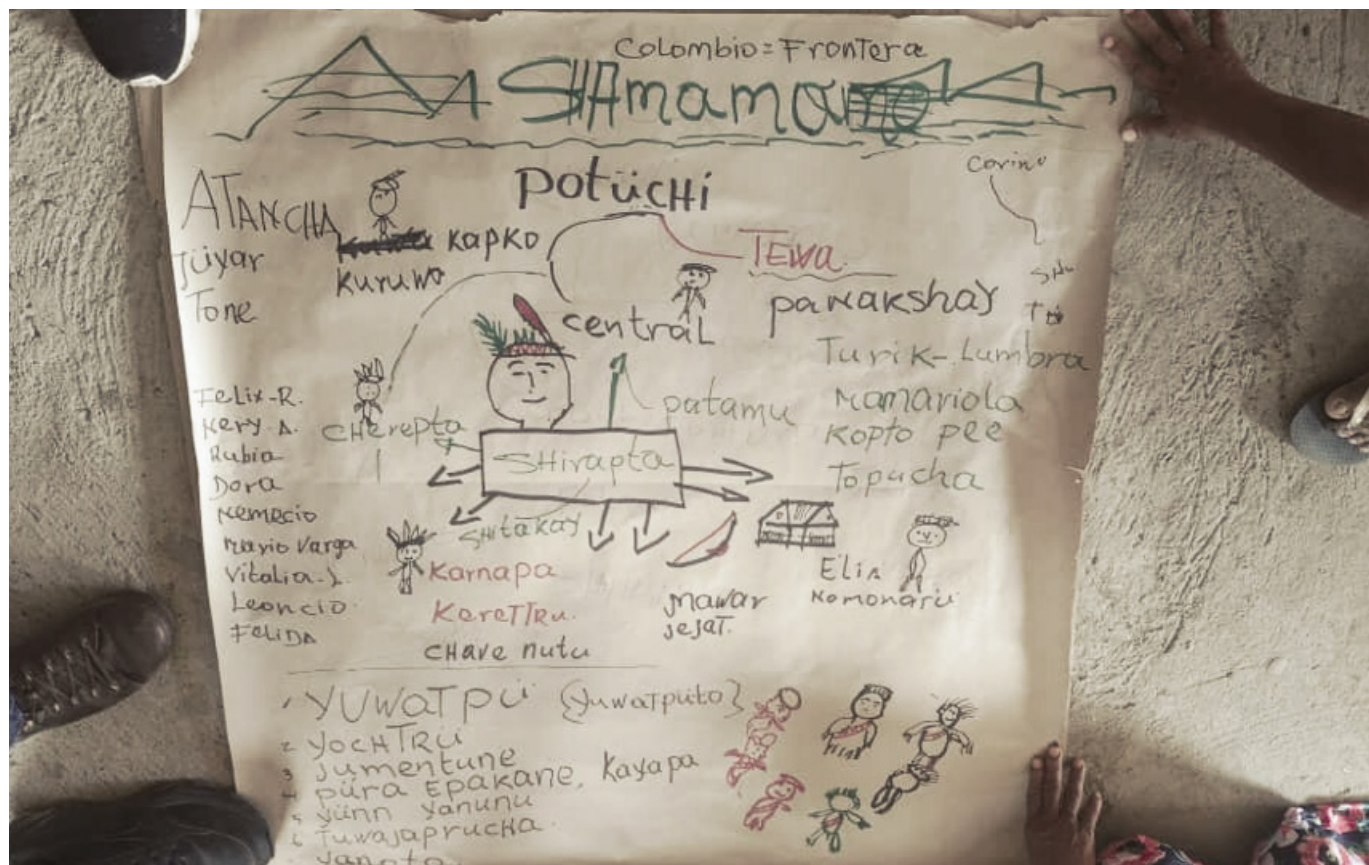
Image 3. Illustration made by the organization's assembly.

Source: Created by the community during listening sessions, March 2022.

into both languages - Yukpa (with its three dialectal variants) and Spanish - of the scope and meaning of the western notions with which each committee is named and the level of involvement of the community in general and of the autonomous government system of the communities and their authorities. This involves taking into account the reprocessing required by the committee leaders to return each decision of each committee to their own system of organization, since those who are responsible for committees do not make decisions; this is only done by the legitimate internal authorities. This alternative or parallel organization must report internally to the chief elder and the community assembly, meaning that those who serve as leaders or heads of a committee may hold this position only to the extent that the chief elder and the internal governance system allow them to do so. This parallel system of organization sometimes leads to different types of intercultural conflicts, since the external institutions do not know the legitimate decision making route of the community, and by deciding fundamental issues with a committee leader and not with an authority, internal community fractures are generated, as told by the community prmoters. Some of their testimonies are:

"I was sanctioned with house arrest because I had a problem with an official, I answered her badly because I did not understand what she was saying and in the community they tell me that this can cause us problems for receiving aid. She doesn't know that to get out of jail I had to pay $50,000 pesos because I had to work, she doesn't know and it makes me very angry with her" (Testimony of one of the community promoters).

"When they go to your house to visit you, are they going to do whatever they want or do they ask the head of the house first, because here they come to do whatever they want, to say who signs, and without asking us or respecting us as a culture". (Testimony of the community promoter).

"(..) Sometimes we are like children because we are learning and we do not understand all the Spanish words, but sometimes you are the children because you are learning about our culture from us. We always have to ask because for example we don't know where to sign sometimes, and it is a commitment so we have to ask first". (Testimony of one of the community promoters).

Chief 1
YUWATPU:
"The wisest", "father-in-law", equivalent to the chief elder. The community elects and revokes him. It is not a hereditary role. He directs the social organization.

"SECOND CHIEF"
"TUWAJAPRUCHA WATUPO"

Indigenous Guard
"POLICE OFFICERS OR SPOKESPERSON"
"TUWAJAPRUCHA"
Imprisonment (house arrest), forced labor, or fines.

Chief 2
"CHIEF OF THE CHILDREN"
"KUKAWAWATUP"
He teaches the children. He narrates myths, legends, and Yukpa culture. Religious leader.

Assembly (community)
Adult men and women

Chief 5
"TRADITIONAL MEDICINE MAN"
"PIYAI WATUPU"
He cures with herbs, diagnoses, treats illnesses, and empowers the substances.

Chief 3
"CULTURE AND FOOD CHIEF"
"OJEUMA"
Basketry and handicrafts.

Chief 4
"LAND CHIEF"
"WATUTUPU"
He decides the location of the houses (temporary), and the distribution in the territory.

Figure 1. Internal socio-political organizational system.

Source: Prepared by the authors based on testimonies of community promoters and indigenous authorities.

Environment
committee

Health and traditional
medicine committee

Culture and
handicrafts committee

Children and youth
committee

Women's
committee

Sports
committee

Humanitarian and state actors

Education
committee

Conciliation and
coexistence
committee

Management,
monitoring, and
education committee

Secretary

Food security
committee

Security and international
humanitarian rights
committee
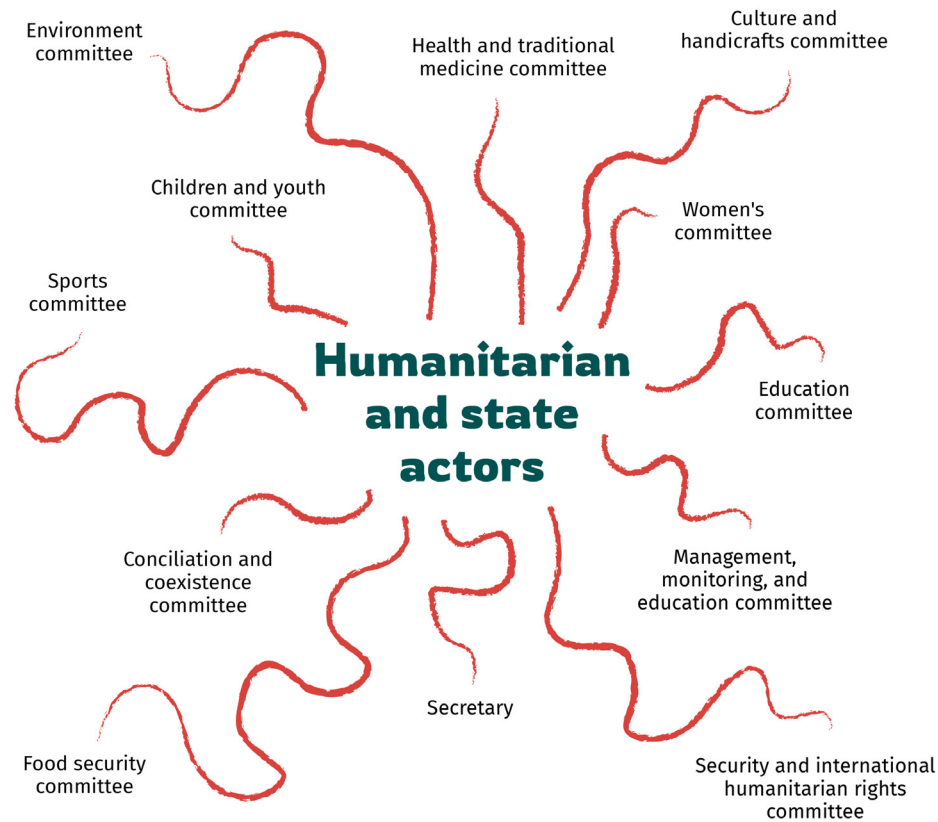
Figure 2. External socio-community organizational system for exchange with non-indigenous people or Watilla.

Source: Prepared by the authors based on testimonies of community promoters and indigenous authorities.

2.1.1.3 Basic socio-demographic characteristics

Conducting a demographic characterization exercise in mobile communities is a difficult challenge to address from observation exercises and intermittent field visits. According to the temporal sequence of different accounts and secondary information sources, the first settlements between 2012 and 2016 had approximately 100 people in 30 families; subsequently, in May 2018 Amnesty International issued an urgent action alert estimating the presence of 300 Yukpa in Nuevo Escobal

By August 2020, early warning number 035-2020 from the Ombudsman's Office spoke of 240 people; by 2021, around 375 and by January 2022, there were already 554, in 123 families according to data from the municipal administration.

The information presented above is based on the latest population count done by hand, and house by house by the community promoters. This count shows that as of June 2022 there were 720 people in the two communities: 505 (70%) in Manüracha and 215 in Uchapectatpo; that is, between 2021 and 2022 there was an approximate population increase of 92% and only between January-June (six months) of this year, 30%. This data shows the high mobility of this population and the complexity of its measurement.

There are no specific measurement methods, either official or community-based, for the traceability of transnational indigenous mobilities, which is an important aspect in terms of information challenges for evidence-based decision making.

The community, in general, lives in basic and precarious constructions (shacks[3]) of which 196 were

counted in total, 68 in Uchapectatpo and 128 in Manüracha. The data on the number of people per housing unit is shown in Table 1. Removing the single-person dwellings (11), an adjusted number of people per dwelling is obtained, which in the total of the group worked with is 3.8

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Item	Manüracha	Uchapectatpo	Total
Housing	128	68	196
Persons per dwelling	3.9	3.2	3.7
Single-family dwellings	2	9	11
Persons per dwelling adjusted	4	3.5	3.8
Maximum number of persons per dwelling	10	9	10
Percentage of households with five persons or more	28.1	22.1	26

Table 1. Number of people per housing unit.

Source: Prepared by the authors based on the population count made by community promoters.

Image 4. Shacks.

Source: Gabriela M. Cano Salazar, April 2022.

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[3] The work with the community promoters helped to understand that when there is no word or idea in the indigenous language to designate something, they use the name they hear most often in Spanish to refer to "it". This seems to be how they have appropriated very common terms in the language of international cooperation such as settlement, camp, shack and migrant, among others. This does not mean that there is an understanding of the scope of the concept, term or idea.

Image 5. Small vegetable gardens next to the shacks.

Sourcee: Gabriela M. Cano Salazar, april 2022.

The shacks are temporary structures made of wood (guaduilla, thick branches and sticks), plastic (large bags, tarps and construction membranes) and recycled materials. The floor is sand or earth from the banks of the Táchira River. There are no doors or windows, and the people use mattresses, mats woven by the Yukpa people or hammocks to sleep on. In some cases improvised beds made of wood and bricks were also found.

The water is brought by hoses from some neighboring patios (two), and from the river. There is no formal electrical service, only in the two community halls. To cook food, improvised fires or wood stoves are used at the side of each shack, and in some cases there are small improvised vegetable gardens where aromatic plants are grown, mainly for the management of the flu. Community cooking pots are also used.

In the communities as a whole, the proportion of people between the two genders is practically equal; however, in Uchapectatpo there are more women than men, with a difference of eight percentage points

Genre	Persons			Percentage		
	Manüracha	**Uchapectatpo**	**Total**	**Manüracha**	**Uchapectatpo**	**Total**
Female	247	116	363	48.9	54.0	50.4
Male	258	99	357	51.1	46.0	49.6
Total	**505**	**215**	**720**	**100**	**100**	**100**

Table 2. Number of people by gender.

Source: Prepared by the authors based on the population count made by community promoters.

From the point of view of the gender variable through which the population count data was collected, it is necessary to clarify that although the community promoters were asked to consider the possibility of other people who do not identify themselves as men or women, the response was clear in stating that this was not discussed with non-indigenous people.

Despite the above, the presence of non-binary indigenous people or indigenous transfeminities was identified, who interfered in certain community spaces through their non-hegemonic, non-citizen and racialized condition, which subverts the established binarisms. Due to the observation and review of these "denied" aspects, the discrimination faced by these people in all the spaces they inhabit and transit became evident, such as social isolation, mockery and the segmentation of labor markets that leaves them to occupy the lowest positions on the occupational scale, with little or no possibility of social mobility. Likewise, none of the identification documents (Venezuelan ID card or PTP) recognize their self-perception of gender.

It was only possible to communicate with one of them, and only once because she works along the trails, on the river, and in the streets. This lack of a precise location was the reason that prevented her from providing personal data in the process of migratory regularization, which resulted in her being left out of the permit to stay in Colombia; in addition, she speaks little Spanish and lives alone in one of the shacks, surviving on what she receives daily on the river where she works "passing people" and in the streets. Some of her expressions were:

"We can talk outside the community because I cannot enter the activities", "I am a woman, I dress like a woman, but I was born as a man and on my ID card I am a man. My family does not know that I dress like this or that I am like this, although I talk a lot with my mom on the phone, but I do not go to visit them", "there are about 12 of us, just like me in Escobal, but only about four of us show ourselves like this in public", "(..) I would like to meet other people like me who make progress in life, because I do not know anyone".

Life cycle / community	Persons			Percentage		
	Manüracha	**Uchapectatpo**	**Total**	**Manüracha**	**Uchapectatpo**	**Total**
Early childhood (0-5 years)	135	56	191	27.3	26.2	27.0
Childhood (6-11 years)	112	41	153	22.7	19.2	21.6
Adolescence (12-17 years)	72	32	104	14.6	15.0	14.7
Youth (18-26 years)	91	34	125	18.4	15.9	17.7
Adulthood (27-59 años)	76	43	119	15.4	20.1	16.8
Senior citizens (60 years and over)	8	8	16	1.6	3.7	2.3
Total	**494***	**214****	**708**	**100**	**100**	**100**

* In Manüracha, information on the age of 11 people was missing.

** In Uchapectatpo, information on the age of a person was missing.

Table 3. Community structure by life cycle.

Source: Prepared by the authors based on the population count made by community promoters.

		65 and over	1.6		0.4
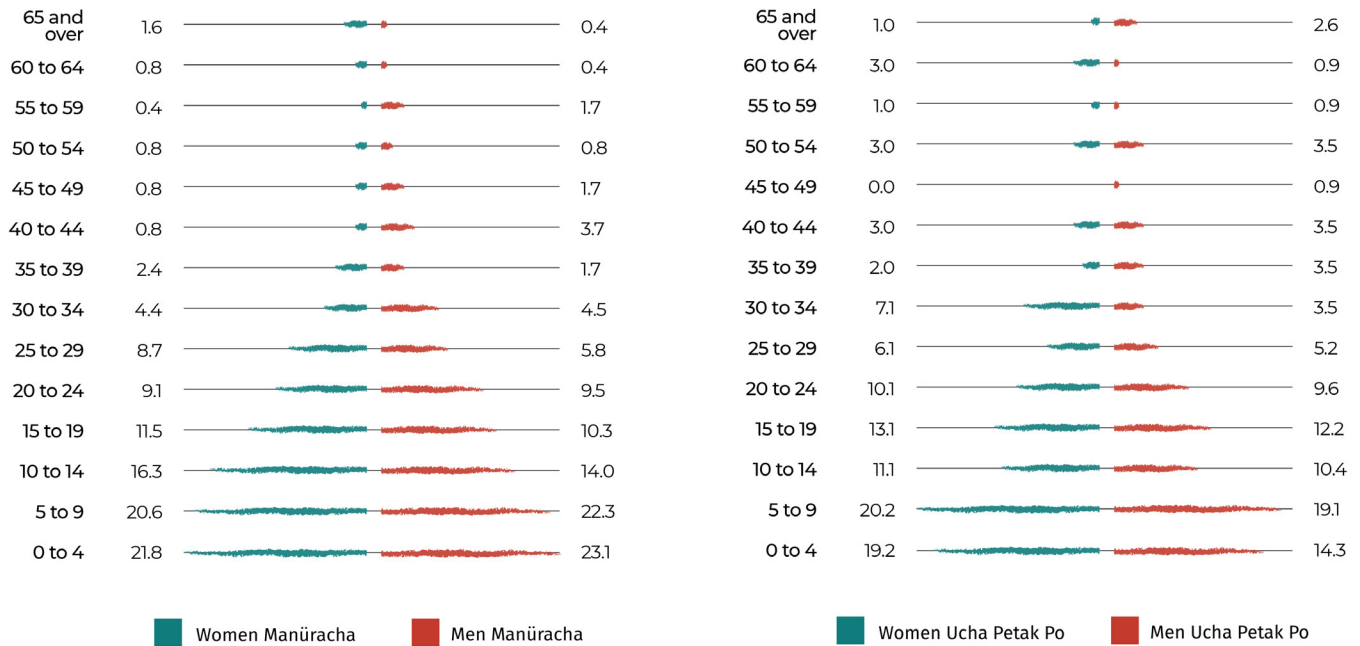
Figure 3. Population pyramids of the Yukpa communities settled in the Nuevo Escobal neighborhood of Cúcuta.

Regarding the age structure, the data show a mainly young population, in which 63.3% is under 18 years of age. People over 60 years of age constitute 2.3% of the total, which could be a consequence of low life expectancy related to high mortality caused by living conditions, or to the fact that people in this age group did not move with the rest of the communities, staying in the Sierra del Perijá. The oldest man in the community of Manüracha was 68 years old, the oldest woman 65. There was only one woman over 80 in Uchapectatpo (82 years old), while the oldest man there was 65.

The population is clearly pre-transitional. It is characterized by a high percentage of children and adolescents and a considerably narrower adult population. For a more detailed analysis, the population pyramid by five-year groups is presented.

Population pyramids confirm the pre-transitional structure[4] of these populations; for example, in Colombia, the population aged 0 to 4 years represents 7.2%, according to DANE projections. In these communities it is close to 22% of the total. Additionally, it is observed that the proportion of girls is higher than that of boys in early childhood, but the female contingent is progressively decreasing. This may be due to the fact that mobilities are selective by gender, or to a higher mortality of girls, or to the fact that they are taken to other places. This situation may represent a warning insofar as the death of girls and adolescents is an indicator of lack of access to resources, services and current offers.

The most problematic situation is for this population group, not only because it is the most numerous but also because of the pressing conditions of neglect and lack of protection in terms of health, with high levels of malnutrition and gastrointestinal diseases. In 2018 two children died from the following causes: no formal schooling (although there is a self-education process with very few teachers for the number of NNA), begging (street begging), statelessness (as of July 2022 there are 24 known cases only in one of the

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[4] The notion of demographic transition refers to the process by which a society/community passes from high mortality and fertility rates to low rates. This transition occurs after a period of relative demographic stability; that is, only when societies or communities substantially modify their mode of economic and social organization, so that the demographic transition is related to a process of stabilization or sedentarization that is not always identified with the processes of mobile communities.

two communities), child marriage or unions, teenage pregnancy and risk of recruitment and child sexual exploitation. In addition, unaccompanied minors are known to be transiting the trails, rivers and routes between Venezuela and Colombia.

Those minors who are born within the community (not in a hospital) do not have a document that formally certifies their existence (live birth registration, birth certificate issued by an official institution), which means that, although they exist for the community, they do not exist for any country and are stateless according to international regulations.

The communities keep their own counts and records by hand, and although in Venezuela these documents are formally valid to prove nationality, in Colombia there is no such possibility. In this situation, the only alternative is for the chief elder or authority to go to Venezuela with the list and the children to request their birth certificates, then return to Colombia and begin the regularization process with the ETPV. This is the case only since 2022 when the regularization process for these people came into force, evidencing the lack of an ethnic differential approach for this regulation in particular and for the migratory regulations in general. Currently, there is no follow-up route for cases of statelessness of these transnational indigenous communities, which is another aspect for advocacy.

The right to identity (identification documents), education (self- and ethno-education), nutrition and health, are the most important challenges for this sensitive population group; unfortunately, the fact that girls are missing once they are born is an indicator that something is happening or is not being done, socially and institutionally. Methodologically, it must be said that it is not enough to observe and ask sporadically about this situation; a sustained institutional accompaniment is required to unveil what underlies what is observed or narrated. Another aspect of the matter would lead to consider this population bonus as beneficial for Colombia, given the country's trend towards population aging; beneficial, as long as social investment is made, especially in education and health. This is an important aspect in terms of advocacy possibilities.

In the case of Uchapectatpo, between 30 and 34 years the proportion of men is double that of women. This may be an artifact produced by the small number of people in total, which means that an omission in the data may have a significant effect on this analysis. As noted above, the proportion of older adults is low. In

Colombia, it is estimated that 13.6% of the population is at least 60 years old. In the case under study this segment was estimated at 2.3%.

It highlights the importance of a more in-depth demographic analysis that could provide clues about the future of transnational indigenous populations in this regard and address questions such as whether they will maintain a pre-transitional demographic pattern associated with their human mobility in the future. This would imply recognizing the diversity of demographic situations (demographic and ethno linguistic patterns, among others) that the concept of pluri-national indigenous population encompasses, offering fundamental inputs for public and private policy and intervention in the area of human rights.

As for their occupation, it varies according to factors such as whether or not they have an official identification document, are fluent in Spanish and have contacts in the city, which would imply a significant level of integration and appropriation of the urban context that facilitates labor insertion in favorable and sustained situations. Unfortunately, only in 2022 was it possible to speak of at least two labor niches with dignified and sustained characteristics; the first one arose in the midst of the advocacy processes between the indigenous authorities, the Ombudsman's Office, the Missionaries of Mother Laura, the Municipal Secretary of Education, the Norwegian Refugee Council and the Consortium of this research, in terms of effective access to self-education and ethno-education, since it allowed the involvement of the community's teachers (two) in these processes, guaranteeing them a formal contract.

The second labor niche, which has only become more dynamic since the second half of 2022, is that of direct hiring in public or private entities after obtaining the temporary identity document PTP; in this case, it is a community promoter formally linked to a health service. The third, although informal, has allowed a woman artisan, who is a community promoter in this project, to earn a more or less stable income. She was able to establish direct contact with the owner of a basket shop in Cúcuta, to whom she sells between 60 and 90 baskets on a stable basis, which allows her to earn an income that constitutes the minimum income for her family of five people.

Those who have not been linked to any formal employment are engaged in forms of self-employment such as street vending of handicrafts, recycling, scrap metal sales and begging, activities that place them in

a condition of labor exploitation and extreme precariousness. On numerous occasions, community promoters stated that social assistance from foundations or non-governmental organizations was the only possibility of temporary access to minimum subsistence.

Less obviously, it was noted that the proximity to the river and the trails along which smuggling occurs and various merchandise circulates, provides a source of daily income. For example, helping to "pass across the river" or "carting" represents an average income of between $3,000 and $5,000 pesos per person; the cost can increase according to the type and quantity of merchandise that needs to be passed, and the illegal economies are a niche of informal, precarious and dangerous work to which people resort out of necessity. Something similar occurs with regard to sexual exploitation, a situation that is difficult to address in conversation, but is evident among young women and transsexuals ("when I can't get money during the day I work on the streets at night"). In a later section, we will address the issue of working in drug trafficking camps as another niche for obtaining resources, especially among young people and adolescents.

Occupation is linked to the level of training and qualification of skills and abilities, as well as talents. So although it was difficult to achieve a characterization in this sense, given the constant mobility, in the listening sessions skills for basketry, handicrafts, food, sewing, and traditional medicines (knowledge of ancestral plants and small vegetable gardens), were identified. It was even proposed to make an inventory of knowledge and talents to exhibit them in a "fair" to public and private institutions on October 12 (day of indigenous resistance), because as they say: "we have ways of resolving, of being, but we need support and recognition".

2.1.1.4 People impacted or reached

Although it is a relatively small population, the estimated number of people impacted or reached by this project was 57 directly and 576 indirectly, corresponding to 80% of the population settled in Nuevo Escobal as of June 2022, due to the high mobility of this people.
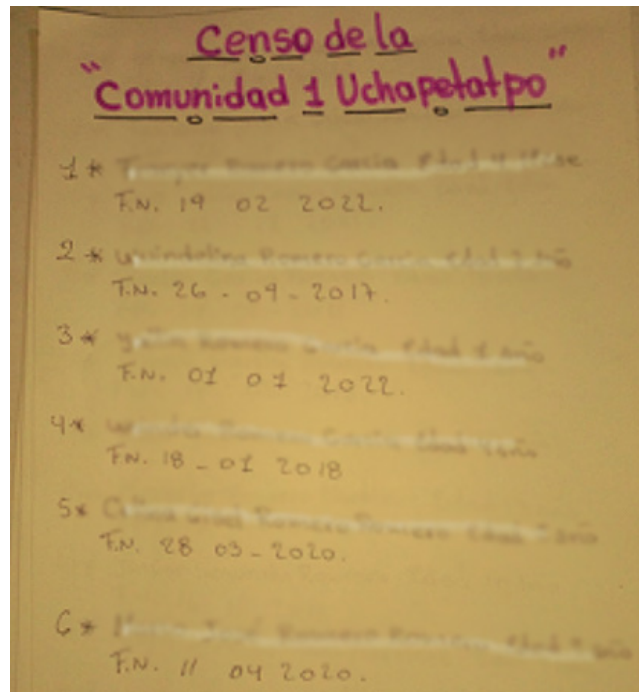
Image 6. Census of 24 stateless NN in the Uchapectatpo community.

Source: Prepared by the community promoter and the Chief.

2.1.2 Community E, ñapa[5] in Arauca

2.1.2.1 Geographical location

There are 11 families, 51 people, self-recognized as an E,ñapa indigenous community that arrived in Colombia between 2016 and 2018 from the State of Bolivar (Caicara Orinoquía), Cedeño municipality, El Pajal community in Venezuela, located on the route to Arauca (Colombia). They had never been in the country, which represents a major challenge for their recognition and guarantee of rights. They speak the Panare language, classified in the Caribe family and today considered the only surviving language of a small linguistic group called the Panare Group (Loukotka, 1968). Nobody in Colombia knows their language, which is the main ethical, pedagogical and methodological challenge to communicate interculturally with them. Although they have permanent contact with non-indigenous or creole people, as an act of resistance to acculturation they are still monolingual for the most part (especially women), so one can only resort to Spanish to try to understand their language.

The E,ñapa community currently inhabits an informal vacant lot called Villa Esperanza on the outskirts of the city of Arauca, in the Puerto Alegre and El Refugio sectors. The settlement is made up of 200 families and each one of them was assigned 300m2 of land, so that they have a place to live, the possibility to produce their own food and also to generate surpluses to provide for a community project that seeks to be a large food supplier of the municipality.

Map 2. Location of the E,ñapa community in Venezuela.

Fuente: Prepared by the authors based on Socialhizo. [Map of Venezuela: Political Division.]

Available at: https://www.socialhizo.com/geografia/mapas/mapa-de-venezuela-division-politica

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[5] The spelling was suggested by the community. The term E,ñapa is used to call themselves, it means: person, people. E,ñepa in the Panare language means indigenous person, this is how they call themselves when differentiating from creole, white or non-indigenous people
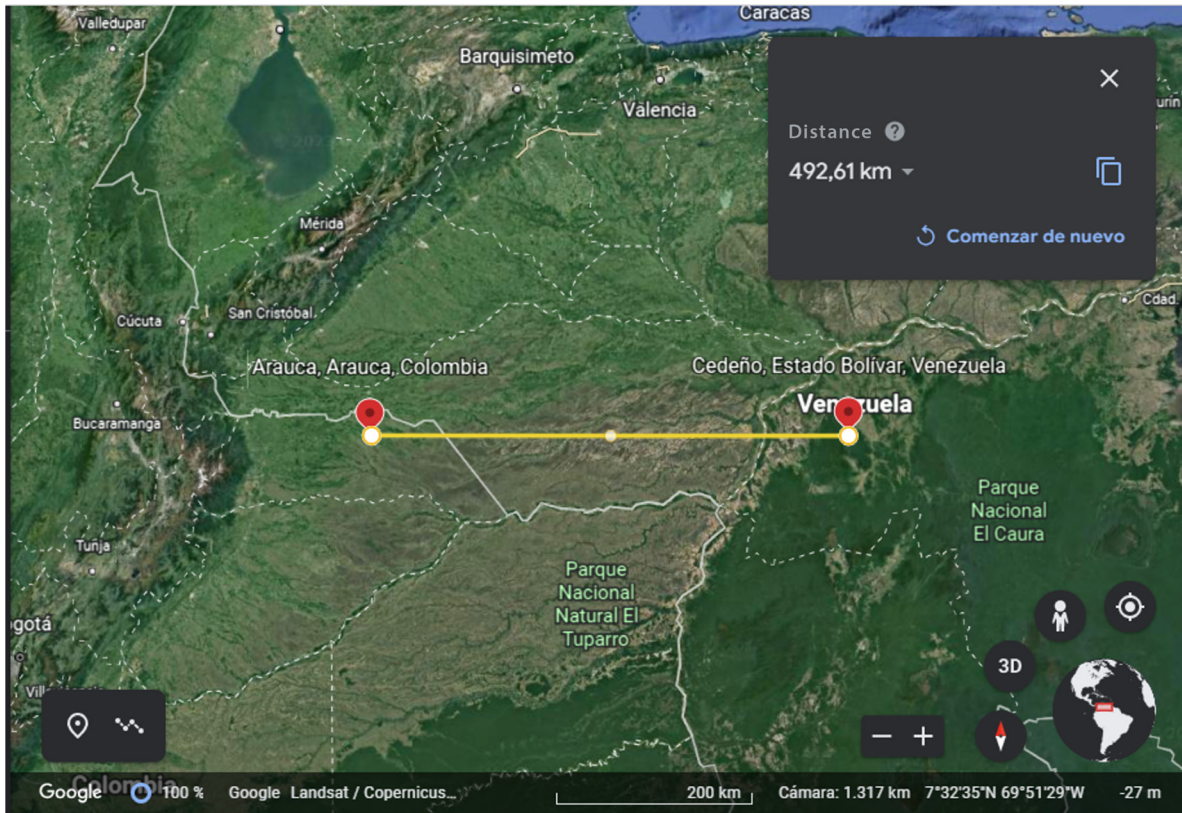
Map 3. Average distance traveled by the E,ñapa community between Venezuela and Colombia.

Sourcee: Google Earth. [Average distance traveled by the community E,ñapa]

Available at: https://earth.google.com/web/@6.92726705,-66.73603387,-24.48384825a,1188944.91706912d,35y,0h,0t,0r/data=

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There are diverse ongoing initiatives: poultry farming, pig farming, fish farming, basic sustenance projects such as the production of: cassava, banana, corn, pumpkin, sugar cane, rice, papaya, orange, lemon, guava pear, banana, among others. The families in Villa Esperanza have diverse origins: Afro-Colombian, victims of the armed conflict, Venezuelan, Colombian returnees, and indigenous communities such as the Hitnu from Colombia, and the E,ñapa from Venezuela.

Although these are peripheral, vacant and floodable lands (during rainy seasons), the community has managed to stop the forced evictions due to "invasion or de facto occupation of rural properties" through collective advocacy processes that have resulted in the formal protection of their occupation since 2020 (second instance lawsuit with file No. 81-001-41-05-001-2020-00064-01).

In this way, and thanks to the collective struggles of these 200 families, the E,ñapa now have a host community that also functions as a protective environment in various aspects; (1) support for productive projects of sustainable vegetable gardens (resilient vegetable gardens project), (2) raising chickens (productive initiative financed by the project of this research), (3) security and recognition as an indigenous artisan community and member of the "Villa Esperanza" community. All these actions have managed to minimize the levels of xenophobia, agoraphobia and neglect, under an integration model that could be examined with the aim of making it replicable.

2.1.2.2 Socio-political organization

They are silent people, almost to the point of mutism, they perceive themselves as *peaceful artisans*, and they abhor physical violence and seek to maintain their traditions. Panare society is highly peaceful and egalitarian, there are no chiefs, only some of the men who possess leadership qualities and *intelligence* contribute to organize the community and communal work, so there may be one, many or none. Each group or settlement that is formed is considered as an autonomous entity in its form of government. (Ethnicities of the world, 2018), (Henley, 1982). .

According to the captain "men are more intelligent and that is why women cannot be captains or authorities in the community". Among the men (on a daily basis) there seems to be little power of one over the other. He adds: "We don't have police or anyone to control behavior, we talk about things", "Dad was my teacher in the community, and the elders teach customs when we talk and work in the community".

Work, in turn, is distributed by gender as indicated by the captain with the following comment: "men are responsible for food and talking to creoles, and women take care of children and house and harvest as well. We all make and sell handicrafts." He also says that, although he is the captain, decisions are made by the whole community, in a meeting where women, men, girls and boys participate. He takes the speakers staff, although everyone can speak.

The captain is always accompanied by a secretary (who can only be a man) and a shaman for problematic issues of coexistence and health, mainly. Only the captain attends creole people and channels information,

aid and alliances, taking each topic for discussion with the community as a whole, and then returning to inform the different actors of the community agreements rrached. Before making decisions or participating in anything, he demands to talk to the community in their own language. Decisions are only made with the captain, not with other people, because for the community the captain is the authority and represents them before non-indigenous people.

It can be said that they maintain a totally communal life. They take turns caring for the land, they know where each of the inhabitants lives (with time and dates of arrival and departure), and there is communal care of children, elderly men and women. The tools - shovels, rakes, hammers, brooms, etc. - are for communal use. No one seems to have advantages or disadvantages over the others, since, according to the captain, "we seek to benefit families equally" and maintain traditions regarding pain, the commemoration of festivals, and initiation rituals.

Community "E, ñapa Patán"

"Women (Wuikichán)"
"Men(Petuchán)"
"Children (Tikón)"

Shaman
"E, ÑAPA TOPOCANÉ"

Captain
"CAPITTÁN"

Secretary
"CAPERES MENKANÉ"
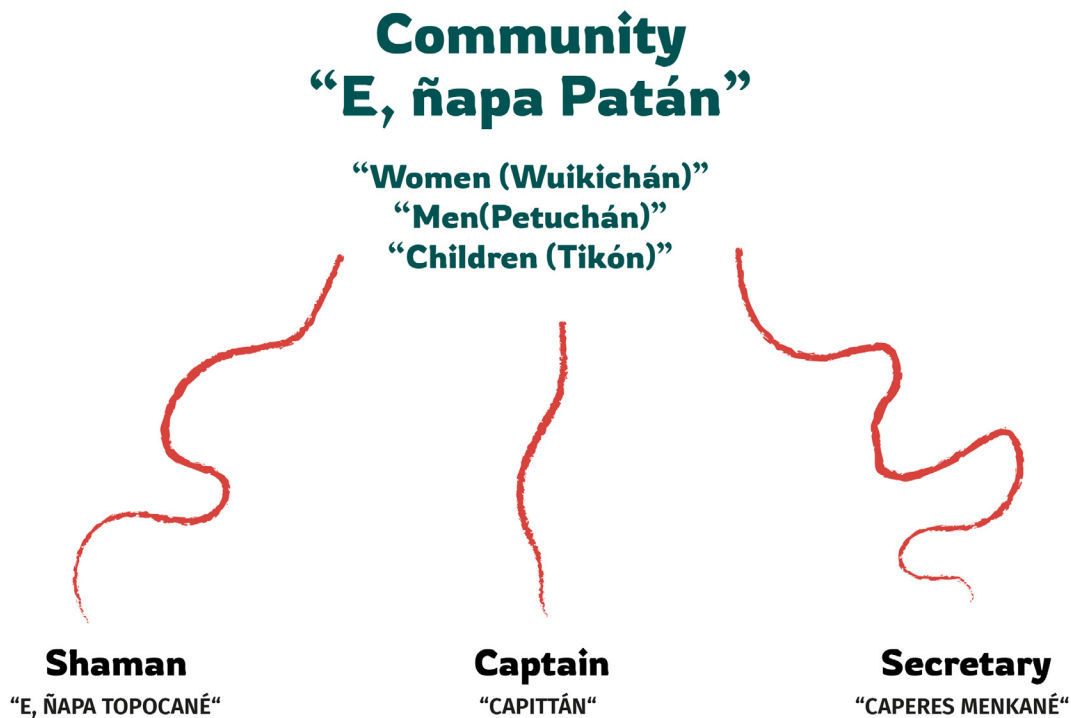
Figure 4. Internal socio-political organizational system in the Arauca community.

Source: Prepared by the autors based on testimonies of community promoters and authorities.

In the middle of the community is the communal hall, built in construction materials by the non-governmental organization Save The Children. Everything revolves around this space; it is a school for self-education, a place for recreation, intercultural and local meetings, a shelter when it rains, and a place for cultural displays of handicrafts and basketry, among others.

The captain or chief elder manifests resistance to intermarriage with creoles or other indigenous groups, so they try to maintain unions between themselves, a tendency towards linguistic tribal endogamy, and bilateral cross-cousin marriages.

2.1.2.3 Basic socio-demographic characteristics

The characterization was based on 51 people living in 11 basic constructions, or shacks. For this characterization we only had an identifier of the dwelling, the date of birth with which we calculated the current age and sex/gender of each person.

The dwelling or shack is constructed fundamentally in circular form, with branches and thick wooden sticks or trunks, and plastic. They are completely covered, with no window-like spaces, and because of their construction a kind of ridge is formed at the top where the main structural skeleton converges. Inside there are usually hammocks, mattresses or mats, some improvised tables, and basic utensils. The places for the preparation of food are outside the shack, over a fire.

The average number of persons per dwelling is 4.6 and the dwelling with the highest number of persons was seven inhabitants.

Image 7. Photographs of shacks, dwellings of the E̦ñapa community, Arauca (Colombia).

Source: Photos taken during the visit to the community.

Item	Total
Dwelling	11
Persons per dwelling	4.6
Maximum number of persons per dwelling	7
Percentage of households with five persons or more	36.4

Table 4. Number of people per housing unit.

Source: Prepared by the authors based on the population count made by community promoters.

The number of men and women is practically equivalent: 28 women (54.9%) and 23 men (45.1%). The percentage differences are accentuated because the total number of inhabitants of the community is small.

In terms of age structure, the data shows a mainly juvenile population, with 58.8% under 18 years of age. There was only one person over 60 years of age (a 61-year-old woman). The oldest male in the community was 46 years old.

Life cycle/community	Persons	Percentage
Early childhood (0-5 years)	16	31.4
Childhood (6-11 years)	7	13.7
Adolescence (12-17 years)	7	13.7
Youth (18-26 years old)	9	17.6
Adulthood (27-59 years)	11	21.6
Senior citizens (60 years and over)	1	2.0
Total	**51**	**100**

Table 5. Community structure by life cycle.

Source: Prepared by the authors based on the population count made by community promoters.

The community is characterized by a high percentage of children and adolescents, and a considerably narrower range of adults. For a more detailed analysis, the population pyramid by five-year groups is presented.

The population pyramid confirms the pre-transitional structure of this population, characterized by a high proportion of children and few older people; and, as it is a small population group, there are many values that are zero.

As for the child population, the most pressing situation is that of 21 minors who do not have a birth certificate because they were born in the shanty-towns (some in Colombia and others in Venezuela); in other words, they were not born in a hospital and

therefore only have the document that the captain prepares by hand.

In Venezuela this document is valid to begin the official recognition process, but not in Colombia. Of the total of 21 minors, 14 are stateless at the time of writing, so economic support is sought for them to go back to Venezuela and obtain their identification document and once they obtain it, they will be able to follow the regularization route Temporary Protection Statute for Venezuelans (ETPV) in order to obtain the Temporary Protection Permit (PPT), as required by Colombia. The process is individual, despite the fact that the recognition of these peoples should be collective, which constitutes further evidence of the absence of a

differential ethnic approach in the policies and instruments of migration governance. There is evidence of unions (or marriages) and teenage pregnancy, between 14 and 15 years of age.

	Women		Men	
65 and over	0.0			0.0
60 to 64	0.0			3.6
55 to 59	0.0			0.0
50 to 54	0.0			0.0
45 to 49	4.3			0.0
40 to 44	0.0			3.6
35 to 39	4.3			10.7
30 to 34	4.3			3.6
25 to 29	13.0			14.3
20 to 24	13.0			3.6
15 to 19	8.7			3.6
10 to 14	17.4			10.7
5 to 9	13.0			17.9
0 to 4	21.7			28.6

■ Women ■ Men
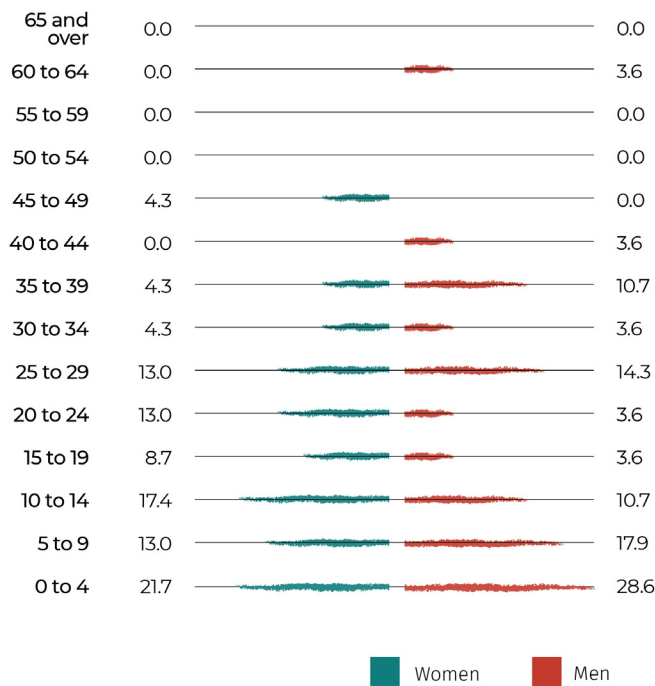
Figure 5. Population pyramid of the E,ñapa community settled in Arauca.

Source: Prepared by the authors based on the population count made by community promoters.

In a similar situation to the Yukpa population, the captain makes his own record or census, by hand, of minors born inside or outside (in hospital) the community. In addition, he is in charge of seeking care routes with different public and private agents in order to find solutions. Generally, due to the language barrier, he is advised by cooperation agencies such as Save The Children, the Arauca-Apure Bi-national Office of the Jesuit Refugee Service for Latin America and the Caribbean - JRS LAC and the Ombudsman's Office for dialogue and documentation.

Regarding the scarce presence of the elderly population, the chief or captain of the community explains it as follows: "the elderly cannot travel by bus because they get dizzy and sick. It is a long way. They have to stay with another family, back in Caicara (Venezuela)". In fact, one of the eleven families that mobilized from Venezuela, consisted of two older adults of 61 years old (the woman) and around 70 years old (the man), who arrived in 2016 to Arauca and according to the captain: "(..) the grandfather was subjected to witchcraft and died quickly (..) it was other communities that did it, the shaman said so". From the point of view of the hospital where he was referred for emergencies, the man died of tuberculosis and was buried in the public cemetery.

CAs in the Yukpa case, older adults, as well as minors, are more likely to contract diseases due to malnutrition and lack of access to health services and medicines, not to mention vulnerability during multimodal mobility trajectories (on foot, by bus and canoe). In addition, there is a large underreporting of diseases and deaths due to their own worldview.

The E,ñapa community says that they did not know of some respiratory diseases, which arrived through the missionary population. There is no word for this illness, in fact there is confusion, because when they have flu, they also have a cough and they confuse flu, pneumonia and tuberculosis.

There is a significant thinning of girls, adolescent women, young people and people of older ages, which may be due to the fact that these groups did not migrate when the community settled in the current location, but were taken to other places and experienced other social and economic factors, in which they coincide with the Yukpa community. Thinness can be associated with selective mobilities, poor access to health services and medicine, and malnutrition.

In terms of access to education or a level of training, the captain expresses the importance of learning from the elders within the community so that the language and traditions do not die out; however, the process led by Save the Children within and outside the community is perhaps the most sustained and most appreciated process. Currently, this process has permitted both the insertion of children and adolescents (NNA) into the formal municipal ethno-education system and the strengthening of bilingual intercultural learning (Panare-Spanish). Methodologies are based on learning-by-doing such as vegetable gardens, songs and recreation of traditional myths that resulted in primers and websites, as materials for the dissemination of traditions and E,ñapa culture, as well as community integration exercises in Villa Esperanza. This is another

good practice, replicable and scalable in terms of protection with a recognition approach.

On the other hand, among the adults, most are high school graduates and proudly say "Dad, my teacher in the community". The women remain with the minors teaching crafts and basketry, in spaces adjacent to the shacks or inside them. This involves not only the skill of weaving but also the knowledge of seeds and other natural materials and the purpose -sometimes mystical or religious- that these elements may have (bracelets to protect from the evil eye, rattles to ward off evil spirits, among others). This community learning leads them to strengthen their handicraft skills from a very early age and to call themselves *artisans*, tracing an occupational path for their livelihood from this activity. However, handicraft sales have been declining more and more, leading them to become interested in other productive activities such as the care and sale of chickens under the guidance and experience of neighbors. There has also been an increased interest in working on self-construction projects (in the community) and as construction assistants in neighboring projects, or other activities that allow them to diversify their income in order to ensure minimum subsistence.

2.1.2.4 Persons impacted or reached

Considering that this is a small population, the estimated number of people impacted or reached by this project directly is 15, community promoters and their families; and 51, indirectly, corresponding to 100% of the population settled in Villa Esperanza as of June 2022, with high participation in the activities of this research process.
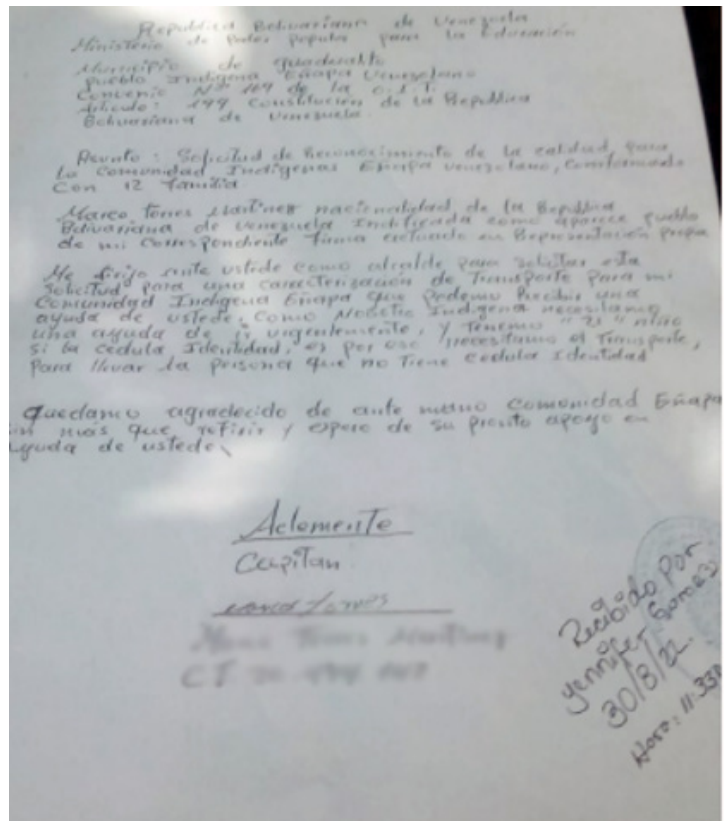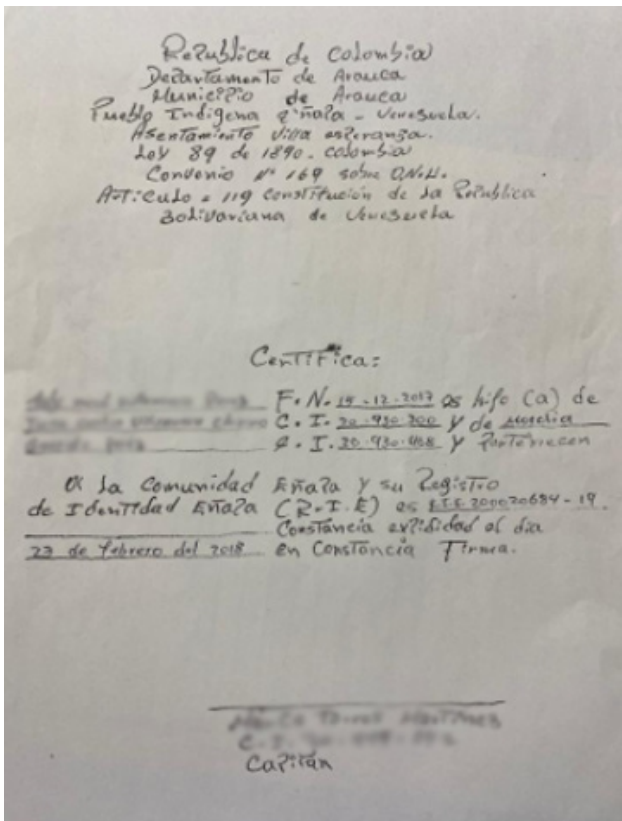
Image 8. Sample of two birth certificates, handmade and signed by the captain.

Source: Documents form E,ñapa community archives.

2.1.3 Puinaves in Inírida

In Colombia, according to data from the National Population and Housing Census 2018, there are 115 native indigenous peoples, made up of 1,905,617 indigenous people (DANE, 2018). In the case of the Colombian Amazon and according to the Organization of Indigenous Peoples of the Colombian Amazon[6] (OPIAC), there are 64 peoples there. In Putumayo, Guaviare, Caquetá, Guainía, Vaupés and Amazonas there are 169,111 indigenous peoples; and, in the last three departments they exceed 40% of the population (DANE, 2018).

The Puinave people occupy part of the transitional territories between the Orinoco savannahs and the Amazon rainforest. They are located mainly on the banks of the Guianía and Guaviare rivers in the department of Guainía, in eastern Colombia, near the borders with Venezuela and Brazil. To a lesser extent, there are Puinaves in the departments of Vichada and in the states of Amazonas and Apure (Venezuela).

According to data from the National Population and Housing Census 2018, there are a total of 8,984 Puinaves and in Venezuela -according to unofficial data provided by a Puinave leader- there are approximately 1000 people, this based on his perception. This leader considers this community to be a minority within the indigenous peoples living in Venezuela.

> *In Venezuela we are a minority group, we are few in Venezuela, not many.. about a thousand or so people, so that's why those of us in Venezuela say that we are a minority group because we are very few and our origin is Colombia and they know very well, there in Venezuela, so in Venezuela mostly in the municipality of Atabapo there are several Puinave communities. Only Maniapiare, about 10 Puinave in Rio Negro, about 10 Puinaves in Rio Negro.. the municipalities Ature, Puerto Ayacucho, about 500 Puinaves (community leader, August 2022).*

Although the municipalities inhabited by the Puinave population in Vichada and Venezuela are not considered part of their original territory, they do consider themselves a bi-national people and have expressed this through the Political Declaration of the Bi-national Indigenous and Popular Colombia-Venezuela Meeting, held in 2018, in Puerto Carreño (Vichada).

The various global economic activities throughout the 20th century based on the extraction of nature: the exploitation of bird feathers, the trade of ocelot skins, the sale and purchase of exotic animals, fibers and varieties of resins and rubbers, and the neo-extractive processes of obtaining precious minerals and ornamental fish, have had impacts on the territory of Guainía.

On the one hand, as a result of these processes there has been a loss in the cohesion of indigenous family units. On the other hand, with the successive bonanzas, particularly those related to gold mining, there has been a continuous process of monetization of the economy and a boom in trade. Gradually, self-sufficiency has been disappearing and groups that used to obtain what they needed for subsistence are increasingly dependent on the global economy (Salazar et al., 2006).

In 1944, Sofia Müller, a young Protestant missionary arrived in the region introducing the new gospel supported by the indigenous languages. Twenty years later, the New Tribes Mission arrived, whose incursion into the lives of many Puinave people represented a gradual but indelible change in their culture. For Uruburo, the pre-existence of heroes and mythological concepts that can be related to messianism, the Catholic evangelizing processes and the crises triggered by contact with the "whites" were primordial for the acceptance of this type of people related to the "development of socio-religious movements of a millenarian character in the region" (1997, p. 149).

Likewise, within the methods used by the Protestant missionaries to make their evangelization process effective, some of the Puinave adults were trained as pastors; but, undoubtedly, the use of their own language was the fundamental instrument in evangelization: the translation of the New Testament into their own language was emphasized with the objective of reaching more people and with greater force, at the same time that a written form was created for the Puinave language. Gloria Triana narrates it as follows:

> *Parallel to evangelization, bilingual literacy training for children and adults was carried out; evangelical*

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[6] The spelling was suggested by the community. The term E,ñapa is used to call themselves, it means: person, people. E,ñepa in the Panare language means indigenous person, this is how they call themselves when differentiating from creole, white or non-indigenous people

rituals were also established, adapting them to the patterns of traditional ceremonial activities, which implied concentrations in a single village of people coming from distant places, where an exchange of goods took place (Triana, 1987, p. 106).

It was with the arrival of Protestant evangelization and the vital role played by Sofia Müller that the most profound cultural and social transformations were generated in the Puinave population, which had not happened through the contact with traders from Brazil or Venezuela, or the incursions of European settlers, or the role of the evangelizers. Élise Capredon argues that, in addition to the above, the indigenous groups - at the time of the arrival of Sofia Müller - were living in a crisis produced largely by the regimes of exploitation and periods of intense exploitation of labor (2018).

Today, Müller continues to be a reference for the Puinave Protestant pastors and the elders who still remember her. They consider her a brave and valiant person, with a kind personality, charismatic, given to the people and with an iron will, characteristics that have been identified by some as religious messianism (Uruburu, 1997):

Sofia Müller arrives in this region at a time when the groups are going through a deep crisis, as a result of the contact with the white man and the work on the rubber plantations. She presents herself as an envoy of God, who comes to bring them happiness and peace (they should no longer work for the exploitative white man). She segregates them from the global society to protect them (Triana, 1987, p. 106). .

The continuity in the strategies of missionization, evangelization and schooling led to the annulment of cultural spaces and traits, resulting in the disappearance of several processes of knowledge, learning and teaching that indicated and established norms related to the ways of proceeding and being Puinave in relation to the territories they inhabited, which had a greater impact on youth and children. The disappearance and transformation of traditional hierarchies, the means of oral transmission and the reduction of spaces for exchanges, as well as the condemnation and demonization of the practices of social order and control, transformed the contents and purposes of the teachings.

By 1965-1990, the presence of the Colombian state was consolidated in the area through the establishment of various government institutions, the opening of mining projects in the Guaviare and Inírida Rivers (communities of Remanso, Venado, Cerro Nariz, Chorro Bocón, among others) and in the Naquén mountain range, stimulated by government entities such as Ingeominas, Ecopetrol and Ecominas. In the mid-1980s, coca production activities began to develop in the region (Salazar et al., 2006).

From 1999 to 2006, the presence of the 16th Front belonging to the Eastern Bloc of the Revolutionary Armed Forces of Colombia - People's Army FARC-EP was consolidated in the region. Sixteen armed actions were recorded, nine of which happened near the city of Inírida (UNHCR, 2017). In 2001, the military operation Gato Negro stood out, whose objective was the anti-narcotics fight and the capture or death of the leader of that Front.

Between 2000 and 2004, both guerrilla and paramilitary incursions were carried out, causing the displacement of groups of settlers who ended up settling in Inírida or in the neighboring El Paujil reservation. Likewise, the extensive jungle border areas were used as strategic corridors for trafficking chemicals, drugs and weapons (Rutas del Conflicto, 2019) and were established as the setting for gasoline smuggling and the occasional plot of land for planting illicit crops (UNHCR, 2017).

The Ombudsman's Office in 2018 identified generalized risks for the Puinave indigenous population of the region and other ethnic groups. Through the issuance of early warning No. 056-19 it makes explicit the existence of a generalized risk on the civilian population of the border area of Guainía and includes the indigenous population settled in the urban centers of the municipalities of Inírida, San Felipe or in communities located along the Inírida, Atabapo, etc. rivers. Multiple affectations have been identified, some derived from the armed conflict, and from social and natural disasters.

The above is evidence of vulnerability structures that are intensified according to cycles determined by migratory flows, rainy or dry seasons, periods of abundance and scarcity closely related to the boom and bust of the gold mines in the border zone, and border tensions or closures caused by COVID-19 and bilateral relations between Colombia and Venezuela.
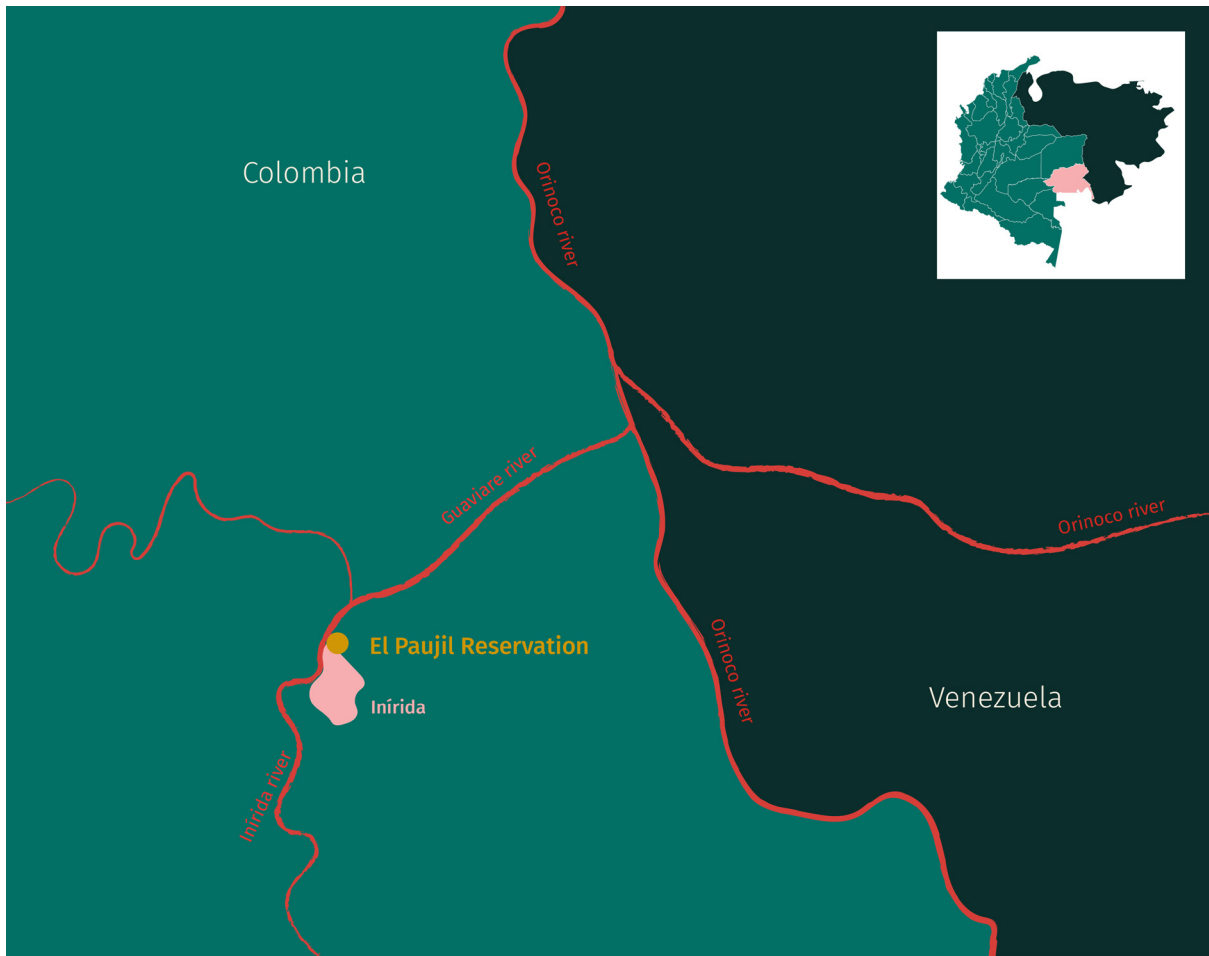
Map 4. Geographic location of El Paujil Reservation.

Source: Presented by the authors based on Google Maps. [El Paujil Reservation] Available at: : https://goo.gl/maps/q3AX7t7g9x2vnnV29

2.1.3.1 El Paujil Reservation, geographic location

The map of El Paujil was created through social mapping based on the results of the search for archives in the community. In 2008, it is presumed that a fire was caused that destroyed the Cabildo-Governor's house containing historical documents, of which only some were saved from the fire, including this sketch that served as the basis for the map.

El Paujil was recognized as a Puinave and Piapoco reservation by Resolution 081 of 1989, during the government of Virgilio Barco (1986-1990) when collective indigenous properties were legalized and several reservations of the department of Guainía were consolidated. As a result this and 13 other reservations currently belong to the municipal jurisdiction of Inírida.

El Paujil is bordered on the left side by the Inírida River and on the right by the Guaviare River and the Cunubén stream. Since 2001, a request was made to expand the reservation, which was approved on December 26, 2006 through INCODER Agreement 092. More than 10 indigenous peoples live there, in addition to mestizos and settlers.[7] El Paujil is made up of four communities recognized by the Ministry of Home Affairs, and another five that are in the process of being recognized.

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[7] According to data provided by the census carried out by the reservation in 2008, there were Puinaves, Piapocos, Piaroas, Cubeos, Curripacos, Sicuani, Yeral, Banivas, Banano, Tucano peoples (Census El Paujil Reservation, n.p., digital document provided by the community).

Image 9. Map of El Paujil, made through social mapping.

Source: Social mapping carried out by the community.

Name of the community	Recognized	Not recognized	Prevalence of indigenous group
El Paujil Captaincy	X		Puinave
Limonar Captaincy	X		Piapoco
Porvenir Captaincy	X		No significant prevalence of any group (Puinave, Curripaco, Sikuani, Yerales, Piapoco, Cubeo).
Laguana Matraca Capitaincy	X		Curripaco
Cucurital Captaincy		X	Piapoco
Platanillal Captaincy		X	No significant prevalence of any group: (Puinave, Curripaco, Sikuani, Yerales).
July 25 Captaincy		X	No significant prevalence of any group: (Puinave, Curripaco, Sikuani, Yerales).
Cimarrón Captaincy		X	Sikuani
Laguna Cajaro Captaincy		X	Piapoco

Table 6. Communities of El Paujil reservation (characteristics).

Source: Prepared by the authors based on dialogues with promoters and community leaders.

The multiethnic conformation of the reservation is the result of multiple displacements and mobilizations of the different ethnic groups that have taken place throughout the 20th century, due to multiple causes. These include the extractivist processes that correspond to the successive bonanzas of natural resource exploitation, the processes of nation-state consolidation that include the demarcation of border zones, the armed conflict and, in recent years, transnational neo-extractivist projects that result in the exploitation of precious minerals, particularly gold, and the interaction with legal and illegal armed actors.

El Paujil has Life Plans and its own internal regulations that are established in compliance with the requirements requested by the national government. The regulations were updated in 2019 for reasons that are relevant to highlight in this document and that are closely related to the research objectives. Beginning in 2010, the inhabitants of El Paujil began to perceive internal transformations that were manifested in the increase in the number of people living on the reservation, and in the heterogeneity of their ethnicity. Several people began to arrive at the reservation from the rivers - displacement due to armed conflict - and from some Venezuelan states such as Apure and Amazonas.

2.1.3.2   Socio-political organization

As described in previous sections, with respect to the Puinave people, the scope of this research was limited to the El Paujil reservation and, for this reason, particular reference will be made to the political organization of this reservation.
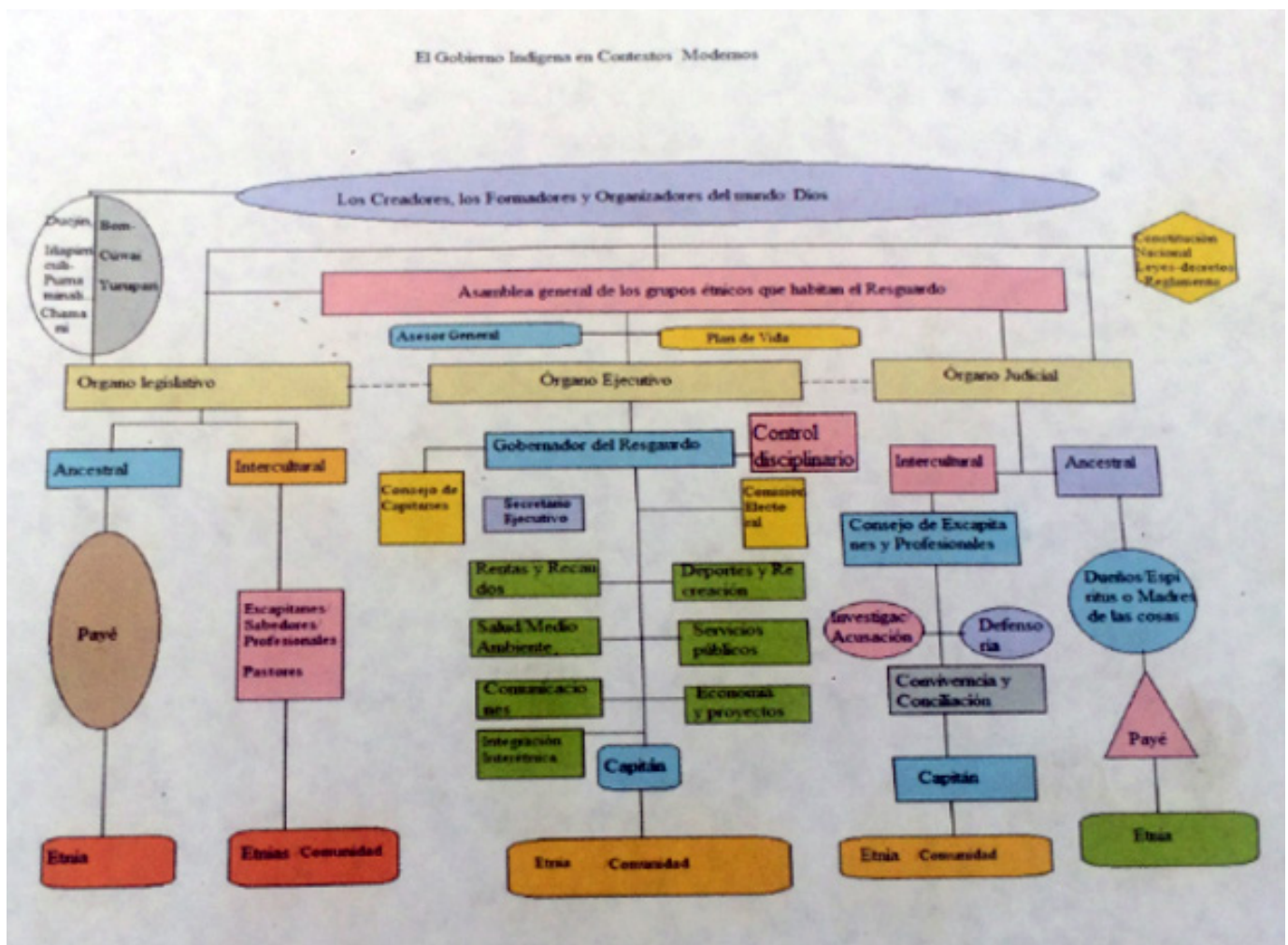
Image 10. Socio-political organization chart of the El Paujil reservation

Source: El Paujil reservation archive.

According to the Internal Regulations of El Paujil[8] (2019) the traditional or ancestral authorities are three: (1) the elder or clan chief (2) the traditional doctor and (3) the governor. The elders as advisors or clan chiefs are fundamental, they give advice and their voice is listened to with particular attention in the general community assemblies, and their acts can serve as a good example or be reproached. With the passage of time, the respect that the new generations feel for them has faded, but they are still listened to and taken into account. The Puinave community is organized by clans made up of several families.

By 1965[9] with the arrival of different governmental institutions such as the Special Police Station of Inírida, among others, the figure of the captain was imposed on the traditional authorities. The captains are the authorities responsible for the community, and are in charge of the dialogues with other entities.

The maximum authority is the General Assembly of the reservation, in which all persons of legal age (18 years old) or who, as minors have already constituted a household, have voice and vote; that is to say, those who meet these conditions must select the cabildo governor, who is elected annually after running for office and campaigning throughout the reservation.

The Council of Elders is the spiritual and cultural guide of the reservation and is made up of founding elders, pastors, former governors and former captains, who serve as advisors and supreme judges (Rules of procedure of the Puinave indigenous people El Paujil Reservation, n.d.). In addition, there is a legal representative appointed by the General Assembly who manages the different resources received by the reservation.

2.1.3.3 Basic socio-demographic characteristics

According to the 2022 community census, prepared by the traditional authorities elected in the Community Assembly of El Paujil Reservation, the number of families and people living in the reservation, broken down by community, is shown in the following table::

Community	Number of families	Number of persons
El Paujil Captaincy	476	1821
July 25 Captaincy	152	582
Platanillal Captaincy	158	680
Cimarrón Captaincy	40	171
Limonar Captaincy	150	662
Cucurital Captaincy	119	512
Laguna Matraca Captaincy	31	101
Laguna Cajaro Captaincy	15	45

Table 7. Captaincy and census of persons and families.

Source: Prepared by the authors based on dialogues with promoters and community leaders.

[8] The first version of the Internal Regulations of El Paujil Reservation was approved and adopted in 2010. In 2019 several transformations occurred internally in the reservation that generated population growth due to the entry of people from the river, displacements due to the armed conflict in the region, and recently due to migration from Venezuela. All of this led to an increase in internal conflicts, inappropriate behavior, and the appearance of coexistence offenses.

[9] The Special Police Station of Guainía was created by Law 18 of July 4, 1963 and was sanctioned by President Guillermo León Valencia. Initially the capital of the newly created station was San Felipe and later, in 1965, it was moved to its current location in Las Brujas (Guainía in its settlements). The establishment of this station was intended on the one hand to affirm national sovereignty in a border area (Venezuela and Brazil) and on the other to administer and control this part of the Amazonian territory in a more efficient manner (Rozo, 2019; del Cairo and Rozo, 2017).

[10] To belong to El Paujil Reservation Community Assembly, one must be a member of the reservation and be registered in a community. If you are 12 years old and have formed a household, you have voice and vote, but if you have not formed a household, you have neither. To date, of the families we worked with in this research, only one has voice and vote in the decisions of the reservation.

Unfortunately, there is no information on the number of people belonging to each indigenous group living on the reservation. For 2008 there is detailed data on the composition of each community, as well as ethnic prevalence and socio-demographic situations, but in recent years the self-censuses do not provide detailed information. The authorities, when asked about this situation, affirm that the costs in time and money to carry out a good census are high and this limits the updating of the data. The situation becomes even more complex when information is requested on the number of people who have arrived in recent years on the reservation. The reasons given in these cases refer to the difficulty of carrying out a census of these people given the high mobility within and outside the reservation, as well as between the different communities that make up the reservation.

The following data on Inírida can exemplify the situation of the population living in the municipality (the reservation is located within the municipalized area), which is defined as dispersed rural and is classified under category 6. It is home to 66.5% of the total population of the department of Guainía and more than 65% are considered indigenous. The population of the municipality presents a proportion of 50.53% of Unsatisfied Basic Needs (UBN), among which stand out the components of: housing (29.80), services (28.43) and people living in misery (27.53). According to 2018 data, the multidimensional poverty index in Guainía is 65% of the population, characterized mainly by a low educational level and a high percentage of labor informality (Mayor's Office of the Municipality of Inírida, 2020.

In El Paujil, several processes and projects have been developed with governmental institutions and entities and non-governmental organizations; however, they have not had the expected effects, neither for the institutions, the authorities, or the communities. The Puinave community identifies the need for prior consultation on projects, plans, programs and policies, so that they can be adapted to their plans, visions, problems and how they want non-conformities to be resolved (El Paujil Reservation, 2009).

Until 2010, the reservation had four community homes for children between 0-5 years of age, a basic health care center and a Francisco Miranda school, a pilot center for intercultural bilingual education. However, none of these spaces take into account in a real and effective way neither the ancestral knowledge nor the ways of transmitting their own knowledge, and the school reproduces the schedules and the non-traditional indigenous ways of educating, distancing the students from their own knowledge and fragmenting the social and learning life of the community.

At the health post, the conception and understanding of health and disease means that the treatment of patients is done from a non-indigenous perspective. There is a lack of holistic understanding for their treatment, and an effective valuation of indigenous knowledge, and of the people in charge of healing.

Age	Genre	
	Femenino	Male
0-18	15	21
18-59	21	13
Over 60	4	2
Total	**40**	**36**

Table 8. Direct benefits by age and gender.

Source: Prepared by the company based on the participation forms filled out by the community.

2.1.3.4 Persons impacted or reached

For the estimation of the people impacted or reached by this research, the table above specifies the people who benefited directly from the community initiative, which totaled 76 people; with respect to the other activities developed, it is estimated that 79 people were directly impacted. Regarding the indirect population impacted, 799 people living in the community of El Paujil will be included because they have the most contact with the Puinave community that lives there, and because it is the place where the community initiative was carried out.

Type of benefit	Activities performed	Total
Direct	Community initiative	76
Direct	Other research-related activities	79
Indirect	Inhabitants of the commnity of El Paujil	799
Total		**954**

Table 9. Type of benefit and activity.

Source: Prepared by the company based on the participation forms filled out by the community.

2.2 Socio-historical situation of each community

2.2.1 Yukpa. A walking culture

As it has been said, the Yukpa population of Nuevo Escobal have been coming and going to Cúcuta since long before it became a city, because according to their ancestors and living books (elders) "we are a people who walk freely, who move and form villages or communities to which we always return".

In 2019, The Colombian Institute of Anthropology and History (ICANH) issued a technical concept on Yukpa spatial mobility taken up by the Ministry of Home Affairs (2021) stating:

(..) from a technical point of view, the Yukpa practice different forms of spatial movement in their territory, guided by the fragmentary character and autonomy of their sociopolitical units, as well as by their economic forms of subsistence. It is based on this last aspect that we can define Yukpa society as a semi-nomadic society, since such economic practices combine cyclical and seasonal movements with long periods of sedentarization (..).

KOPATKA OWAYA/OWEIJA OTHERWORLD

Armouritsha, mythological hero who lifted the firmament creating the space known as Owaya (Oweija). This myth tells of the creation of the world (tangible and animated), the origin of what is perceived today as a landscape or spacial and temporal dimension that is based on changes in time as a main parameter (movement).

Another essential part of the Yukpa people's story is the great flood, which tells of when the Yukpa disobeyed Cumuco (God) and as a punishment he flooded the earth. This forced the Yukpa to flee to the mountains, specifically to Mt.Tectari, which is the highest mountain in the Perijá mountain range.

Image 11. Excerpts from Yukpa myths related to movement and the world they inhabit. The Yukpa community explains its history and daily life through its myths.

Image 12. Mobilities of the Yukpa of Nuevo Escobal.

Source: cSocial mapping carried out by the community.

Image 13. Mobilities of the Yukpa of Nuevo Escobal.

Source: Google Earth. Available at: https://bit.ly/3vABjzg

Subsequently, the State Council in a ruling from March 3, 2020 highlighted their cultural status as: "Threatened, nomadic and itinerant farming ethnic group with a geo-political location recognized since 2009", a ruling that was taken up in 2021 by the Ministry of Home Affairs, urging national and local government entities to ensure the constitutional protection of the Yukpa people in the design and implementation of plans, programs and projects taking into account each of their cultural characteristics.

The movements of the Yukpa of Nuevo Escobal begin from Machiques in the Sierra del Perijá, to the northwest, towards the Apón river basin. They also move through the highest part of the El Espejo and Potushi hills, where there are emblematic sites of their collective struggles such as the Yuwatpū Wonetajpho or House of the Chiefs, which is a central space for political discussion and where some houses are listed with their own name, since each house keeps the name of its owner, even if they also have a settlement in Colombia. In addition, the passage through Shirapta is recorded, from where there are different routes to reach these pilot centers (branches).

When comparing the map made by the community with a map extracted directly from *software* such as Google Earth, it can be seen that the territories are very clear in terms of distances and locations in the imagination of the communities. This is important because it denotes a semiotic closeness to the territorial spaces of these people. Spaces that turn out to be tremendously extensive for a non-indigenous imagination.

Once they crossed the Táchira River (Colombian side), the first settlement was created under the Francisco de Paula Santander International Bridge in unsanitary conditions and exposed to inclement weather, harassment by armed groups, and social and police pressure. Due to these conditions, some families dispersed to nearby municipalities such as El Zulia, Puerto Santander, Sardinata, Tibú, El Tarra, etc., while others were taken to temporary shelters in Cúcuta and Villa del Rosario. The *continuum* of mobilities increasingly limited their means of income (itinerant sale of handicrafts and basketry, recycling and begging). Subsequently, around 150 families settled and formed communities such as the Nuevo Escobal neighborhood.
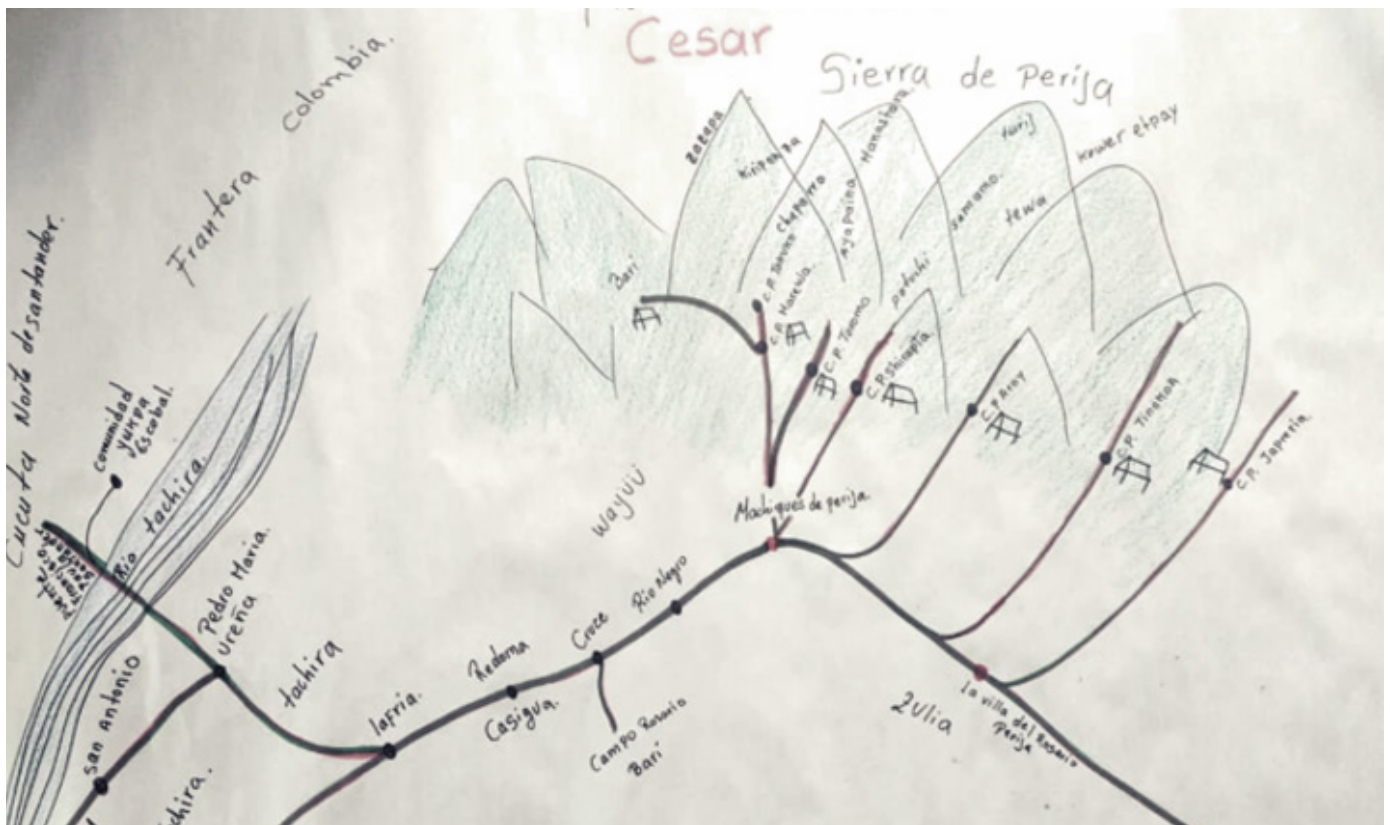
Image 14. Mobilities of the Yukpa of Nuevo Escobal from the Sierra del Perijá.

Source: Social mapping carried out by the community.

From the pedagogical and ethno linguistic point of view, at the time of the social mapping it was not possible to translate into Yukpa the notions of dwelling or home typical of Western sedentary societies, neither the concept of site. This is perhaps because the scenario to which they constantly refer to make a translation of Western concepts is the past, because it is the most tangible for them. The future place is unknown as yet, with detachment and un-rootedness being the best way to remain in movement: "At any moment we can leave, but we don't know it yet. We are here and also in the mountains when we go and come back".

However, there was a translation of the notion of land or territory as *owaya* to denote a location in a spatial-temporal sense, also associated with the idea of the world, and more operationally, a link between territory and the places where they walk or move. They have adopted the western term "shack" to refer to their dwellings, *owaya* being the place or wide space where they live (and move), and shack the place where each family group is. This is what one of the community promoters says:

> We have always been here, but in El Escobal we have been settling between 2012 and 2017. We made these communities because of the situation in Venezuela; we could not live like this without selling what we planted, without food, without health, and thirsty. We still have family members from the Sierra arriving and leaving every day.

The mapping exercise clearly shows how mobility routes are shared with other indigenous groups such as Wayu and Barí, with whom they share semi-nomadism and bi- or pluri-nationality.

The Myth of the creation of Eñepa man:

Mareuka (God, The creator) was alone in nature (Earth) and he thought of creating Eñepa man; first he made Eñepa with mud (clay), and once made the man approached the river to fetch water, and dissolved. Then later, he made him with beeswax and, in the same way, he melted when he approached the fire. Lastly, he made him in wood, which turned out well. Then he put them in a Churuata (it was a hill, because the Eñepa did not yet know how to build their own churuatas) called Sawi, located in the Maigualida mountain range, Alto Cuchivero. The Eñepa lived there for many years, until Mareuka decided to move them. The creoles all left, and some Eñepa left, but not all.

All the creoles left, and some Eñepa that were more creole than Eñepa. The Eñepa went down the bank of the Cuchivero river until they reached the Guaniamo river. They founded communities such as: Perro de Agua, El Caruto and Santa Fé. They also visited the town of Caicara del Orinoco to trade agricultural products and handicrafts. At this time, in the mid 80's, there was a malaria epidemic. Some of the Eñepa died (the minority). They received help from the fathers, sisters and missionaries to control the epidemic. The Church built a residence to shelter the sick, especially the fathers and sisters with the help of the Archbishop of Ciudad Bolivar (Crisanto Matacova). They are currently established in the municipality of Cedeño (Caicara).

Eñepa manäjä Mareuka ya pake

Eñepa kityomön Isakamatonäm künkän eñepape. Künkän co wechamön Mareuka chin anopön ichinchaman ku eñepa manünpö. Pakenkomön yamanüm anoke, yutun kö tuma yimüpü yawokakan. Yamanükä coropake, yután watowüyaka yuwatënkä yamanüñekä iyeke ichinkü karape Sawi eñepa patan iche pake y cuchivero yupunyakata Sierra Maigualida ya ichinkä cure möm ya. Yuwumukan Sawi yotakan eñepa atawun weke imkaka kure künnü, yuwutën Cuchivero yakata isimünkan Guaniamo yakataka monkoka yi patan Manünpünä, Sarunä, Ankucho, Santa Fe. Monchichenkü tüpünüpünü ekarapana yintaka, manankeyankü yipüna. Isawantänjä paludismo pü – cureke – yupapö armana, pacro ya ekarapachiche

Image 15. Excerpts from E,ñapa myths related to movement and the world they inhabit[11].

Source: Sosa and Inojosa (1996). Myths in the Andean region. Venezuela. Quito: Andean Institute of Popular Arts of the Andres Bello Convention.

Available at: https://biblio.flacsoandes.edu.ec/libros/digital/45534.pdf

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[11] The E,ñapa people have foundational myths to explain their appearance in the world and in Caicara (Bolivar).

2.2.2 E,ñapa

Regarding mobilities, the first thing to say is that the E,ñapa community settled in Arauca capital is not from the border, even though they are currently living there. It is said that as a people they come from the Alto Cuchivero mountain range and their movements date back at least a hundred years, when they went to the interior of Venezuela. Thus, they spread throughout the Orinoco and Amazonas regions of Venezuela, where they occupied spaces of extinct ethnic groups and were subsequently expelled due to the pressure exerted on the territory by cattle ranching and mining groups.

Those who remain in rural or forest areas survive by subsistence planting, fishing and hunting, while those who moved to the cities of Bolivar and Caiçara subsist by selling handicrafts to local people with whom they say they have strictly commercial relations. With the Venezuelan multidimensional crisis (especially since 2014) the sale of handicrafts no longer allowed them to subsist, so they decided to move to Colombia where, it was said, there was help for people arriving from the neighboring country.

Two community promoters reported that some E,ñapa people went to Brazil because of the geographic proximity, and because they also provided assistance there, and because there have been E,ñapa colonies there for a long time.

In order to understand the continuum of the E,ñapa mobilities, we tried to reconstruct the trajectories based on social mapping through free drawing, given the language barriers, and emphasizing the broad participation of the entire community in these exercises.

During the mapping, ethno linguistic terms were identified; for example, the territory is referred to as Eñapa Yuü Añano and when moving (human mobility) it is Juhta; however, they do not usually name or give names to specific places; for this, they seem to use the Creole and Spanish name of the nearest and most named river, road or hamlet.
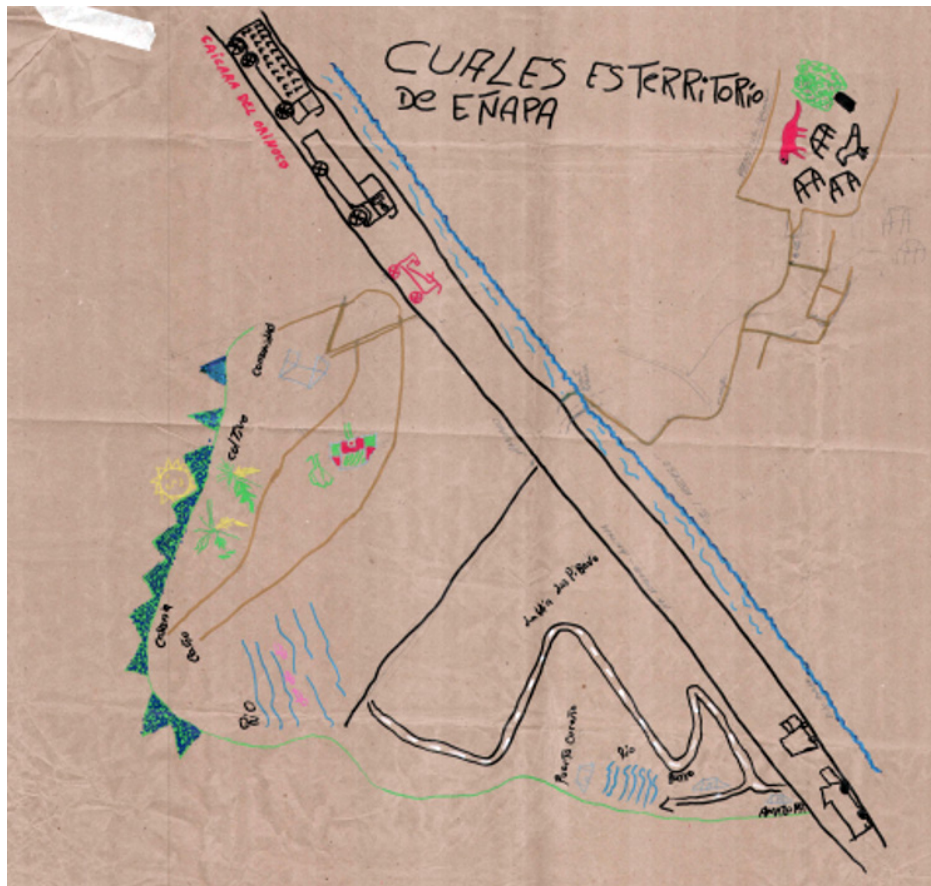
Image 16. Mapping of the E,ñapa and their territory.

Source: Social mapping carried out by the community.

From Caicara (Bolivar) to Alto Apure in Venezuela, between 2014 and 2016: the accelerated development of Cedeño (Bolivar) due to intensive mining (mainly diamond and bauxite), the construction of highways, particularly the one linking Caicara with Puerto Ayacucho, as well as the missionary presence, began to permeate their beliefs and habitat. Later, the economic and food situation forced them to move to Alto Apure, in the Pueblo Viejo sector of Guadualito, Paez municipality, surviving by selling necklaces and handicrafts.

From Alto Apure (Venezuela) to Arauca (Colombia), between 2016 and 2019: they traveled about 800 km from Cedeño to reach Apure state. Once at the border, they practiced so-called "pendular or circular migration" to sell their merchandise. They moved daily between Guadualito (Pueblo Viejo), El Amparo (Venezuela), and Arauca (Colombia).

2.2.3 Puinave

According to their own stories, the Puinave people originated in the Payé Lake, near the community of Matraca, located on the Inírida River. There lived the God Dugjin who grew up with his aunt. The God Dugjin was brought to life due to the fact that his forearm was found in the lake. It is from that bone that the first person appeared who was named Dugjin or Orphan. Dugjin possessed much intelligence and wisdom and by his actions he taught the care of nature and administered justice. But Orphan decided to avenge the death of his parents and decided to smear bitter leaves on his body, which is why the Puinave people are known as the Bitter Plant People. This story is adapted from the Law of Origin of the Puinave Life Plan of the Reservation Caranacoa-Yuri-Laguna Morocoto.

The history of the mobilities of the Puinave families linked to this research is marked at the beginning by internal conflicts, and the explanation they offer is associated with the fact that they are bitter people, because it is their nature, their culture.
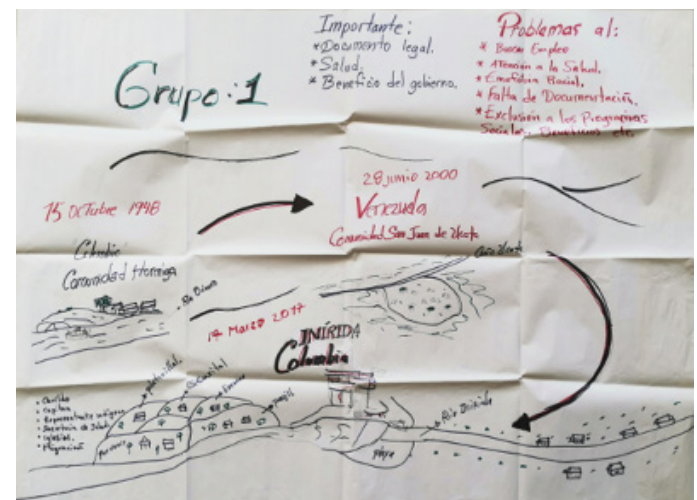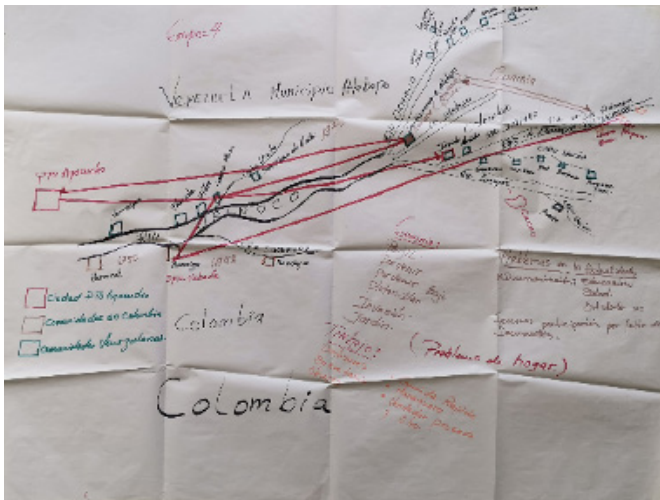
Image 17. Mobility routes of the Puniave people settled in El Paujil Reservation[12].

Source: Social mapping carried out by the community.

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[12] Social mapping exercises prepared on February 19, 2022. The use of arrows evidences the Puinave migratory *continuum.*

Two Puinave community leaders who have returned from Venezuela tell how in 1945, several groups, including their family, began to go down the river from community to community:

Yes, this Puinave, Puinave itself is bad, when there is an internal conflict, culturally, the Puinave disperse, because Puinave is, as the name says, "bitter people" so when there is a conflict between them, the Puinave, maybe in 45, in the year 45, the groups of my family, my parents, they lived in a community, by the river, by the river by the Guainía, there is another community by the Guainía called Caranacoa, another one called Berrocal, another one San José, by the Guainía, then, when there is a fight between the Puinave group they disperse, because they kill each other, do you understand? (Conversation with community leader in August 2022).

The migrating families did not go directly to Venezuela; they moved gradually through nearby communities. The first settlements were in Vichada, near the Mataven River, where they lived for a while - between 5-10 years - and then they moved to another territory. If there was an internal conflict, the Puinave people would disperse, because that is their life. They moved in families, and sometimes fragmented them as a way of resolving internal conflicts. They have differential markers towards other indigenous groups in the region:

..the Puinave group is very fragile and sometimes we do not understand each other, because some groups stay together, they do not disperse, for example, the Sikuani groups, the Piaopoco groups, the Piaroa groups, the Yecuana groups, they keep their group together, but a large group in Venezuela and in Colombia also. However the Puinave do not, only those who stayed by groups, by groups, by the river, the Inírida river, by the Inírida river, but the rest no, each one followed their destiny and left when we were here in the department of Vichada, Berrocal, Hormiga. They were in the department of Vichada, where we were born, from there in the year 70 they went to Venezuela, from there again.. (Conversation with a leader in August 2022).

According to information gathered in the fieldwork, in the 1970s and 1980s most of the Puinave community in Venezuela made a strategic change of names and surnames in order to obtain identity documents that would allow them to stay there on a regular basis. .

It was necessary to have the sponsorship of someone to help them with the change, and for that reason now the sons and daughters of these people have difficulties to process their documents. Currently, many of the adults who are not recognized as Colombians are the children of fathers and mothers who changed their names in order to remain in another place.

The Puinave people say that in the 1970s they passed through several communities and cities in Venezuela: Puerto Ayacucho, San Juan de Ucata, Santa Rosa de Ucata, San Fernando de Atabapo, among others. In the early 1980s some had returned to the communities of their parents, but in 1983 the guerrillas expelled them, so they returned to Venezuela. Around 2000 they returned to Colombia, where they settled in Hormiga or Berrocal, and moved back to Venezuela. In 2017, faced with what they called the hunger crisis, they decided to settle in Colombia; and, at the time of the close of the fieldwork for this research, they were returning to Venezuela.

..we were in Colombia again, we had already returned, and our communities were revived again, we stayed there, of course we go to Venezuela and return to Colombia, we go to Venezuela and return to Colombia, we have always kept our customs and traditions in our territory, and so if we are going to write a history of the Puinave peoples it will be a bit long.. (Conversation with a leader in August 2022).

Indigenous people in the city! What could be considered "their own ways" for these indigenous communities in continuous movement and deterritorialization?
For the indigenous community, this is an extremely complex issue. In the light of testimonies and observations, it can be affirmed that, although the city is part of "their own ways", it is not unique. *Communality* as a concept was coined by two indigenous people from Oaxaca, to refer to the way of life of the native peoples of that state (Contreras, 2018). This analysis refers not to a concept but to practices or ways of living in community (collective and historical) that accentuate cultural revitalization (Fanlo, 2011) from the everyday life of the transnational social space; that is, here and there.

Thus conceived, for communities in movement and deterritorialized - such as those considered here - *communality* is also linked to the type of society that is formed at the time and place or places where they settle or resettle, based on two variables; (1) place-forms of relationship, how is the relationship with the place

and with the others who inhabit that place? and (2) the "other", the "others" are not only people, but also that which is not a person; spirit, animal, plant, world.

This approach has as a *sine qua non* premise the recognition and re-signification of their own traditions, such as cultural practices carried out by social subjects to strengthen their identity and find possibilities for a dignified life. In other words, it is based on the recognition of the inhabitants of these transnational indigenous communities as subjects with historical and political abilities to take action. *Communality* is thus understood at the same time as an object of research, community social practice, and pedagogical strategy (Agnes, 1982) (Contreras, 2018).

During the listening and participant observation exercises, diverse communality practices and logics of socio-political organization were evident and manifest as strategies of resistance. As native communities of Abya Yala[13], there are processes that violate their identity and dignity, such as homogenization, subalternization, ethnocide, linguicide and structural (and epistemic) racism based on the power of the nation-state. (Maldonado-Torres, 2008). The above is unveiled from a methodology of conversational trust (Zemeleman, 2010) between the researchers, community promoters and the community, which facilitates identifying and valuing thoughts, reflections, and community actions.

Conversational trust was nurtured on different occasions where important situations of personal and community life were shared, as well as during the tours through the territory and the creation of alternative ways of fostering and co-creating listening spaces. Everyday life and the importance of what was spoken of did not always emerge in situations clearly delimited for that purpose: "The meaning of social life is expressed particularly through discourses that constantly emerge in daily life, informally through comments, anecdotes, terms of treatment and conversations" (Guber, 2001, p. 75).

From a situated analysis, this transnational *communality* is materialized in everyday expressions of the symbolic, the material and the political, as follows:

In the face of external pressures on the territories and the constant precariousness of their lives, mobility appears as a right of escape and a survival alternative for development and a dignified life. In the face of the difficulties and dangers of human mobility, family and collective movement functions as a protective space. .

In the face of obstacles related to health, illness, mourning and joy, initiation rituals, grief rituals, and traditional communal festivals for cultural and identity reproduction, the re-signification and meaning of being and living in community is important (vital space = communal space). This is how it is proposed by the Yupka people, as exemplified by the celebration of the menarche rite in the Nuevo Escobal neighborhood:

> *The Yukpa have made a great resistance, they have done so and have remained and believed in spite of all the technology and means of transport, they continue being Yukpas, even if they go to the city, they continue believing in their myths, in their beliefs and in God.*

Image 18. Part of the Yukpa Menarche rite, Nuevo Escobal neighborhood, Cúcuta.

Source: Gabriela M. Cano, 2022

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[13] The use of this notion has been taken up as a historical and political position by those who use it, explaining that the name America or New World was used by the European colonizers, and not by the native peoples of the American continent.

In the menarche rite called Samayapa (Yukpa), a ritual of one moon (28 days) is performed, generally by the girl's grandmother. In this rite the girl must go with her grandmother to the jungle and there she will teach her the women's tasks within the community, among which the weaving of baskets and mats stand out. For the duration of the rite, the girl must learn well the work of basket weaving and the work in the conuco. During all this time no man can see the girl, not even her father. Three days before the end of the ritual the girl must be shaved by her grandmother, she changes her clothes and prepares a fire with wood from the tree called Misira. The girl must stand over the fire so that the smoke permeates her new dress and she has to endure the smoke as a sign of strength.

Image 19. Part of the Yukpa Menarche rite, Nuevo Escobal neighborhood, Cúcuta.

Source: Gabriela M. Cano, 2022

In the face of obstacles related to pressures from outside of the community and the territory, and to intra-community and intercultural coexistence, the community assembly (communal power) functions as a center of social political organization and a conjunction of perspectives on what to do, how and with whom to overcome individual and collective difficulties. It is a space of horizontal solidarity in which people listen, propose, debate and put on the table possible strategies and alliances (such as the case of the change in the E,ñapa community initiative for reasons of pauperization and accelerated starvation, which arose as a result of a communal deliberative process in which they decided not to use the economic support associated with this research to produce more handicrafts, but to raise and sell chickens, despite never having done so before) and even as a scenario of organization for collective resistance (as in the case of the Yukpa resistance to the education model that the Secretary of Education wanted to impose on them, which they managed to mediate through a community call for the guarantee of the right to free self-determination and prior consultation). In such cases, individual obstacles become communal, as do the solutions.

In the face of obstacles to the attainment of minimum subsistence, communal work appears as a practice and a way to solve material needs (design, manufacture, and trade of handicrafts). These are daily practices carried out by several people at the same time or in stages. It is also the link between the collective, the creative and the emotional for the production and reproduction of culture and identity. Most of the material culture revolves around their daily life or daily living, with baskets, bags or mats all made with natural raw materials from the Venezuelan region (vines, various woods, fique fiber, and others).

Handicrafts are a communal job, especially basketry because of its technical and symbolic quality, as it is present in various community rites such as the menarche (Samayapa), which has already been mentioned. Other handicraft elements that are made within the community are jewelry objects with seeds, mainly used by girls, but which in themselves apparently do not have any traditional or special meaning, as well as bags made with fique fiber (woven with a stitching needle) and collection baskets.[14]

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[14] It was identified that there are no active marketing chains, and interviews revealed that this characteristic applies to almost all Yukpa communities on the Colombian side. On the Venezuelan side, it was identified that there are some who market handicrafts.
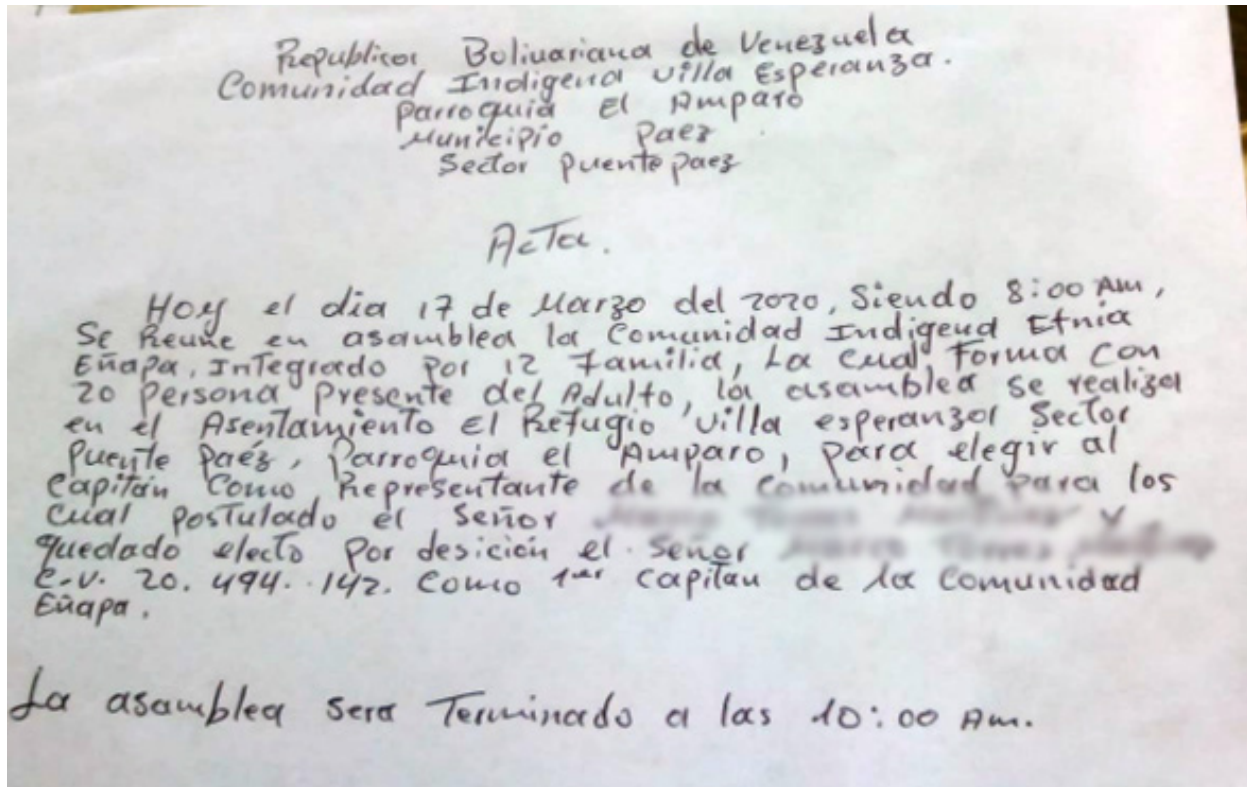
Image 20. Photograph of minutes of E,ñapa assembly, Arauca.

Source: E,ñapa community archive.

Version of the mythical origin of weaving, especially of baskets

"(...) they originated from the journey of a woman who went with her deceased lover to the world of the dead. On the way they found the house of kopirchu, the frog. There all the Yukpa people who pass by must show their ability to weave the different baskets (menuri [ira], menuche [iro], minursh [sok]), fans (püpü [ira], pupu [iro], püpsh [sok]), quivers, (napa) and mats (apoto [ira; iro], apotsh [sok]) in order to continue their journey. Only if they pass this test does the frog indicate the correct path to the world of the dead."

Image 21. Fragment of the mythical origin of weaving.

Source: Sosa and Inojosa (1996). Myths of the Andean region Venezuela. Quito: Andean Institute of Popular Arts of the Andrés Bello Agreement.

Available at: https://biblio.flacsoandes.edu.ec/libros/digital/45534.pdf

Due to the nature of the work produced, manually and handcrafted, women carry out different activities in the process, both with the products (necklaces, bracelets, baskets, etc.) and including the activities to provide the inputs and their transformation (search for fields to extract the leaves, take out the fibers and let them dry until they are used for weaving hampers and baskets) and later, the sale. The same applies to recycling:

> When I was able to find someone to buy the baskets in Cúcuta, they told me that I could find the plant[15] in a neighborhood here in Cúcuta. We went to cut some leaves and they called the police, so we told them that we didn't know it was theirs (..); now we go to Venezuela with machetes and boots to bring the leaf, it is very hard work because it takes one to cut and another to carry it, and then go across the river. We try to bring a lot, and we put it to dry inside the shacks.

A community promoter has a group of 10 girls to whom she teaches basketry and handicrafts of different products. She dreams that the municipality will allow them to have a fixed point of sale of Yukpa handicrafts, so that the sale is not itinerant and they are recognized in the city.

On the other hand, the care of elderly people and minors seems to be communal in both communities (E,ñapa and Yukpa) based on transnational practices that also include the care of belongings (homes inhabited in Venezuela) in such a way that mobility circuits are generated for the care and follow-up of these people and goods.

Those who lived and were trained in Venezuela, in the intercultural training schools, and were trained in human rights and collective rights, developed public speaking skills and negotiation skills with various actors. As a result of this, and of their professional training, some of these people have been able to participate in certain spaces and receive payment, and have become leaders in their community.

Image 22. Photographs of Yukpa handicrafts, Nuevo Escobal neighborhood.

Source: Gabriela M. Cano, 2022

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[15] Material from the plant (Lucua-iraca) can be obtained near water sources. Since the supply of raw material is insufficient for the production of handicrafts and everyday objects, the possibility of planting the plant on the banks of the Táchira River is being considered.

We go back and forth, selling handicrafts. Sometimes we stay for days and sometimes we go back to the community."

There are those who go to other cities and municipalities on a seasonal basis, always in groups or with their families, never alone.

According to the above, *communality* as a way of life from the *"we"*[16] is at the same time a scenario for the diverse forms of production and reproduction of life and of the social aspect of life (individual and community). Because by operating as a social and symbolic system[17] opposed to the modern individualistic and capitalist "I", it allows finding solidary, sustainable and transnational organizational strategies to overcome the obstacles of individual subsistence and of survival in community[18]. Also in the experiences of the survival anxiety, in the exposure to discriminatory attitudes, a sense of belonging, of self-preservation and of reaffirmation of "what one is" is reconstructed which generates individual and communal strength, to the extent that the members of the community experience it and learn to overcome it.

In this symbolic space of transnational *communality*, indigenous women are conceived as endowed with multiple aptitudes and skills (for agriculture, handicrafts, teaching, healing, singing, dancing, etc.) and therefore bear many aspects related to the reproduction of life: from the economic and cultural to the most indispensable aspects of the human dimension such as health, illness and care, in pluri-local or transnational spheres.

Perhaps the fact of being small - or relatively small - communities like the Yukpa, helps to prevent internal cases of social privileges of some over others from being notorious; however, in this Yukpa case, aspects related to an interest in social mobility or ascent are evident, especially in relation to access to formal employment, something that is beginning to be perceived

with the obtaining of the Temporary Protection Permit (PPT) in the staggered processes of migratory regularization. Individual interventions and solutions promote the opposite of communality; therefore, they attack the collective sense of their struggles and of what is their own.

Borderization and lack of protection in the scenarios of transnational indigenous ancestral mobility. The importance of counter-narratives and new cartographies, from their protagonists.

As already mentioned, these are transnational (and cross-border, in the case of the Yukpa and Puinave) indigenous communities whose ancestral territories are divided by imposed international borders, and by virtue of this some have the status of bi- or pluri-national peoples (Yukpa case). Their location, the ease of using multiple crossing points, have strengthened their mobilities. The human movement or mobilities they have practiced and continue to practice are also survival strategies to face conflicts and violence, especially political, so that when armed actors or extractivist campaigns increase their actions, communities also increase their wandering, settling and resettling in territories or spaces where there are possibilities of a dignified life.

Authors such as Yescas have said that it has a historical and ancestral connotation in which "people from the same indigenous tribe - within their ancestral territory - cross an international border" (2008). This means that these communities have developed a bi-national identity that, although not a legal recognition of dual nationality, is born of their own daily migration practices, and this produces a form of community life and a cultural homogenization within the same territory.

The truth is that whether confined to smaller areas or crossing state borders in search of better life possibilities in indigenous communities' territories or urban centers, mobility as a right does not stop. This situation

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[16] From the conceptualization of the German theologian Carlos Lenkersdorf as a key word above any individual perspective (of the Mayan, Tzeltal, Tojolabal, Tzotzil, Ch'oles and other collectivities).

[17] For Bourdieu, symbolic systems contribute to the constitution of the world that implies the endowment of meaning for those who live in it. See social space and symbolic power.

[18] Professor Juliana Flórez helped to understand these two conditions of life in the community as the articulation of a set of diverse practices that the subsistence logics of capitalism oppose. The productive would be associated with value-generating activities that are not only paid, but can be abstracted in measurable and, therefore, homogenizable labor time; activities in which, in addition, exchange value has preeminence. On the other hand, reproductive practices generate unpaid value (such as care work that does not involve labor, for example, domestic service), and take the form of a dispersion of tasks with non-systematized levels of standardization and in which the main thing is use value.

was recognized by the Constitutional Court when it stated that there is "a high frequency of cross-border exodus of indigenous groups close to the borders".

Although the historical tendency of these communities has been mobility in family groups (nuclear or extended), there are individual displacements, generally in search of job opportunities, health treatments, and promises of products and services from international cooperation, which, as social capital and information, also travel the trails, rivers and improvised roads where people move. .

It is not possible to analyze the humanitarian challenges of these three indigenous peoples without reviewing their spatial logics and their mobilities (different or not necessarily migrations). Their character between mobile and stationary, forward and backward over more than one generation, makes it necessary to constantly redraw the multidirectional nature of their movements. The *continuum* of mobility (exile/ dispossession, inter- and cross-border displacement) that accompanies indigenous peoples is evidence that the academic terrain of human mobility is in permanent movement. This implies problematizing the notion of borders. "Mobility is part of the history of humanity, what is abnormal is the idea that societies need to construct political boundaries that limit spatial mobility." (Hollifield, 2004).

It was not until the end of the 20th century that the notion of a border as a physical and functional line that "indicates a country's jurisdictional domain and is artificially imposed on a given territory" (Gasca-Zamora, 2002, p. 19) served to legitimize the idea that there is a fixed and delimited national territory in which a homogeneous national population resides (State centrism or methodological nationalism). With the invention of national borders and legal geographical concepts for the regulation and control of populations (reservations and cabildos), the construction of a "non-national" "other" was created, which impedes the self-determination of indigenous peoples, especially those who move between countries (cross-border and pluri-national).
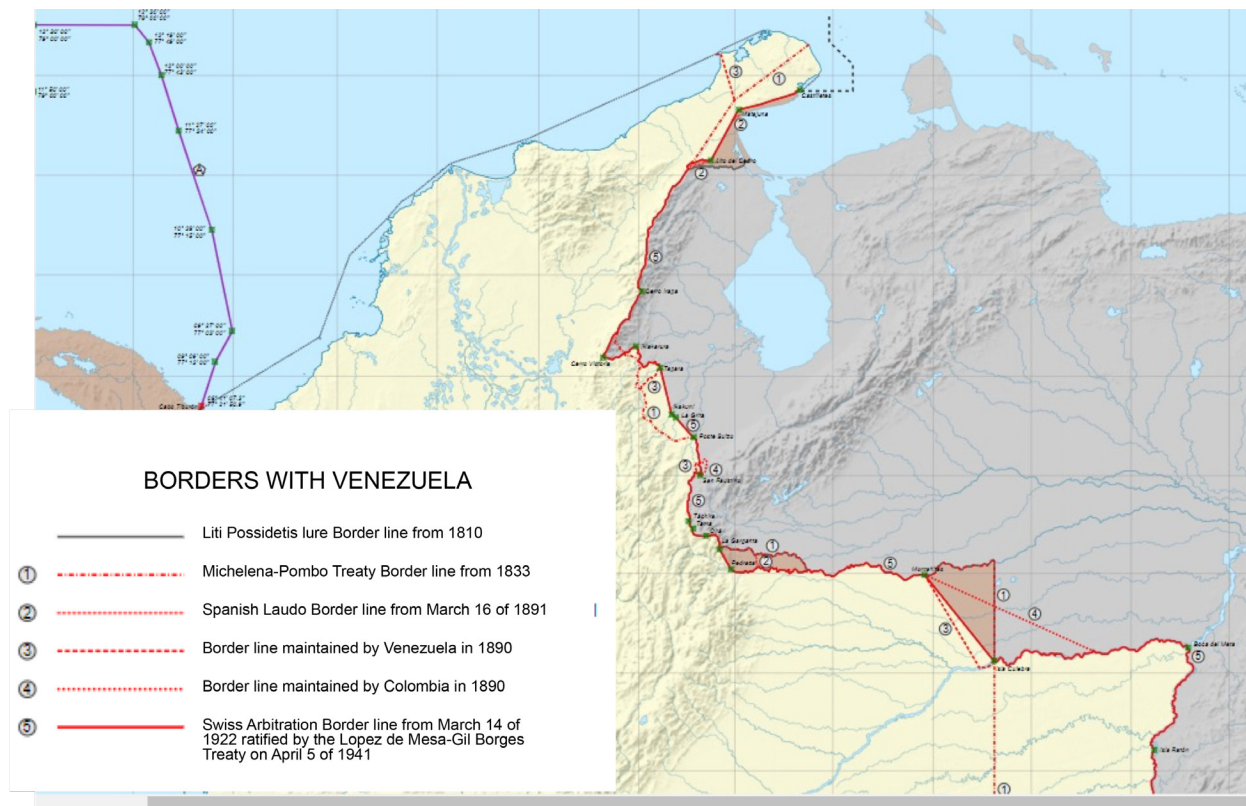
Map 5. Drawing of limits (political boundaries) between Venezuela and Colombia.

Source: Geographic Society of Colombia. Colombia-Venezuela land border

Available at: https://es.wikipedia.org/wiki/Fronteras_de_Colombia#/media/Archivo:Mapa_de_Colombia_(fronteras_y_tratados).svg

Authors such as Aníbal Quijano propose the existence of a coloniality of power that comes from a racist mentality of otherness whose purpose is to control and subdue, materialized in the radicalized layout imposed on indigenous peoples. Likewise, Mezzadra and Neilson indicate that Latin America has a European location, and a mostly Eurocentric vision (2017).

In the last two decades there has been an interest in understanding borders as the sum of social, cultural and political processes rather than as fixed boundaries, outside of time and on a map. (Johnson et al., 2011). This recognition has been one of the major conceptual changes in border studies, especially in Latin America, as it gives rise to pluri-national frames of reference in which the most important thing is the social construction in permanent movement (Casas-Cortés et al., 2015).

This research identified that the three communities or societies living in these contexts maintain social relations where the place or territory is not the fundamental unit of analysis. This challenges the methodological nationalism that has as its center a single delimited, fixed and homogeneous territory as a natural unit of analysis, and requires us to redefine our viewpoint, since these are communities for whom mobility is a feature of their way of life, especially in the Yukpa community, who perceive themselves as nomadic.

The three cases are illustrative of de-ruralized mobilities between traditional territories and urban peripheries due to contextual and structural factors. Addressing the spatial logics of indigenous peoples who recognize themselves as mobile requires a constant epistemological revision of the categories used to analyze human mobilities, including the notion of their own territory.

Different territorial scales imply several levels of analysis. Importance of multiscalarity

The research team identified different types of overlapping territories at a multi-scale level in which communities live simultaneously. This overlapping is not only physical or geographic, but implies a relationship with the land that is necessarily related to their worldviews, and therefore the territory is not considered an abstract space and indifferent to its contents (as in geometry). There are struggles for identification and collective recognition, showing great shortcomings in the governance of the indigenous issue in Colombia and perhaps in the region.

At the local level, there are, on the one hand, indigenous communities formed by their own cultural, social, parental and historical patterns that may have official or informal recognition and, on the other hand, there are the reserves or reservations[19] as an official category associated with the spatial codification of the indigenous territory within the Colombian territoriality; and in this official category, but at the national level, there are territorial entities such as municipalities or cities and governorships that are part of the country's political and administrative division. .

A local intermediate space between the indigenous communities and the cities can be the urban territorial occupations also called precarious settlements or migrant camps such as Villa Esperanza in Arauca, where the E,ñapa live; although it is conceived as a community project, the articulating element is the collective struggle for the adjudication of peripheral and urban wastelands under a self-perception as a diverse vulnerable population. The Mines near Inírida are also in this intermediate category.

On a regional scale, supranational territories appear that, although geographically different, are similar on a social, economic, political and environmental level, such as the pan-amazon in Inírida for the Puinave people. These are then trans-local scenarios in which different types of social inequities coexist simultaneously, and on the other hand, they are a spatial representation based on the interpretation of the research team during the ethnographic dialogue (listening sessions); that is, they are not necessarily spaces that exist naturally. Indigenous communities have historically articulated new territories in the experience of mobilities, and in the narrative through their own life routes.

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[19] At the national level, the colonial reservations were territories assigned to the indigenous communities by the Spanish crown, whose recognition was ordered by Simón Bolívar in 1820 and ratified consecutively until 1991 (National Constitution). Later, Art. 87 of Law 160 of 1994 (Agrarian Reform) stipulates that the indigenous reservations are subject to compliance with the social and ecological function of the property, in accordance with the uses, customs and culture of its members. Subsequently, Decree No. 2,164 of 1995 regulated Law 160 in relation to the endowment and titling of lands to the indigenous communities for the constitution, restructuring, expansion and reorganization of the Indigenous Reservations in the national territory. At the regional level, Convention 169 of the International Labor Organization defines indigenous territory as "the totality of the habitat of the regions that the peoples concerned occupy or use in some other way". With respect to the Indigenous Reserves, these are communal lands of ethnic groups, according to Article 63 of the Political Constitution and Law 21 of 1991.

Accordingly, this research identified at least four types of territorial overlapping:

- Peripheral, urban, and informal multi-ethnic territories that are at some point in the titling, transfer or adjudication process, E,ñapa case in Arauca. Due to strong and sustained local advocacy processes, a judicial decision was reached that prevented the eviction of 200 families, including the E,ñapa.
- Peripheral urban border territories, informal and not recognized as areas of possession, traditional or ancestral use, which are in a process of expulsion or eviction, such as the Yukpa case in the Nuevo Escobal neighborhood of Cúcuta.
- Territories officially recognized as multiethnic reservations, such as the Puinave case in Inírida.
- Multiethnic supranational territories, such as the Puinave case in the pan-amazon.

The findings described above lead to the problematization of the use of the category of indigenous territory since its context and history implies adopting, as has been said, a transnational perspective of human mobility. This in turn allows for overcoming conventional theoretical approaches that conceive border and international mobilities as unidirectional displacements that go from a static point of origin to another point of destination (or return). In other words, it implies a change of perspective for the analysis of the diversity of mobilities, connections, and practices in all directions of space.

The transnational approach brings to this research a transformative force insofar as it adopts a theoretical, methodological and political perspective (Suárez-Navaz, 2010) that allows us to analyze how diverse indigenous groups construct and reconstruct their lives simultaneously in more than one territory through a *continuum* of cross-border mobilities and practices that maintain a certain stability and resistance over time, and involve significant proportions of people in transnational social spaces. It also questions the neo-economic perspective (*push-pull* theory) that explain migration episodes conceived as extraordinary situations that take place in a linear direction from a fixed delimited country of origin to a country of destination, and helps to represent the spatiality of communities and subjects "not in the distance that separates them, but in the density and frequency of the community practices that bring them together" (Besserer, 2004).
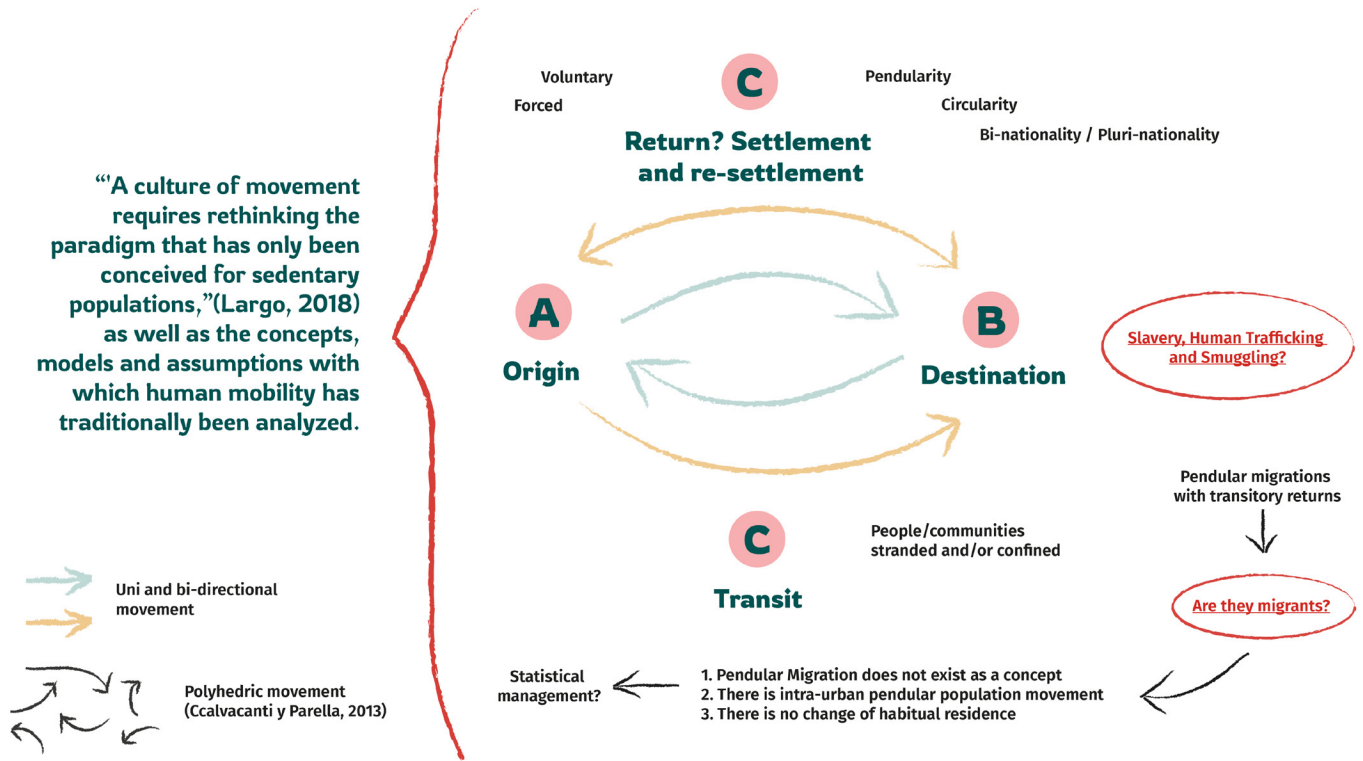
Figure 6. The continuum of indigenous transnational mobilities.

Source: Prepared by the authors.

Studies on mobility and borders have been identifying a disruption of the circularity of human mobility towards polyhedral flows (Cavalcanti and Parella, 2013) or trajectories in all senses that are not limited to people, but also include objects, information and symbols beyond national borders.

It is through polyhedral movements that mobile subjects form *transnational* social spaces (Glick, 2005). (Glick, 2005) in more than one nation-state. In border regions, the systems of representation and cultural identity of indigenous peoples and communities are found somewhere between their traditional origins and modern, western and urban influences as a result of inevitable intercultural relations and the coexistence of different historical temporalities, so that the processes of fusion (Bhabha, 2013) occur in a kind of third, cross-border space: transnational social spaces.

These spaces are a much broader spatial category that reflects the tendency of Amerindian peoples to reconstruct (re-territorialize) through mobility, inter-culturality and community actions to de-territorialize themselves, insofar as they seek a break with the imposed state and legal territorialization (Olaya, 2009). This enables, epistemologically, the analysis of indigenous sociocultural processes in horizontal and multi-scale conditions. Deterritorialization movements would account for ruptures between political, social and symbolic borders.

In order to account for the *continuum* of transnational human mobilities and the overlapping of territories of the indigenous communities considered in this research, it was essential to deconstruct from below - at the local level - the official cartographies from which they are referred to and intervened. The construction of new collaborative cartographic elements - from and for the communities - serves to nourish the current narrative "from above" (State and national society) about transnational indigenous peoples, helps to understand their historicity, and to recognize their struggles for movement and identity. For these eclectic maps are another tool to support their struggles, as elements of dissemination where it is also possible to identify state absences or gaps so that they can support public and private policy strategies based on evidence; but, above all, it helps in the search for lasting and effective human rights solutions.

So what is the territory of these three transnational and mobile indigenous communities? In the light of the fieldwork we would say that it includes the places where they move, the places where they are, where they settle and re-settle, the dynamics and networks they weave and the social, economic and cultural capitals that move with them; in other words it is the transnational social space that goes beyond the merely spatial.

Based on the fact that the indigenous communities in this research do not identify with the official carto-policy that locates them in certain regions or territories and denies them their mobile character, the following are the maps or heretical cartographies of the Transnational Social Spaces (EST) that the Yukpa, E,ñapa and Puinave communities have created based on their transnational human mobilities (corridors and trajectories) collaboratively reconstructed through the social mapping exercises. The recognition of these ESTs is evidence that the *continuum* of mobilities has fractured the rigid structures of the nation-state[20]. This is not intended to disregard or annul the nation-state as an element that already exists and is therefore necessary for the understanding of the phenomenon, given its importance in the areas of governance, public policy construction, and integration, among others.

The Transnational Social Space (EST) of the Yukpa community of Nuevo Escobal is formed by a continuum of mobilities between Venezuela - Ureña, Táchira, Machiques-Tukuko-Shirapta (Serranía del Perijá) in Zulia and Maracaibo - and Colombia - La Guajira, Cesar, Norte de Santander (in Cúcuta, Tibú, El Tarra and Teorama (San Pablo) there are five communities formed), Catatumbo, Yopal (Casanare), Santander (Bucaramanga) and Bogotá, mainly. Some of these mobilities in Colombia are part of informal Yukpa indigenous craft trade routes, with seasonal and circular routes and trade hubs, as in the case of Yopal (Casanare), where the regional meeting of indigenous peoples' own economies - crafts and agro-industry - is held every year. To pay for their travel expenses, the communities travel in groups and sell their handicrafts in public parks, transport stations, and in the streets, so that when they collect the money they pay for transport, food and a place to sleep. As a result, these journeys can last several weeks or months.

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[20] At the descriptive level, transnational mobilities build syncretisms of all kinds, with the invaluable contribution of networks as social capital.
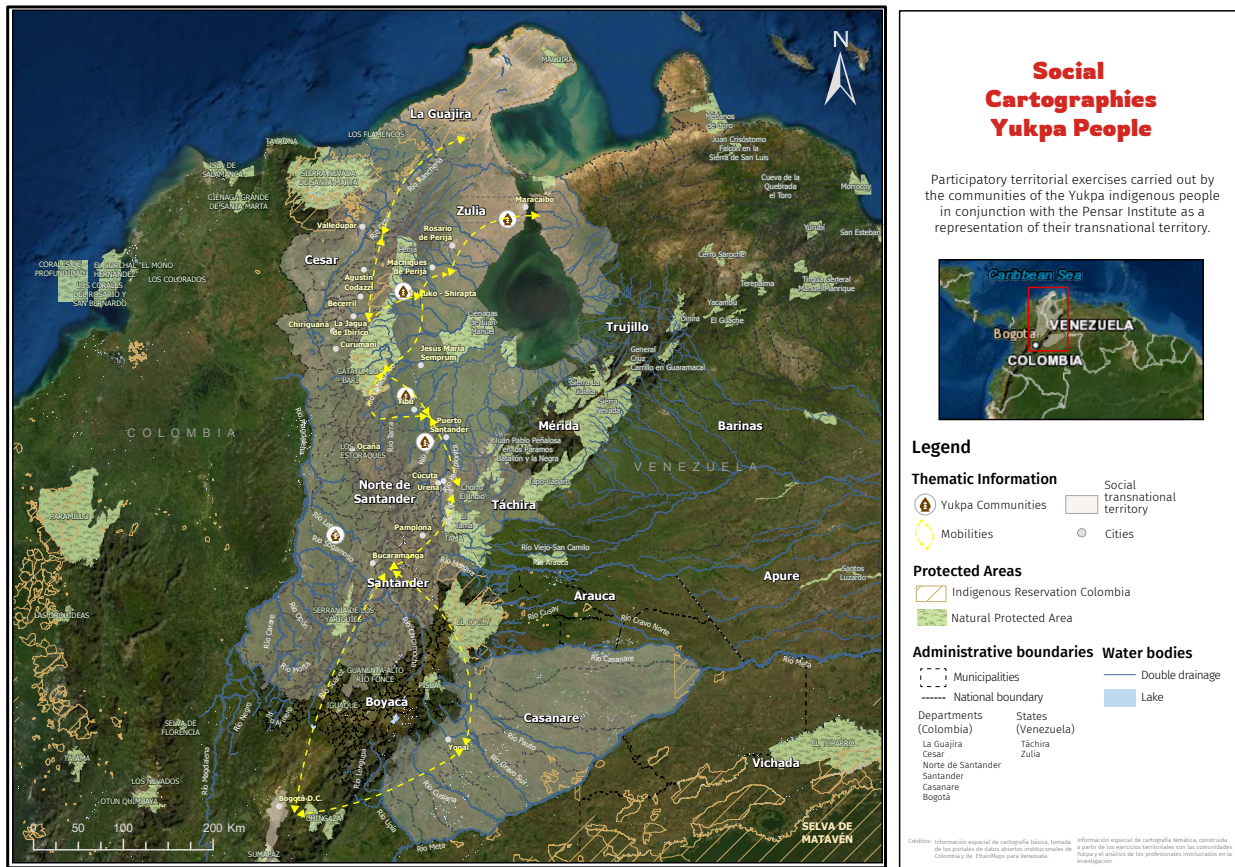
Map 6. Transnational Social Space (EST) of the Yukpa communities settled in the Nuevo Escobal neighborhood.

Source: Social mapping exercises carried out by community promoters with support from Laura Guevara in design and layout.

It should be noted that in some geographical areas, such as Cesar in Colombia and the Sierra del Perijá in Venezuela, the communities settled there are official reservations (Colombia) or Pilot Centers (Venezuela) with formal recognition. The rest of the communities are informal; that is, they lack state recognition.

Another important aspect has to do with the fact that the Yukpa EST includes the ancestral territory geographically located in Zulia (Serranía del Perijá) as a fundamental base for mobility journeys, which is essential to point out within the territorial overlapping. The Yukpa territory is not limited to this territory.

According to Convention 169 of the International Labor Organization, their own territory is "the totality of the habitat of the regions that the peoples concerned occupy or use in some other way" (art. 13) although "it constitutes a complementary spiritual and material base, in addition to forming the space that links numerous generations with the ancestors, where their own history originates and is linked to their identity" (Botero-Sánchez and ACNUR 2007).

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[21] In order to carry out the exercise of counter-mapping human mobility and the geography of these movements, an investigation of Colombian and Venezuelan territorial layers was carried out in institutional open data portals and in official entities for the management of spatial information. Initially, there was the challenge of not having consolidated information for Venezuela, with a little more in the case of Colombia (greater availability of data). Regarding ethnic information, it was difficult to access the layer of Legalized Indigenous Reservations of Colombia, provided by the National Land Agency, in which some spaces corresponding to the object of this research were identified. In carrying out this exercise, it was observed at first sight the clear need of formal, taxative, political and institutional recognition of the pluri-nationality of the transnational indigenous peoples that transit between Venezuela and Colombia, which are not represented in accordance with their ancestry in the traditional cartography. By connecting the available spatial information together with the information obtained from the social territorial mapping exercises of the communities, it is easy to identify the presence of these peoples beyond where the borders are politically defined, understood only from the superimposition of political-administrative limits that lack knowledge about the existence of these ancestral peoples and the historicity of their movements.

Map 7. Transnational Social Space (EST) of the Puinave communities.

Source: Social mapping exercises carried out by community promoters with support from Laura Guevara in design and layout.

The trajectories and corridors of human mobility maintain patterns of family and group displacement motivated mainly by family reunification, family visits, grief rituals (death or illness), traditional festivities, care of belongings (multi-residence in Venezuela and Colombia), transfer of belongings and craft work materials, errands related to bi-national documentation (obtaining or updating documents), health procedures, specific job offers, and informal itinerant trade of handicrafts or regional craft fairs (Yopal). As mentioned above, relationships of kinship and consanguinity up to the first degree have been found among the dispersed communities that favor seasonal, circular or prolonged settlement, depending on individual and communal circumstances and the bi-national political context (such as the closing or opening of borders, reactivation of bi-national dialogues, and military or illegal armed groups' operations).

The activation of multimodal mobility corridors (on foot, by donkey, bus or canoe, along rivers, trails, "jungle" or roads) depends on the factors described above.

The mobilities of the Puinave community transcend their territory of origin with the journeys they make between their communities, their conucos, their farms and the different municipalities of Colombia (Inírida and Amanaven) and Venezuelan cities (San Fernando de Atabapo, Puerto Ayacucho). Puinave mobilities are also associated with the holding of the holy dinners and biblical conferences. These two activities are of utmost importance for the people who practice the evangelical religion: they have been consolidated as spaces par excellence to exchange, share and socialize between the different river communities and the various ethnic groups.

The holy dinners are held approximately every month and they bring together people from the rivers, and also between them they take turns to organize these events. The conferences are held in the same way, but bring together hundreds of people living in areas evangelized by Sofia Müller in both Colombia and Venezuela; they are: "scheduled well in advance, these large-scale ceremonies exalt cordiality, hospitality and solidarity, but also self-control and discipline

through an uninterrupted series of collective activities (worship, sports tournaments, and abundant meals) governed by rigorous rules" (Capedron, 2018, p. 232).

The rainy and dry seasons are related to Puinave mobility:

· During the rainy season, the rise in river levels causes people living in settlements that are more exposed to flooding to temporarily move from their homes to safer places.

· The rise of the rivers makes it possible to navigate streams that at other times are not navigable, as well as to access some conucos and work the land, harvest crops or prepare for the new planting of cassava and fruit. Even reaching certain mines in the Yapacana area is facilitated by the easy navigability of the rivers.

· During the dry season, with the appearance of beaches, fishing camps are established. In this way, living spaces are improvised and they move temporarily to other areas.

In this complex web of human mobilities and overlapping of territories, plurilocal, transnational and cross-border communities such as the Yukpa and Puinave were identified in the following ways:

· The *continuum* of mobilities is between two or more neighboring countries or nations and between contiguous or politically bordering regions, even if they have not migrated (cross-border). They present polyhedral trajectories that constitute settlement and resettlement processes between Colombia and Venezuela. In the case of the Yukpa of Nuevo Escobal, there is no reservation or possibility of forming one in the place where they are currently located.

· The members of the community maintain permanent residence in Venezuela and in Colombia (pluri-local, bi-local communities with pluri-residency

that do not comply with the first requirement of migration[22]: permanent change of residence for more than one year.

· They share a cultural complexity with instructions in at least two languages or dialectal variants to be inclusive (Yukpa and Puinave cases).

· They maintain transnational community systems of self-governance made up of collective subjects (dispersed or sedentary) in a situation of mobility, migration, settlement (provisional or permanent) and resettlement, with an idea of first-level citizenship that is multi-localized[23] (neither local nor state); it is a kind of community citizenship, not formally recognized by states.

"I am not a foreigner, not a beggar, not Colombian or Venezuelan; I am Yukpa.".
"First of all, we are indigenous E,ñepa and not migrants, and that is our identity."

They share communal and mobile ways of living that include cultural and religious elements that energize mobilities (religious mobility in the multiethnic reservations of Inírida).

A second scenario is that of non-cross-border transnational migrant communities such as the E, ñapa[24] settled in Arauca:

· Although the continuum of mobilities is through two neighboring nations (trans-national), the place of departure, from Venezuela (Caicara), is not bordering or contiguous to Colombia. They present occasional polyhedral trajectories in Colombia.

· With international mobility there is a change of permanent residence of more than one year (emigrant, immigrant); although there is no awareness of migration, there is interest in the movement, due to the historical pressure on the territory here and there.

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[22] According to the IOM, an immigrant is "a person who moves to a country other than that of his or her nationality or habitual residence, so that the country of destination effectively becomes his or her new country of habitual residence", a definition of "long-term migrant".

[23] The multifocal is not an irreducible unity, as these differences are explicit and manifest despite the unity. The intercultural exchanges, the types of (local) intervention have marked these differences on the basis of state and especially juridical categories.

[24] Although there is mobility of E,ñapa families to Brazil that constitutes cross-border mobility with pluri-locality and possible bi-nationality (Venezuela-Brazil).

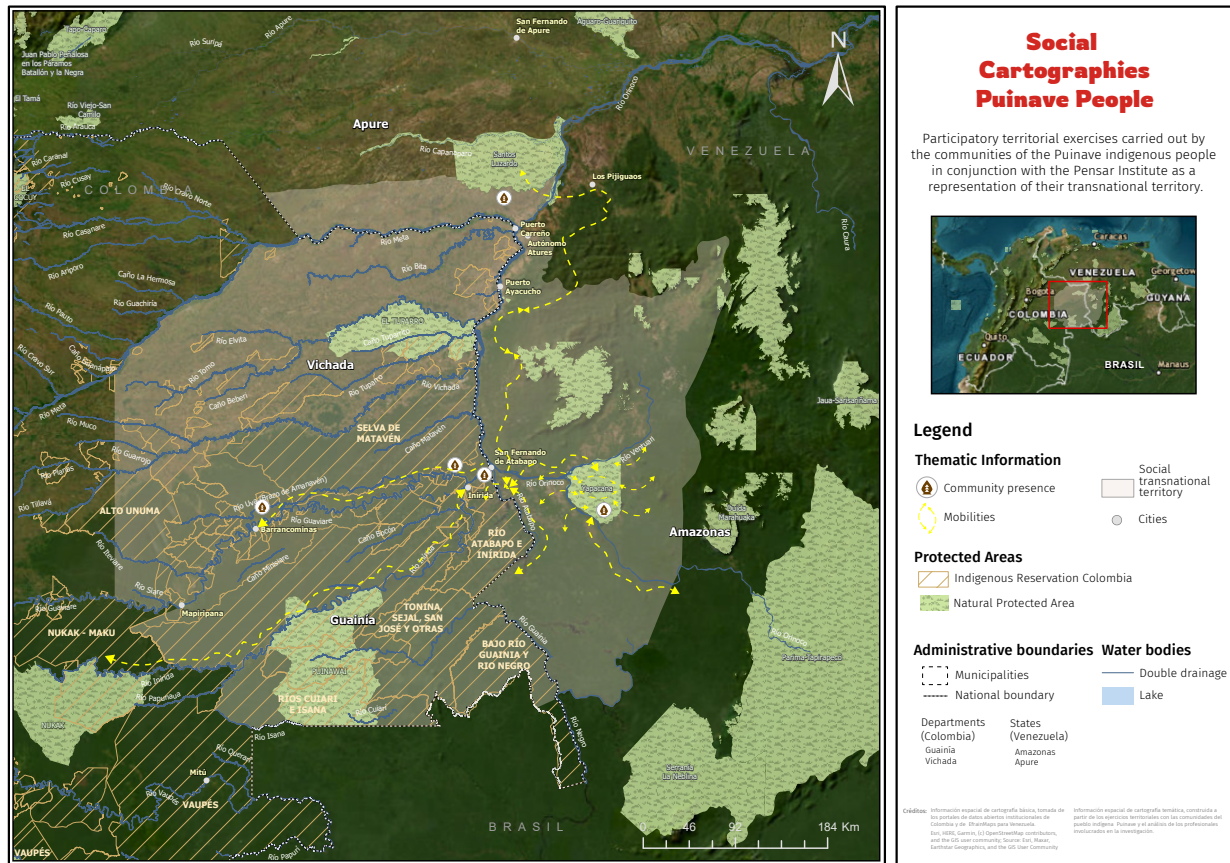**Map 8.** Transnational Social Space (EST) of the E,ñapa community, settled in Arauca.

Source: Social mapping exercises carried out by community promoters with support from Laura Guevara in design and layout.

The Transnational Social Space (EST) of the E,ñapa families living in Arauca capital is made up of a *continuum* of mobilities between Brazil (Boa Vista-Roraima), Venezuela (Bolivar State (Caicara Orinoquía), Cedeño Municipality, El Pajal community, Alto Apure District, Guadualito and El Amparo) and Colombia (Arauca-Capital (Villa Esperanza, Sector of Puerto Alegre/El Refugio), Saravena, Crabo Norte and Tame, Cúcuta (Norte de Santander), Agua Azul (Casanare), Villavicencio (Meta), Arauquita (La Paz), Puerto López (Meta), Bogotá (Cundinamarca), Yondó (Antioquia) and Boyacá).

International movements began to increase, quantitatively, after the outbreak of the COVID-19 pandemic. In Colombia, there are intra-urban movements in Arauca Capital and between some cities as part of informal craft trade routes, with seasonal and circular routes and trade hubs, as in the case of Yopal-Casanare, where the economic regional meeting of the indigenous peoples of Colombia is held every year, with craft and agro-industry projects. To pay for travel, they follow the same pattern as the Yukpa community. .

The E,ñapa EST includes the ancestral territory geographically located in Caicara del Orinoco (Venezuela), although the center of activities related to Venezuela is Guadualito (Alto Apure), given the geographical remoteness of Caicara.

The trajectories and corridors of human mobility maintain the same patterns of Yukpa mobility (family/group) and the motivations revolve mainly around the procurement of craft work materials, errands related to bi-national documentation (obtaining or updating documents), informal itinerant trade of handicrafts or regional craft fairs (Yopal) and, after raising chickens "on the other side of the Arauca River," on the Venezuelan side, they decided to settle permanently in Colombia; therefore, their main movements are to the interior of this country.

EThese ESTs are the result of the interests of a border industrial complex based on a homogeneous and hegemonic model of national citizenship that leaves out diversity and overlooks the impact of social inequality (and poverty) that makes it almost impossible to maintain this type of national citizenship. These

ESTs are both an imposition and an escape from the generic way, framed in legality, in which the States define the treatment of these communities, which by its very logic ignores community and historical dynamics. This is why they must be understood as dynamic: paths, routes, mobility corridors, people (their profiles), modalities, goods, services, products, information, etc.

2.3 Interaction of each community with other agents

The Yukpa presence in Norte de Santander is not new, on the contrary, it is historical; yet their settlement in the Nuevo Escobal neighborhood (in Cúcuta), especially since 2016 and 2017 occurs at a crucial mobility peak for migration management in Colombia described by the government as the humanitarian exodus (especially between Táchira (Venezuela) and Norte de Santander (Colombia)). During this period, the E,ñapa community also arrives and settles in Arauca.

Similarly, this also occurs with the increase in the arrival of people belonging to various indigenous groups, including the Puinave, and other non-indigenous people, to El Paujil reservation, to the city of Inírida, and to some other communities surrounding this municipality, such as Coyare. This period is referred to by some Puinave people as the "hunger crisis (2018-2021)" and also corresponds to the intensification of migrations associated with floods, (especially with the rise of rivers in the rainy seasons), the consequences of the pandemic and the effects of the Peace Agreement signed in 2016 between the government of Juan Manuel Santos and the FARC-EP with the consequent organization of dissident groups and the limited response capacity of municipal and governmental entities.

As a consequence of this peak, at the end of 2016 the national government created the Interagency Group on Mixed Migratory Flows (GIFMM) with the main objective of coordinating the response to the protection needs of refugees, migrants, returnees and host populations, co-led in a complementary manner by the government, IOM, and UNHCR, together with 47 members, including 14 UN agencies, 29 international NGOs and four members of the Red Cross Movement. There is a regional GIFMM (17 countries in Latin America and the Caribbean), a national one (in the Colombian case, it operates in Bogota) and other local ones[25] (such as those of Arauca and Norte de Santander).

The creation of this complementary body to the Colombian central government officially justifies the presence of the international institutional actors described in the following:

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[25] There are currently 8 local GIFMMs in La Guajira, Atlántico, Arauca, Norte de Santander, Nariño and Valle de Cauca, Bogotá and Antioquia. Acción Contra el Hambre (ACH), UNHCR, Adventist Development and Relief Agency (ADRA), Aldeas Infantiles, Americare, Ayuda en Acción, BLUMONT, Caritas Germany, Caritas Switzerland, Danish Refugee Council (DRC), Norwegian Refugee Council (NRC), Colombian Red Cross, Norwegian Red Cross, Diakonie, Food and Agriculture Organisation (FAO), Pan American Development Foundation (PADF), Halu, Humanity & Inclusion, ICRC, IFRC, ILO, iMMAP, International Rescue Committee (IRC), Mercy Corps, OCHA, IOM (Co-lead), OHCHR, ORC, OXFAM, PAHO/OPS, Plan International, Pastoral Social, RET International, Save the Children, Jesuit Refugee Service for Latin America and the Caribbean - JRS LAC, Jesuit Refugee Service - JRS Colombia, Terre des Hommes Lausanne (TdH), TECHO, UNFPA, UN Women, UNICEF, UN Habitat, UNDP, War Child, World Vision. Information available at: https://r4v.info/es/situations/platform.

While this research was being developed, REACH Initiative, together with GIFMM and the Local Humanitarian Team of Guainía, jointly developed an Area Based Assessment (EBA) to address the gaps in information regarding humanitarian situations and multiple affectations in Inírida taking into account: (1) violence and armed conflicts, (2) high flow of migration from Venezuela in vulnerable conditions, (3) difficulties with floods (EBA database, s. p.). The full results of the EBA will be presented in person in the city of Inírida on September 21, 2022. So far, only partial results of the EBA have been available.
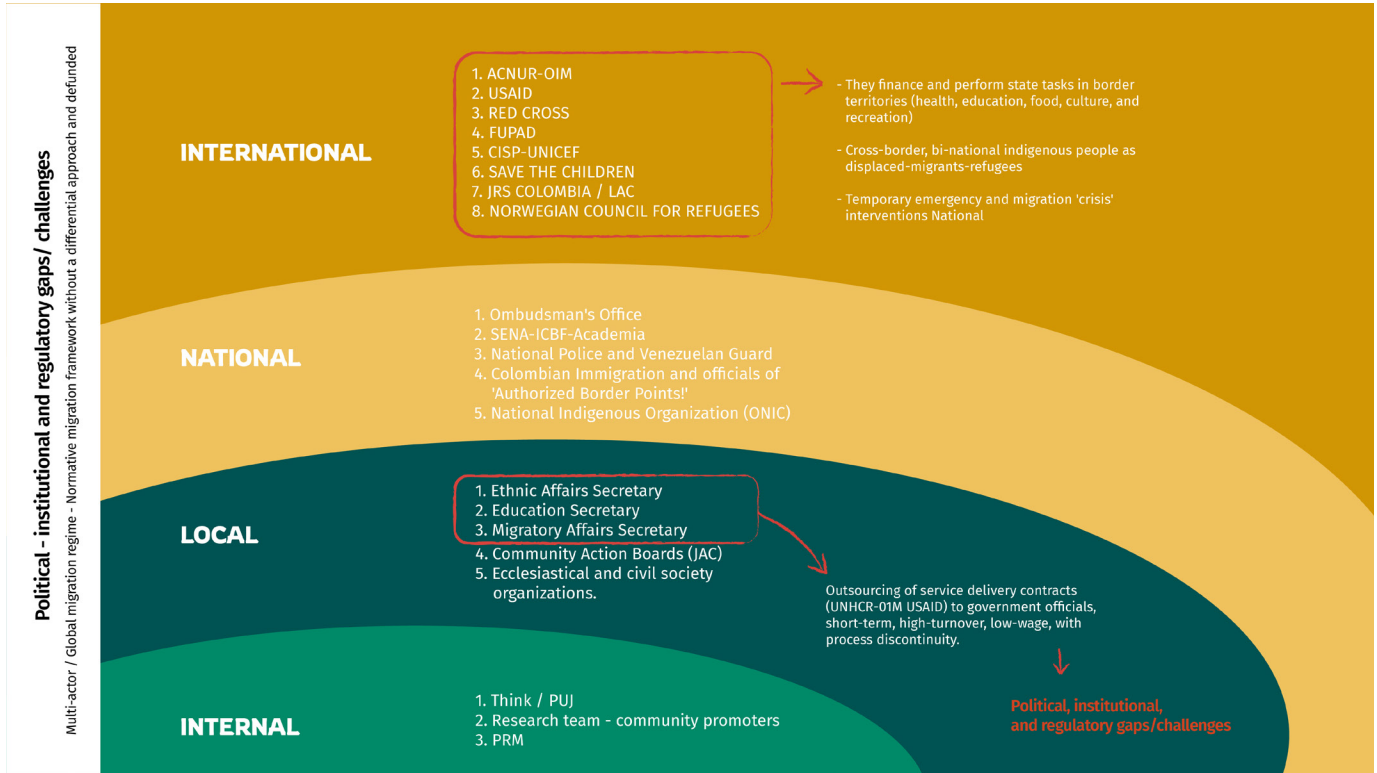
Figure 7. Multi-scale mapping of actors related to the Yukpa and E,ñapá communities in Cúcuta and Arauca, Colombia.

Source: Prepared by the authors based on field work.

From above, the mapping of key actors gravitating around the indigenous communities considered in Colombia, shows a Border Industrial Complex (Esguerra, 2020) which operates as a series of public and private interests of pressure groups such as official and business institutions, political agents and individuals, which generate needs for political and military surveillance of the borders, assimilating protection to mobility control. They also give rise to an industrial administration of borders. In this sense, borders become a territory of hierarchical and unequal continuities, which is why they do not strictly divide only nation-states, but also legal-political-national frameworks.

This multi-scale mapping of individuals, groups, organizations or work units that interact in some relevant way with the indigenous communities considered in Arauca, Cúcuta and Guainía, shows, among others, the following:

The international scale presents the greatest presence of actors, agencies and resources (especially in Arauca and Cúcuta) to provide humanitarian aid based on two international standards: (1) the development of the Legal Framework for Protection and (2) the implementation of the Regional Response Plan for Refugees and Migrants (RMRP) to displaced, migrant or refugee communities from Venezuela, within which the transnational indigenous communities of this research are included. The majority of actors are registered within the agencies of the United Nations Organization (UN).

CIn the case of Guainía, the presence of humanitarian agencies and resources to respond to emergencies related to humanitarian aid is recent and intermittent. Although since 2006, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA Colombia) promoted the creation of Local Humanitarian Teams (EHL) whose purpose in the region was to work on issues related to peace and development in the area. In 2017, the EHL made a transition to Local Coordination Teams (ELC).

Humanitarian agencies have not been in place for many years in the area compared to other regions of the country, so for example the IOM has been present

in the region since 2018, the Norwegian Refugee Council since 2021 and, with respect to humanitarian agencies, only the Childhood and Development Corporation (CID), which has a headquarters in Inírida, is present in the area. At the end of August 2022, the person linked to the Norwegian Refugee Council (NRC) withdrew from the area and it is likely that - by the end of 2022 - this NGO will no longer have a physical presence in the region. Although they are international actors, their presence in the communities has specific local and national scopes, even recognized in municipal and departmental development plans.

On the other hand, it is necessary to mention here the illegal armed groups that are present in the border areas between Colombia and Venezuela due to their transnational scope, regardless of their origin (Colombians); for example, between the Nuevo Escobal neighborhood (Colombia) and Ureña (Venezuela) along the Táchira River, different illegal armed actors are temporarily present and operate.

Between Arauca and Apure, different armed actors exercise or have exercised direct territorial and social control activities with cross-border indigenous communities.

At the national and local level, the meetings of the local Interagency Group on Mixed Migratory Flows (GIFMM) in Arauca and Cúcuta define the humanitarian response as articulated and concerted from above, institutionally and multi-scale, rather than horizontally and inter-culturally with the transnational indigenous communities.

At the national level, (1) the work of the respective ombudsmen's offices is noteworthy, whose staff carry out important community work, mapping of needs and early warnings, legal guidance (petition rights, lawsuits, etc.), activation of care routes and, in particular, pedagogy towards public and private institutions in relation to respect for prior consultation, self-determination, and violation of humanitarian law. It should also be noted that the (2) National Indigenous Organization of Colombia (ONIC) has been accompanying transnational indigenous leaders and authorities under the political and organizational principles of unity, territory, culture, and autonomy. Adding the E,ñapa and Yukpa struggles to the indigenous political movement led by ONIC could represent an opportunity for political participation to make their realities and knowledge visible, and effectively demand their rights, especially their self-determination.

At the local level, the communities resent the absence of effective and sustained support from the municipal administration, beyond diagnoses and coordination for assistance deliveries of cleaning and food utensils.

2.3.1 How does this relationship come about?

From the field work it was possible to identify that, on a regular basis, between 3 and 6 different actors arrived in the indigenous communities; most of them without prior notice or prior or agreed objective. Some members of the communities in the listening sessions stated:

> *"At any hour they arrive. We stop doing work to get food so we can receive them." "Sometimes the morning, all morning, or in the afternoon or all day." "We came because they said here they give to us indigenous people, they give papers so they can attend us in the hospital." "They offer us papers, food and health." "They say that, with a special permit, a paper from the government, we can stay without them giving us trouble." "Above all they come to do censuses, to count us, to take pictures and sign some sheets (..) we ask ourselves, what for?" "As we move around a lot, we are always different or some are missing and so on, so that's why they count us", "They ask us to organize ourselves in groups of so many people or families, because they need us that way to give to us", "The vests have different colors and so one knows where they come from".*

In the Puinave case, it was identified that, given the proximity of El Paujil reservation to the city, several actors stated that most of the activities were carried out in the reservation, and that it was necessary to broaden the scope to the rest of the department, although they also recognized that this was the place where they were arriving due to the existence of several ports - Platanillal community, Cimarrón community, Cucurital community, and Piedra de El Paujil - and the high costs of traveling to other communities in the department.

2.3.2 Dispersion of agendas and actors around communities

Most of the actions revolve or have revolved around vaccination plans in the context of COVID-19 and tuberculosis episodes (elderly people) in the E,ñapa community in Arauca (the last one in 2022), delivery of hygiene kits, food or supplies for transit, health days (nurses who take vital signs, diagnose diseases and refer to

hospitals), recreation days, material aid, information for the reestablishment of family contacts, temporary housing services, humanitarian transportation, legal assistance, health procedures in emergency conditions to local hospitals, and information and procedures for migratory regularization in association with local governments, cleaning supplies, basic medicines, nutritional flour, water, snacks and work tools. There are also processes of mass returns to Venezuela called "voluntary returns", which violate the right to non-refoulement and the prohibition of mass returns, and are carried out without the guarantee of a due process (we will refer to these last two aspects at the local level, given the important participation of local governments in these activities).

2.3.3 International agents carrying out government work on the basis of time and scope and a high turnover of officials

According to Cúcuta's Municipal Development Plan, during 2019 GIFMM attended 75% of the Venezuelan population. On the other hand, it should be noted that the GIFMM has provided care through comprehensive models for pregnant women, family planning, nutrition and care for HIV patients. These models include the delivery of medicines, patient follow-up, treatments, laboratory tests, etc.; in other words, they are complete services offered by GIFMM's partners.

In 2019, this gap was identified in the Unified Command Post (PMU), which responded with approximately 120 thousand services; however, it is important that national and local governments define structural routes with the force of public policy and a specific budget with affirmative actions to guarantee the rights of these populations, and not only through development cooperation projects.

Although international cooperation agencies design programs and projects that allow access to social services and information on rights, the structural problems of the communities are not being addressed by the Colombian State, since these programs are temporary and lack continuity.

In other words, when a strategy or project comes to an end, cooperation is withdrawn and the communities are left to their own devices and needs persist. In this regard, it should be recalled that indigenous peoples, in general, are subjects of special protection according to Law 43 of 1993, which establishes the set of rules relating to the acquisition, renunciation, loss and recovery of Colombian nationality. In its Article 1, paragraph c, this law establishes that the members of indigenous peoples who share border territories, with the application of the principle of reciprocity and according to public treaties that for this purpose are agreed and duly perfected, are entitled to Colombian nationality.

Some of the main practices that international and transnational agents share transversally with others at the national and local level are:

2.3.4 Implementation of migration regularization plans without a differential ethnic approach: foreigners or alienated people?

In March 2021, the Colombian government announced the creation of a Temporary Protection Statute for Venezuelan Migrants (ETPV) that contemplates a Single Registry of Migrants and the subsequent issuance of a Temporary Protection Permit (PPT), which seeks to give recognition to the "vocation of permanence" (under a sedentary logic and not of mobility) and serves as an identity document for the migrant population while accessing a residence visa, for 10 years. This mechanism -created by Decree 216 of 2021- provides for a biometric registration system and a mandatory characterization process exclusively for the Venezuelan migrant population, and provides for the possibility of benefits for those who enter the national territory in a regular manner (through a formal or official migratory point) during the next two years. As mentioned above, transnational indigenous Yukpa and E,ñapá people move between Venezuela and Colombia both through unofficial points or informal trails, and through official migratory points depending on whether or not there are closed borders, confinement or free mobility policies, or simply due to the absence or presence of official documents for this purpose.

Despite the formal recognition of their nomadism, there is no recognition of their pluri-nationality, so that they are assimilated as immigrants coming from Venezuela and therefore, they are treated according to the provisions of CONPES 3883 of February 21, 2017. Neither the CONPES[26] nor any of the instruments for attention have an ethnic differential approach, also ignoring them as collective subjects of rights: this was recognized by a committee convened by the R4V protection sector in eight areas that affect this population in the host countries, in Colombia in particular in the departments of La Guajira, Norte de Santander and Arauca:

> (..) In terms of regularization, it was evidenced, among other aspects, that the ETPV does not have an ethnic focus and there are difficulties for this population in the presentation of documentation such as civil registration, despite the fact that the indigenous population can present as proof of nationality and entry to the national territory, the certification of the registered indigenous authority.

The actors work on the basis of a shared responsibility approach that calls for a comprehensive humanitarian response in strict adherence to the principles of the Global Pact on Migration. This guarantees a regular, *orderly and safe* migration in which those informal, disorganized/mass-collective or irregular movements due to the lack of valid documents, are harmful to the national security of States, and are therefore foreignized, illegalized and even confined or returned (violation of the principle of non-refoulement), without a guarantee of fundamental rights, without an ethnic differential approach, and without a due process.

Even with the benefits of migratory regularization (which does not make their status as indigenous people visible), there is no guarantee of effective access to rights, as there are still cases of statelessness among children born outside the hospital (those born in the shacks or ranches) because they do not have the official certificate of live birth; therefore, they do not have access to the process of civil registration of birth. This is related to the fact that, among adults, an "irregular" practice is widespread: carrying up to four types of identification documents obtained in activities with national and regional governments. This multiple identification has served as a strategy to evade legal borders, but if the pluri-nationality of the transnational indigenous people were recognized, there would be no need for regularization or multiple identity documents. Cases of multi-identity documents in 2021: Venezuelan identity card, national identity card, indigenous certificate and Border Mobility Card (TMF) due to various migration control and regularization processes. The TMF was a migration facilitation document for border transit[27] that lasted two years (2018-2020). Since it was not an identification document, it was required to present an identity card each time entering Colombia. It was processed through the Colombian Immigration website and required a scanned photograph with a white background in size 3x4cm, a copy of the identity card or birth certificate (in the case of children and adolescents), and a certificate of residence in Venezuela issued by a local authority or entity.

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[26] "The National Council for Economic and Social Policy - CONPES - was created by Law 19 of 1958. It is the highest national planning authority and acts as an advisory body to the Government in all aspects related to the economic and social development of the country. To achieve this, it coordinates and guides the agencies in charge of the economic and social direction in the Government, through the study and approval of documents on the development of general policies that are presented in session. The National Planning Department performs the functions of Executive Secretariat of CONPES, and therefore is the entity in charge of coordinating and presenting all the documents to be discussed in session". At: https://www.dnp.gov.co/CONPES.

[27] Border transit defined by Resolution 1220 of 2016 by Colombian Immigration as an administrative action of the immigration authority, by which a foreign citizen, national of neighboring countries, residing in border towns, is allowed to move occasionally for a specified period and in application of the agreements entered into by the national government, in the areas indicated without the intention of settling or domiciling in the country.

Image 23. Various identity documents of indigenous communities.

Between 2017 and 2021 there were about nine temporary regularization offers for the Venezuelan population through Special Permits of Permanence (PEP) that guaranteed partial access to basic and emergency services, and the right to work and stay in the country on a regular basis for up to two years (Cabrera et al., 2019). None of these permits were accessed by people from the E,ñapa and Yukpa communities considered here despite having already been in Colombia. Only until 2022, through the issuance of the ETPV, another new document or card (PPT) came into force for them with the mishaps already mentioned.

The regularization processes are of an individual nature, ignoring the collective status of these communities, impacting their capacity for association and union as an ethnic community, implying the renunciation and invisibility of cultural identity for a national citizen identity and requiring high economic costs due to multiple trips to Colombian Immigration offices, days without being able to work for their minimum subsistence, urban displacement and the requirement of bureaucratic procedures, such as email formalities, document type photos, signatures, two surnames, internet access, among others.

Image 24. Temporary regularization offers.

2.3.5 Counting people, census and statistics as scenarios of dispute

Indigenous demography in Colombia has a marked political tendency. Thus, indigenous peoples are considered and treated as minorities and confined to the geographic and political peripheries. This situation has led to treating as a minority indigenous peoples and communities that are in the majority, such as the Puinave population in Inírida. Once again, the institutional vocabulary is evident as an obstacle to the recognition of the communities and their effective situation in the territories.

On the other hand, available data is essential for decision-making; however, the criteria for counting and characterizing indigenous peoples and communities are not homogeneous. Each public institution or international agent compiles its statistics with specific instruments that are adjusted to its own missionary interests, in order to account for the execution of the resources to the financing entities or to meet a specific project goal. Although there are national surveys that include ethnic variables, the data does not reflect the reality.

Another aspect to take into account is that, although some municipal, departmental and national institutions may have some data that include ethnic variables, obtaining this information is not easy and it is necessary to resort to multiple written requests such as official letters, petition rights, among others, to try to obtain this data; however, many times the attempt fails. For example, since October 2021, written communication was sent to some entities of the municipal order of Inírida (Guainía) requesting statistical and census information on migration processes, but at the close of this research (10 months later) no response had been obtained. The above is even more serious when a national entity such as Colombia Immigration does not know the number and characteristics of the populations it handles in this area of the country.

Communities have been found where their own authorities make permanent counts of their members, identifying those who are born, those who arrive or are

arriving[28] (mobile communities) and what documentation they have, among other data. This shows an ability to take action that, with efforts aimed at strengthening capacities and technical tools for updating data, could yield great results at the local level. Furthermore, given that indigenous communities develop strategies to adapt to institutional offers, there could be an economic exchange between entities and indigenous authorities for payment per hour/labor, collecting and updating data that can then be systematized, generating legitimate and collaborative processes far from simple extractivism[29]. It became evident during the field work how public and private officials delegate their own work to indigenous people who invest time that could be dedicated to obtaining vital subsistence, without any type of retribution[30] (although the former receive a salary for it).

One of the main uses of quantitative data is to serve as input for research studies that can provide indicators of human development in indigenous peoples as well as local, national and regional indicators in this area. This also provides evidence for public policy decision-making, and for the design of intervention plans from international cooperation agencies.

2.3.6 Groups outside the law

The Nuevo Escobal neighborhood in Cúcuta - where the Yukpa communities (Manüracha and Uchapectatpo) are located - has been a strategic point for cross-border criminal gangs, which exercise territorial control, strategic smuggling routes and drug trafficking, with serious impacts on Yukpa movements and some reservations of the indigenous peoples of Norte de Santander.

In 2018, the Ombudsman's Office alerted about the disappearance of two (02) members of the Yukpa community during a forced displacement of more than 106 people to the municipality of Villa del Rosario, which was caused by the confrontation of illegal armed groups in the Nuevo Escobal neighborhood. There are about 92 Yukpa in the Single Registry of Victims (RUV); but they have not received comprehensive care under Decree Law 4633 of 2011.

Now, from the testimonies identified in the fieldwork, it was stated that the criminal groups present in the sector are disputing territorial control and the administration of the irregular border crossings between Barrio (Colombia) and Ureña (Venezuela) in the territory currently inhabited by the Yukpa community.

To begin with, this dispute resulted in several disappearances and deaths, especially of young people, without the intermediation of any authority. Currently, Yukpa people charge 2,000 pesos and more for crossing the river, depending on "what is being passed", what is moving through the area. This is one of their main survival activities, which generates rejection, threats and social stigmatization as smugglers by neighbors and the community, as well as public and private institutions. According to some indigenous people, the Aguila trail is also known as the Yukpa trail.

"Yes, we cart things from here to there", "They have humiliated us saying that we traffic things", "We confront the people of the neighborhood and even the police because they say that all Yukpas are smugglers", "Nobody takes care of us. After 5 o'clock in the afternoon anything can happen and nobody notices", "the guerrillas and paramilitaries are the ones who make the laws in Colombia, neither the police nor the government do anything" "the paramilitaries and guerrillas control us, they control everything here; before, we solved our problems among families, but now they interfere and even forbid us to talk to each other" "It is not our fault. It is not the indigenous people's

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[28] This statement cannot currently be extended to all of the indigenous peoples with whom the research was conducted. In particular, the Puinave community: although it is true that the authorities must conduct an annual census of the people within the El Paujil reservation, this census lacks data on the Puinave people who have entered this territory and who have settled temporarily or permanently in any of the communities that make up the reservation. Likewise, in an archive search of the reservation's documentation, it was found that the last data collection was in 2008, and provided comprehensive information on the socio-demographic characteristics of the people living in the reservation, but unfortunately in 2009 a fire destroyed much of that information. Since that date, the collection of information has been restricted to the basic data requested by the Directorate of Indigenous Affairs, Minorities and Rom of the Ministry of Home Affairs.

[29] For this study, extractivism is considered as the act of using or taking information, academic or cultural, from a person or community for one's own benefit and without retribution, from a position of power. In view of this, the use of participatory or collaborative community intervention methodologies is suggested.

[30] The retribution should not only be economic, it is important to ask in what way it can be retributed, what is needed or what is useful to the person and/or to the community, trying to do the least possible harm.

fault everything that happens here and how they humiliate us".

This reveals the permanent risk of forced recruitment and sexual exploitation of women and girls by these groups, especially young women and men. Some testimonies showed the participation of young Yukpa in activities related to drug trafficking in Catatumbo, especially in La Gabarra-Tibú (a place of transit and Yukpa settlement). Some of these people were recruited from Venezuela in transit and others have voluntarily given in to offers of money and highly paid work (paid between $8,000 and $10,000 pesos per arroba), under a snowball effect or word of mouth from those who have come and gone from the coca camps. According to these testimonies, the Yukpas, Barí and Wayuu have incorporated this type of activity for survival. With the men, the after-effects of the raspachinas (coca scraping) work are visible in the form of deep wounds and swelling in the legs, arms, fingers and palms (as if from scratches), and with the women, irritation in the mucous membranes of the eyes and nose because they work in the kitchens (where there is more money to be made).

Most of these testimonies agree that the offer of work in the coca economies appeared for them since 2019. Those who are recruited, have to live with these gangs and criminal groups, while those who go voluntarily, can keep their freedom: "we work with them, but we do not stay to live because freedom is very important for us". They become victims of the Colombian internal armed conflict, although they are invisible in the figures of victims due to the lack of a differential ethnic approach in the data, since they are identified or characterized as Venezuelans.
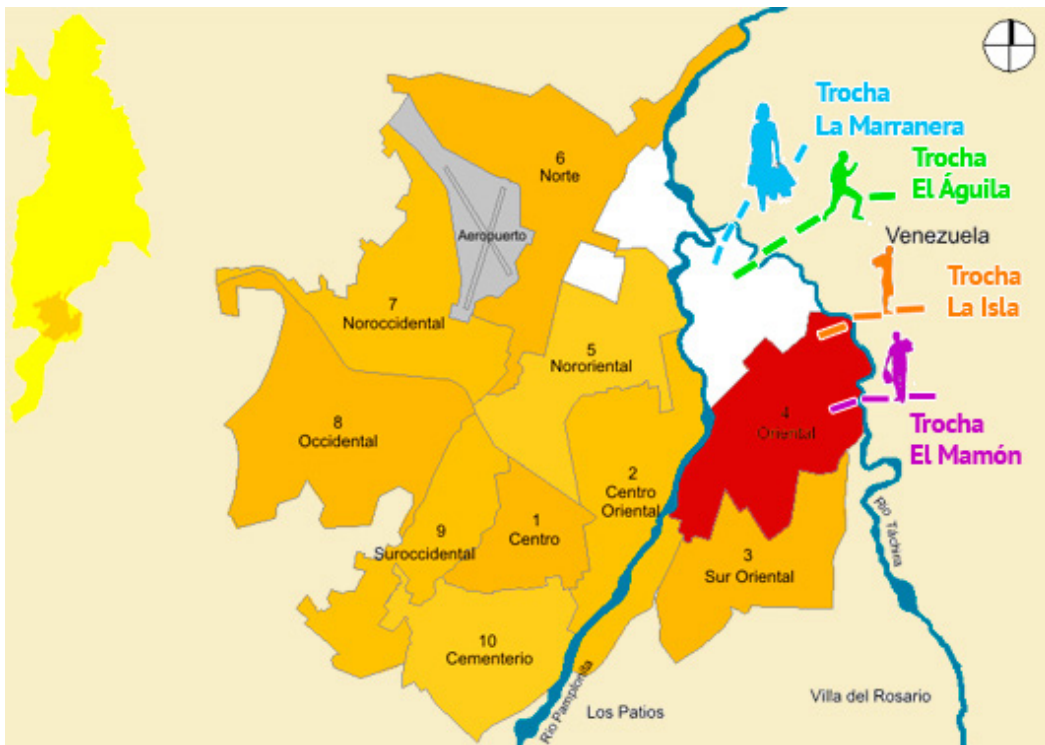
Map 9. Irregular border crossings between El Táchira (Venezuela) and Cúcuta (Colombia).

Source: La Opinión. [El Escobal, the frontier of terror.]

Available at: https://especiales.laopinion.com.co/escobal/index.html

The E,ñapá people in Arauca, although they also run the same risks when they decide to come and go in a multimodal way to Venezuela (by the Arauca River, by bus and on foot), by settling in a community space of shelter and care where they stay most of the time, they have less exposure to these cross-border and transnational illegal groups.

In both cases, the Táchira and Arauca rivers have been and are for these two transnational indigenous groups rivers of life and death at the same time. Although they do not consider them legal-political limits or borders in the technical sense, they are social borders that they have had to learn to cross historically, given the presence and absence of key actors who manage their mobilities, their existences and their bodies. On their "natural" shores, these people have been and are racialized and outlawed through policies of state action and omission. Perhaps we speak of a necropolitics towards transnational indigenous communities because, in spite of so much institutional presence, the production of spaces (natural territories for them) of death and disposability persists.

2.3.7 National actors or agents

DFrom a critical perspective to the notion of migratory governance (Domenech, 2018), and the Inter-American principles on the human rights of all migrants, refugees, stateless persons and victims of human trafficking, the analysis of this national scale of key actors is framed by the notions of "control policy with a human face" from (Domenech, 2013) and "migration policy with human rights" from Garcia (2017).

This means that nation-states use the discourse of human rights as a basis for their migration governance strategies in order to obtain the necessary legitimacy, better administrative results and control of human mobility, and not to enforce the human rights of mobile subjects.

In Colombia, faced with the unusual increase in human mobility on the Colombian-Venezuelan border since 2015, measures were taken that move between the closure and punctual militarization of some official border crossings such as the international bridges in Arauca and Cúcuta, the control of so-called pendular migration, in which the national

government subscribes to cross-border indigenous mobility and temporary offers of regularization (nine in total between 2017 and 2021) through Special Permits of Permanence (PEP). These governance measures and instruments, although they guarantee access to some basic services and grant the right to work and stay in the country on a regular basis for up to 10 years (Cabrera et al., 2019) are insufficient to guarantee effective access to human rights and lack an ethnic differential approach.

From the institutional point of view, the Border Management Office was created as an institution attached to the Presidency of the Republic, which coordinates the actions of the authorities of the executive branch to deal with the arrival of Venezuelan nationals. Likewise, an Interagency Migration Group (GIFMM, mentioned above) was created as a horizontal coordination mechanism between several national authorities, which, from a control approach, carry out actions in different parts of the national territory, especially in Arauca and Cúcuta. As mentioned above, the group includes police, customs, child protection and migration authorities. .

2.3.8 National Police and Mayor's Office of Cúcuta: evictions and plans for return to Venezuela

"The Yukpa have been returned several times and now the Ombudsman's Office is telling us to be very careful because they are going to take us out of here at any moment, again. We are preparing for that".

At least twice strategies of mass returns of Yukpa communities living in the Nuevo Escobal neighborhood to Venezuela have been deployed, involving public agents such as the Mayor's Office of Cúcuta, National Police and international agencies that agree that their stay in the neighborhood is temporary because "at any time they must be returned to the Sierra in Venezuela, where they come and go" so "no actions should be taken to generate roots in the city, or the neighborhood. Everything must be transitory so that they can be removed or taken away".

Since they settled in the city, the local authorities (Mayor's Office and Police) have returned them several times to Venezuela and they have always returned to Colombia. Faced with these mass evictions and returns, the National Indigenous Organization of Colombia (ONIC) has denounced that they have been done "without planning or differential approaches or guarantees", they have not been voluntary but forced; for its part, JRS has proposed that other "standards of protection" should be considered. The first eviction was carried out on October 1, 2017 and the second on March 15, 2018 by the National Police following the directive of the mayor's office.

According to their own testimonies, on several occasions they were forced to return to Venezuela, although these agencies publicly assured that they had returned voluntarily, thus assigning them the category of "foreign nationals". The forced returns were accompanied by international agencies that delivered humanitarian aid consisting of food supplies, hygiene kits, basic medicines, water, and snacks.

Currently, there are several rumors that there will be a new eviction, to which they respond that they are preparing for that moment, arguing that they are bi-national or pluri-national and have the right to be there or at least in the city and in Colombia, as always. They make it clear that this time it will not be so easy.

2.3.9 Arrival, settlement and resettlement communities: between welcome and rejection

The perceptions of the local population regarding the arrival of indigenous groups, both in Cúcuta and Arauca, have varied. At first (2017-2018), solidarity prevailed in general, with some exceptions in specific places such as in the vicinity of the Francisco de Paula Santander bridge in Cúcuta, where Yukpa families who left the Perijá mountain range during the mass exodus of 2016 and 2017 due to the Venezuelan multidimensional crisis settled in June 2017.

In Nuevo Escobal, in Cúcuta, the residents say that at the beginning they were rejected, but they began to understand the situation in which they arrived. At the beginning, "in the church the priest gave them permission to use the water in the church", and today, as a sign of their gradual acceptance, a neighbor supports them by giving them access to the water point.

Over the years, and with the constant presence of these families, outbreaks of discrimination and xenophobia coexist with actions of solidarity. Outbreaks of xenophobia have been especially fueled by isolated incidents of violence or crime (Communiqué Barometer of Xenophobia, 2021); some of these narratives come from local public authorities and the media::

"Among the Yukpa there are some who are troublemakers, arrow shooters, smugglers, and others who are peaceful" say some police officers, while some headlines at the time indicated that "Yukpa Indians attacked officials with stones at the border bridge", "New clashes between Yukpa and authorities" where it also reads: "(…) despite repeated operations by the Mayor's Office of Cúcuta, together with other authorities, to return them to their country, they return to the city. These Venezuelan natives have occupied a property near the Francisco de Paula Santander Bridge".

The COVID-19 period saw the appearance of actions and narratives with a special emphasis on migration control and health control associated with the presence of migrants in general, and the transnational indigenous population in particular. This finding contrasts with the existence of public policies aimed at facilitating the temporary regularization of the migrant population, such as the PEP and ETPV. On occasions, there was evidence of associations of ideas related to border control and containment of the virus that are considered to hinder the integration process and to consolidate negative stereotypes towards indigenous communities.

In this regard, it is important to note that by treating human mobility as a crisis those who are in a situation of mobility are seen as a problem or as something that disrupts and messes up a given state of affairs, and therefore must be confronted reactively. The use of this expression can also indicate a tendency to exclusion and belligerence that deepens xenophobic positions, given that it invokes confronting a migratory crisis associated with a health crisis, i.e., it makes them appear as public enemies.

During the last field visit to the E,ñapa community, two women were diagnosed with tuberculosis, a situation that reveals problems of nutrition and access to health services. They expressed fear of notifying health institutions and other agents because of the rejection they might receive for being sick and that it might be COVID.

Fortunately, they received attention from the Red Cross; however, when it was possible to socialize this situation with public and private agents, some comments encouraged the conception of indigenous mobility as dangerous, highlighting the work of migratory control and associating indigenous families and their mobility with the spread of diseases. This indigenous community, in particular, survived the pandemic without contagion, despite the fact that it affected their economy and food, and even without knowing the meaning of the word "pandemic" because of their poor knowledge of Spanish.

2.3.10 Importance of partnerships for good practices in local integration and interculturality.

Cases of alliance between Save the Children and the International Red Cross in Arauca, and ICBF, SENA, Ambientalistas en Acción, Misioneras de la Madre Laura, Jesuit Refugee Service JRS (Colombia and LAC -in the case of Arauca, the Arauca-Apure Bi-national Office-) and the Pontificia Universidad Javeriana (PUJ) in Cúcuta:

In Arauca, between 2020 and 2021, when the pandemic intensified, the E,ñapa community decided to stay in the territory, at which time some civil society organizations and cooperation agencies present provided them with emergency assistance during the isolation measure decreed by the national government.

Only in 2021, the community agreed that two adults could go out to the streets and parks in the center of the city of Arauca to trade in handicrafts. It was precisely at the beginning of the pandemic (2020), and in the midst of isolation, when Save the Children began to accompany the community integration process of these families by strengthening skills in mathematics and Spanish to increase the intercultural integration possibilities of the group. They began with weekly and biweekly workshops within the community, given the barriers of language, documentation, and access to formal education. Subsequently, they designed a non-formal education program with visual ethno pedagogical methodologies based on learning by doing, actively involving the community.

Image 25. Protective environments - E,ñapa community.

Source: Photographs taken during the visit to the community.

A community promoter is also a teacher in this accompaniment. The recovery of the E,ñapa culture and language has been done based on the sowing and cultivation of seeds and the meaning of the territory for intercultural development, among others. This is perhaps one of the most endearing accompaniments for the community because of its sustained nature over time.

Once the cultural exchange space is institutionalized within the community, a community anchorage is generated with Save The Children, so that the ethno-educational processes are expanded and linked to the other children and families of Villa Esperanza in spaces of exchange, participation and two-way communication of knowledge with favorable consequences of inclusion and inter-culturality.

Subsequently, an alliance between the International Red Cross, the National University and the JAC arose for the creation of the Villa Esperanza Intercultural Association of Rural Women, in which around 12 women and their children work on gender issues and socio-community empowerment with rural participatory methodologies such as resilient vegetable gardens. This research achieved the direct involvement of three E,ñapa women in this project, with positive results in terms of community integration and cultural visibility.
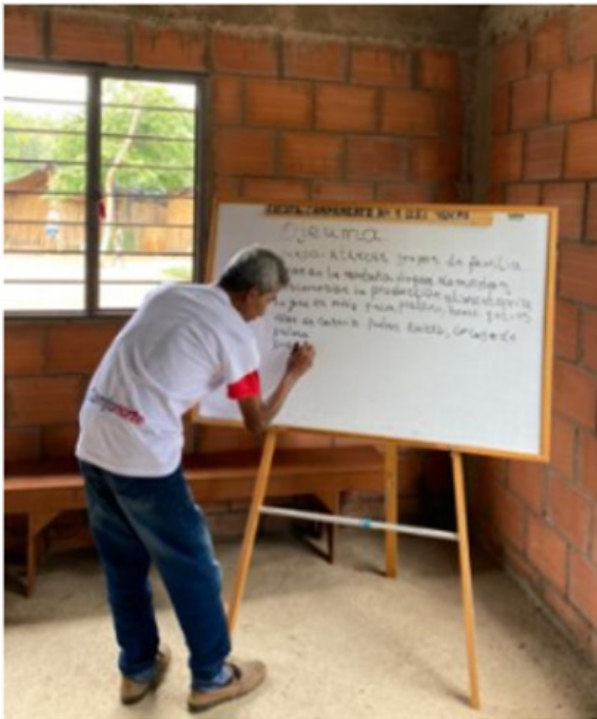
Image 26. Reconstruction of the Yukpa ancestral myth.

Source: Gabriela M. Cano, 2022

In Cúcuta, joint agendas for intervention and accompaniment of the Yukpa communities in terms of food security were identified by ICBF, SENA, Ambientalistas en Acción, Misioneras de la Madre Laura, JRS and PUJ. Thus, an inter-institutional alliance was established through an articulating element: community gardens.

The alliance found that the proposal of Ethnic Territories with well-being enables the articulation of the other institutional strategies, but most importantly: the channeling of the felt expectations of the two Yukpa communities of Nuevo Escobal, so that the people who make up the food security committees of these indigenous communities and the community promoters become a fundamental part of the strategy, based on the following activities created as a result of this convergence:

· Delivery of inputs for the initial implementation of the community initiative Yukpa transitional community gardens and artisanal support, between July-August 2022 by the JRS-PUJ consortium, which includes the first Yukpa organization processes related to the alliance. In this first step, the reconstruction of the Yukpa ancestral myth of OJEWMA by the community promoters was fundamental to understand the ancestral dynamics regarding agriculture, and the fundamental role of children.

· From August to December 2022, the implementation of the Ethnic Territories with well-being project by the ICBF started with the first inputs delivered for the design of the gardens and the community organization regarding the project, and the development of the following cross-cutting components: (1) family strengthening, (2) community initiative for food and nutrition education, (3) adequacy of land for vegetable gardens, (4) adequacy of structures for vegetable gardens, (5) creation of bilingual primer for the transfer of Yukpa ancestral knowledge, (6) training strategy (includes the transversal construction of the memory of the project-knowledge management through an audiovisual piece), (7) preparation and delivery of the sustainability plan by the selected trainers and (8) graduation of trainers in the framework of the closing community meeting.

· These alliances have been fundamental for the monitoring of the projects arising from international cooperation, because they allow us to find union in the midst of dispersed agendas, channeling and optimizing common resources, without the duplication of actions

In addition, they go beyond the mere delivery of resources thanks to community anchors for the development of skills and empowerment, becoming powerful alternatives for integration, functioning as protective environments for the horizontal exchange of knowledge, and the development of installed capacity that allows the sustainability of processes and projects far beyond the scope of mere assistance.

The fact that inter-institutional alliances, in both communities, revolve around productive projects for food sovereignty, is a fundamental indicator of lack of protection - identified in this research - which leads us to think that, despite the good practices identified here, the presence of humanitarian institutions supporting transnational indigenous communities has been and is insufficient to overcome the state of precariousness and sustained pauperization (lack of protection) in which they find themselves.

On the other hand, this institutional arrangement has proved useful for the control system of human mobilities, especially the irregular ones, since the establishment of what different authors call border control regime (Mezzadra and Neilson, 2017) which ignores the demands of transnational indigenous communities and makes invisible the social strength with which they respond to the violence of a system that ends up institutionalizing the precarious (Sayad, 2010), since it conditions them to justify the usefulness of their temporary and (at any time) expellable presence while they are in Colombia.

The transnational indigenous communities have not stopped moving, even in the midst of the pandemic and in the face of the closing and militarization of borders, and they will continue to settle and resettle in the medium and long term in Colombia, because they are political subjects in search of a dignified and possible life.

Image 27. Complementary activities to the Ethnic Territories with Well-being Project

Source: Photographs taken during the visit to the community.

2.4 Multi-scale sense of protection

This research has represented a challenge in terms of understanding two aspects: first, the complex notion of protection; and second, how to understand the differential application of the care and services provided to transnational indigenous communities?

One way to address the first aspect, in order to guarantee the self-representation of the communities within the research team, was to resort to the figure of the community promoter as a *sine qua non* premise of the research activities, so that the real dimensions of protection could be told and thought of in a different way through the voice of its protagonists. As for the second, the guiding question was: where do the limits that establish the differential conditions to be considered come from? It was possible to identify, *a priori* and through the analysis of secondary information sources, those that are incorporated into the normative ecosystem either by international conventions, jurisdictional provisions or because they are achieved by advocacy (incidence) of social groups and agents in response to the need to ensure compliance with what, by dint of rulings, became international standards.

2.4.1 International perspective on humanitarian discourse

The following is an approach to the notion of protection gaps as an intermediate category of analysis to make visible the existence of a possible state of affairs that, articulated with the different modalities of expression, contribute to the lack of protection of transnational indigenous communities in Colombia.

At the outset, the notion of protection gaps can only be understood by the existence of a legal and international protection framework that operates on a multi-scale basis and is made up of four main components: (1) human rights law, (2) international humanitarian law, (3) international refugee law, and (4) the national state constitutions.

EThis framework serves as an international standard for governments, international organizations and other relevant actors in the provision of assistance and protection to persons displaced (internally) by violence or natural disasters. From this, guiding principles on internal displacement were generated which, although not binding, serve as a guide for state and non-state entities in monitoring protection against displacement, protection during displacement, humanitarian assistance and return, resettlement and reintegration.

This configuration evidences from the outset two defects in the construction of the concept: on the one hand, the notion of a gap assumes the absence of something related to a completeness never specified. This is problematic from the outset because, on the other hand, it does not take into account the specific situation of the communities on which the notion impacts (those that are diagnosed as being in a protection gap), focusing on the communities not only from a lack but from a need for protection that refers to a state or supra-state legality that, as seen above, often generates new problems.

The obstacles to the applicability of the legal framework for protection are evident, since by equating or homologating "displaced" persons, "refugees" and/or "migrants" - although the three categories are clearly different - other human mobilities such as those of

the cross-border indigenous communities considered are left out. These should not be treated as sudden situations or instances to be restored - as in the case of displaced persons - as this leads humanitarian actors to reduce their interventions to treating emergency cases, which prevents them from thinking about the implementation of measures that guarantee transnational communities the rights to live with dignity.

The cross-border indigenous communities, based on this framework, are forced to decide whether to become "refugees", "displaced" or "migrants", which is a protection gap. Likewise, by equating migration and refuge, it places entities such as UNHCR, which, as will be seen below, has an essential presence in the three communities considered in this research, on a higher level of multi-scale institutional hierarchy.

Definition of internally displaced persons	Definition of refugees
- *"Internally displaced persons are persons or groups of persons who have been forced or obliged to flee and leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of: armed conflict, situations of generalized violence, violation of human rights, or natural or human-made disasters, and who have not crossed an internationally recognized border"* (Guiding Principles on Internal Displacement)**;** **-** In Colombia, the term "displaced" (Article 1. Law 387 of 1997) refers to persons displaced in the context of the internal armed conflict. - In the case of people who are forced to migrate due to natural disasters, the term *"affected persons"* is used.	- *"A person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it"* (Article 1. The Convention relating to the Status of Refugees, as amended by the Geneva Protocol of 1967).

Table 10. Conceptual differences between displaced persons, victims and refugees.

Source: Prepared by the authors based on principles and normative definitions.

In this line of thought, this research proposes to adopt the definition that Professor Louidor (2017) makes of protection gaps as "(..) the inadequacies or shortcomings at the analytical, legal, political, institutional and other conceptual levels.." to analyze certain situations to which certain specific populations are exposed. In this sense,

> *[..] the gaps range from the lack of (officially accepted) names to categorize certain groups of migrants (for example, the case of environmentally displaced-migrants-refugees), through the absence of international instruments for the protection of their rights or their limitations, to analytical, political or institutional gaps in order to develop a correct analysis of their needs, adopt adequate measures (in terms of public policy, support programs and services) and implement them through institutions established for this purpose (p. 66).*

This understanding has the advantage of shifting the use of the term "gaps" as a tool to characterize communities, to a tool to identify the difficulties that States and humanitarian actors have to account for, intervene, support, make visible, and even produce the communities they work with.

Based on this conceptual and analytical turn, a methodological route is proposed for the identification of protection gaps understood as structures of lack of protection in the transnational indigenous communities considered. This methodology was based on continuous processes of self-reflection, review and epistemological monitoring of the strategies, actions, narratives, normative devices and professional work with which these populations are approached.

Four questions induce the analysis: (1) which actors relate to transnational indigenous communities (mapping of key actors); (2) how does this relationship between communities, the state and humanitarian agents work (political reading of the context); (3) how

do these relationships contribute to strengthening the communities worked with (protection gaps); and (4) how to work with communities (protection challenges) and how to support them in their transformation over time (production and reproduction of communities)?

2.4.2 National perspective in relation to legal frameworks and with respect to the diversity of needs of individual communities

2.4.2.1 The subject (individual or colle tive) to be protected and their relation to the concept of minority and periphery

Initial difficulty. In Colombia, the participation of indigenous sectors in the total population does not exceed 2%. The indigenous issue and the ethnic differential approach is not a priority, especially in Arauca and Norte de Santander. As they are not quantitatively visible, they are not a priority in the territorial planning instruments - municipal and departmental development plans - where they are only mentioned in the diagnoses, but without programs or resources, leaving their attention to the offer of international cooperation.

In the case of Guainía, despite being a department with a high percentage of indigenous population corresponding to 74.9% (DANE, 2018) of the total population, the programs and plans focus on: (1) Processes for the formulation of indigenous public policies, (2) support for the construction, formulation and updating of comprehensive life plans, (3) construction of malocas for the teaching of traditional knowledge, (4) support for conducting population censuses, (5) community integration events and (6) implementation of productive projects. There are no cross-cutting readings that include migration issues, much less data or statistics that record them. This means that many times the diagnoses are insufficient or simply report emergency situations. Much of the attention is left - as in the case of Arauca and Norte de Santander - to the responses and offers produced by international cooperation.

Although there is still no universal consensus on the concept of minority, nor on the elements that comprise it, in Colombia there is a tendency to conceive it as those groups that are smaller in numerical proportion to the rest of the population where people are settled or resettled. In addition, their geographical location is usually peripheral - in neighborhoods or sectors located on the outskirts, on the borders - which makes them the first link in a chain that ends up decreeing which subject (individual or collective) is to be protected at the national level and how to do it.

Territorial Entity	Population proportion of indigenous population[31]	
Departament	Indigenous population 2018	Proportion of each ethnic group in the project with respect to the indigenous population
Arauca (E,ñapa)	6.573	0,82% (54 people)
Norte de Santander (Yukpa)	4.545	16,5% (750 people)
Guainía (Puinave)	8.984	10,5% (936 people)

Table 11. Percentage participation of the indigenous population in the research, with respect to the indigenous population of each department.

Source: DANE National Population and Housing Census 2018, and direct and indirect population impacted in the research.

In addition to the idea of numerical minority, other nuances appear in this construction of the "subject to be protected" in that they present certain characteristics that identify them and at the same time distinguish them from the rest of the population where they are found, such as language, religion, culture and traditions. It is enough that one exists to be able to speak of linguistic, ethnic, etc. minorities. Precisely because of these characteristics they are seen and assumed as dependent subjects (individual and collective), in inferiority, vulnerability and/or non-dominant. These criteria define, on the one hand, the type of protection as welfare from the institutions or agents and, at the same time, the types of resistance from the subjects as pressure mechanisms to obtain the recognition that is denied to them.

If we add to these criteria the characteristic of foreignness, the type of protection ends up involving aspects related to the non-national and, therefore, the non-citizen, based on the following question: should the national state protect the non-citizen? The latter implies for the transnational and mobile indigenous communities, a struggle for the recognition of their bi- or pluri-nationality, and further evidence of the neglect, lack of protection and non-priority of local and national governments. "They tell us that since we are not Colombians, there is no money to help us because there are other Colombian people nearby who, like us, need help," says one of the Yukpa leaders of Nuevo Escobal after making health arrangements for the community. Likewise, an official from SENA Cúcuta stated that "As long as you do not have a Colombian document we cannot help you in any way, because SENA services are for vulnerable and needy people like you, but Colombians".

In the case of the Puinave people in Guainía, it became evident how entities and organizations used strategies to provide priority health care. On more than one occasion, and given the refusal to make referrals from Inírida to Bogotá, refuge or asylum was used to allow any patient to be treated and transferred urgently; however, these were sporadic cases. In general, people were treated for serious cases, but if they needed treatment for chronic diseases or more specialized care, they were in limbo. Lacking identity documents means that people find themselves on a Moebiüs treadmill from which they cannot escape. Only when they have access to documentation will they achieve citizenship with full exercise of rights; this ends up being articulated from the perspective of minorities.

Protection as control of irregular mobilities and "disorder" in the city. In terms of the agreements and commitments of the Colombian State, the indigenous peoples living along the border corridor are recognized by international and domestic law as

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[31] In Colombia, 35% of the indigenous population lives in border municipalities, mainly on the border with Venezuela (25%). DNP, 2010, p. 14.

especially exposed and vulnerable collective subjects, which is why they should be protected with respect for their cultural integrity and self-determination. However, these guidelines are not observed by local and national governments, leaving the technical line for protection to be international approaches to foreigners and migration, rather than those of human rights and ethnic differentiation.

Absence of an ethnic project in Colombia, beyond a territorial border and national security policy. This despite the efforts of contemporary international law, such as the sentences of the Inter-American Court of Human Rights (IACHR) to protect their existence and identity, as collective subjects without recognition, respect and protection of their human rights. These peoples are victims of multiple discriminations due to their ethnicity, the lack of recognition of their pluri-national character, the age and gender biases manifested in various institutional practices, their assimilation as "migrants" and the lack of relevant public policies and differential tools to guarantee their rights.

All of this generates lack of protection, because it accentuates their vulnerability. This, together with the problems in accounting for mobile communities, the lack of a differential approach in public policies, and the neglect of the state at the borders, shows structural shortcomings in terms of human rights protection. The problem of differential treatment of these communities is increased due to migration control practices carried out by state officials in charge of migration issues who do not have an adequate selection profile, lack training in the field of human rights, and the existence of police forces trained more for protection under the model of repressive practices.

Thus, the presence of the State often becomes a multiplication of the difficulties faced by communities and their members. Sometimes the state presence participates in the criminalization of migration, while leaving unpunished the discrimination and exploitation they face. At other times, the design of immune policies to deal with international migration goes against respect for the human rights of these communities. At times, the institutional framework, by privileging nationality, not only undermines human equality, but also ratifies the forms of exclusion experienced by international migrants and indigenous communities who, rightly or wrongly, are treated as such.

Even if the humanitarian vision seems to contribute to improvements in the living conditions of the population, it is important to point out the risks of re-victimization in the intervention processes (Cano et al., 2021). This is the prevalence of actions with a nationalist tendency that underlies a systematic exclusion and deepens xenophobic positions behind a humanitarian discourse invoked to face the migratory crisis.

2.4.3 Local perspective, i.e., attending the communities of the research

The E,ñapa and Yukpa communities do not have a translation of the concept of protection in their language, and the literal use of the term is inoperative; however, in the different listening sessions, promoters, authorities and leaders spoke of recognition as a homologous notion as actions of listening and respectful and affectionate dialogue about their ways of life (identity), history, culture, needs and proposals for a possible, dignified and safe life here, there and in all the places they have passed through, pass through and inhabit.

From an ethno linguistic analysis and thanks to the support of linguist Wilson Largo, it was possible to identify that, in fact, the same word Yukpa can be understood as recognition in the sense that Yukpa, in addition to its basic etymology of person, implies something like: the image of my reflection in the eye of the other. In the same sense, the words ending with "pa" imply the recognition of gender plus HUMAN; worepa (woman), mashukapa (child).

An E,ñapa captain says that "protection was taught by the elders, the elders are the ones who teach us all the culture since we are children, and how to produce our handicraft work, dance, culture, language".

Perhaps they aspire to a higher level of protection, such as the recognition of their human rights in general and as a people in particular. Also to the recognition of their capacities for resilience and peaceful (but active) civil resistance from their ways of life, very valuable in countries undergoing peace, reconciliation and truth processes such as Colombia. Recognition also of their important linguistic, cultural and spiritual contributions to the pluri-cultural social political project and

to the intangible heritage of the States; their contributions to local economic development in terms of crafts and basketry as niches of employability, beyond the extractivist political economies, that provide a sustainable vision of life and territories. And recognition of their contributions to the care and respect for nature and the common home; that is, of their contributions to the construction of diverse and peaceful societies, and opportunities for the development of lives worthy of living, which have been historically denied to them.

It is worth mentioning that this recognition is reciprocal because it implies a two-way interest in the presence of an other, of otherness.

In the listening sessions, when the Puinave people talked about protection, the answers were always directed to the paradoxical situations in which they found themselves in their daily lives. Although the lack of Colombian documentation was the central point, others were derived from it, in particular the contradiction between the recognition of being indigenous, but not being accepted as Colombian citizens.

This tension was more evident when they questioned why the certificate issued by the traditional authorities was not valid before the Colombian civil registry. The question was the same: "if in our territory and in the place where we live we are recognized as indigenous, why don't we have access to fundamental rights". They questioned even more when, despite having the RUM, it was not possible to have access to housing or to a decent job. According to the terms projected for this research, institutional responses (public and private) should be rethought as follows:

2.4.3.1 Conceptual-analytical challenges

"There is no global social justice withoutcognitive justice."

– Boaventura de Sousa Santos

It is necessary to contrast qualitatively (socially and culturally) the categories or constructs from which the communities are approached in order to describe and understand, from a situated and historical perspective, the real conditions of such constructs.

The instrumental and diachronic nature of the concepts institutionalized by governments and humanitarian actors, the concepts used to describe human mobilities, do not allow us to account for the *continuum* of change, differentiation and uncertainty that characterizes the diversity of practices that shape these processes. Such concepts are part of an informative network on migration, a monolithic network articulated to an official discourse that produces identities, territorial classifications, institutional policies and practices, as well as social responses and resistances; all of them empirically identifiable:

Network of statements generated by public and private institutional discourses regarding the communities of this research (from above)		Responses or effects on transnational indigenous communities in this research (from below)
Venezuelan citizens who self-recognize themselves as indigenous (CONPES) Migrant ethnic group (Departmental Development Plan of Arauca, Special Chapter Indigenous Sector) Immigrants-indigenous (regular and irregular) New groups Foreigners Venezuelans Indigenous-Venezuelans Indigenous migrant population Migrants (generic) (Municipal Development Plan of Cúcuta) Returnees Displaced Victims Illegal Bi-national peoples without official bi/pluri-national recognition (ONIC, 2018). Offenders Smugglers Beggars/street dwellers-indigenous people Unauthorized People affected by the project (JRS Lac) Venecas	• They produce or reduce human mobilities to homogeneous categories of experience and identity. • It exposes them to bodily vulnerability and identity wounds. • It strips them of legal recognition as subjects of law (the conditions or frameworks of unrecognizability are established). • Epistemic violence in which white subjects analyze non-white subjects as objects of study. • These categories impose limits on access to fundamental rights (health, education and work). • This forces them to enter into logics that are not understandable to the indigenous people and reduces-weakens the processes of struggle for identity and free movement. Predominant tendencies end up imposing on their own traditions.	• *Autonomous practices of ancestral and bi-national human mobility.* Movement (which does not slow down or stop) as a survival strategy and struggle for freedom of movement. • *Peaceful occupation of public spaces with their bodies.* The seizure of the international bridge, the vicinity of the transport terminal and the margins of the Nuevo Escobal neighborhood in Cúcuta, the seizure of the Pozo de las babas and peripheral vacant lots in Arauca as de facto presences that, although not authorized, do generate rights, which refutes the assumptions about their association with victimhood. • They establish intercultural dialogue with diverse actors to make their life stories visible, with the idea of creating scenarios of recognition in everyday life. • *Trails:* Construction of informal roads, trails or multimodal mobility corridors (the Yukpa trail across the Táchira River in Cúcuta). • *Collective mobility patterns:* by groups of families to reduce risks
Settlements (Departmental Development Plan of Arauca, Special Chapter Indigenous Sector) Migrant camps Invasion/occupation Waste land Precarious (Departmental Development Plan of Norte de Santander) Ethno tourism (Inírida Municipal Development Plan) Guainía naturally ethnic (Departmental Development Plan, chapter on the global context of the department of Guainía)	• Precarization/vulnerability	• *They advocate for other identifications, declassifications.* The Yukpa people organized themselves into two communities (Uchapectatpo and Manuracha) after understanding that the camps were migrant camps and they were not ("we do not like to be called migrants"). They urge public and private institutions to recognize them as bi-national nomadic peoples who form communities once they settle or re-settle in their territories, and to seek lasting solutions that go beyond the delivery of a temporary permit and emergency kits.

Network of statements generated by public and private institutional discourses regarding the communities of this research (from above)		Responses or effects on transnational indigenous communities in this research (from below)
Temporary surges Mass Displacements (Departmental Development Plan of Norte de Santander) Pendularity With intention of permanence No intention of permanence Temporary migrations Humanitarian migrations Returns "Voluntary" returns Migratory Reflux (Departmental Development Plan of Norte de Santander)	• Irregular/illegal migration • Irregularized/illegalized transits (Soledad Álvarez) • Coyoterism	
Humanitarian Protection/ Humanitarian Protection Gaps Humanitarian emergency care Humanitarian assistance Humanitarian emergency Humanitarian urgency Humanitarian problem Humanitarian crisis Intervention Action Migratory regularization Legal Counsel Training Delivery of kits Diagnostics Census Alerts Humanitarian aid committees	• Increasing involvement of multiple institutional actors for the governance of migration in terms of humanitarian urgency and emergency. • Humanitarianism and the universality of human rights as intelligibility schemes. • Inadequate use of the idea of shared responsibility in migration, through a regional response to erratic state measures towards vulnerable subjects. • Actions restricted to compliance with current regulations on migration, even if these go against constitutional and international standards and do not guarantee an effective approach to human rights: "The Ministry of Home Affairs will have until 2021 to implement an attention plan for Venezuelan migrants who recognize themselves as indigenous" (CONPES). • Protection gaps as an intermediate category of analysis of contemporary migration, from the international community or humanitarian agencies. • Indigenous migrants in terms of social or humanitarian problems, to the detriment of the political and cultural dimensions of their mobility. • Imposition of administrative burdens specific to the logics concerning indigenous people.	

Network of statements generated by public and private institutional discourses regarding the communities of this research (from above)		Responses or effects on transnational indigenous communities in this research (from below)
Limits of the nation state Jurisdiction Political and legal space Migration Colombia Area separating two states (IOM, 2006) National security National sovereignty State Discretionality Border militarization Border control Returns "Voluntary" returns Special Permit to Stay Migratory regularization Temporary permits Border Mobility Card Passport Visa Irregular, regular, illegal Permitted passages or official posts With identification or identity documents No identification or identity documents Citizens Non-citizens Nationals Non-nationals	• A borderline ordering of things or a global order of control and management of migration/border policies (Gloria Naranjo). • Migration regime and borders (Eduardo Domenech) and globalization of migration control. • Set of identifiable institutional responses or materialized in migration control and management policies for orderly and safe migration. • Criminalization of irregular/ illegal migration • Lack of State protection • Legalized discrimination	• Indigenous communities have assimilated the mandate of regularization out of necessity and absolute lack of state protection, assuming the negative burden of having to recognize themselves as migrants by renouncing their indigenous nationality. • They settled in the Nuevo Escobal neighborhood, right next to the official Francisco de Paula Santander immigration crossing, defying official controls with their presence.

Table 12. Modalities of articulation for the apprehension of the Yukpa, E,ñapa and Puinave cross-border indigenous communities settled in Colombia.

Source: Prepared by the authors based on secondary sources and field work (participant observation and listening sessions).

The network of statements described in the table above is part of the frameworks of apprehension and recognition (or ignorance) that partially categorize the transnational indigenous persons of the communities considered for this research in Colombia. They are formulated on the basis of the differentiation between *an other* and the citizenship of the national territory. In this way the mobilities of these communities present profound challenges to the discourse of the universality of human rights because, in the end, state categories predominate from which subjects are named and produced that in practice are less human than others.

The concrete effects of this type of statements and categorizations in the communities show, on the one hand, the ambiguity in which transnational indigenous people are forced to place themselves on a daily basis because, despite the way in which humanitarian agents, civil society, academia and public institutions assume their presence and mobility, they end up adapting, in the best of cases, to the humanitarian discourse that understands them as marginal subjects in the framework of a temporary migration crisis.

They do so out of necessity while recognizing the weight of the sacrifices that this implies, because, from the humanitarian perspective and the universality of

human rights, the need for these actors to provide help and care to people who are exposed to situations of violation of rights is not questioned. Yet this is done without attention to any particularity or specificity; that is, through a homogenization of the mobile subjects. If language barriers are added to this, as in the case of E,ñapa, the humanitarian process is notably faster and easier because the unintelligibility is mutual. On the other hand, precariousness can be a form of categorization in itself, in the face of the contentious action of these three communities who, in complete precariousness (vulnerability), deploy their historical and political ability to take action through acts of resistance and solidarity.

The use of the notion of Transnational Social Space (EST) is suggested as an analytical tool for the mobilities, types of relationships (networks) and dynamics that bi- or pluri-national indigenous communities weave, beyond spatiality, and increasingly less rooted to a single territory. This also helps to dismantle the binarisms (one origin, one destination; national, international; among others) from which these populations are analyzed. In this same sense, territories and cultures (national, local, communal) become part of the capitals of the Transnational Social Space.

Taking up this transnational view of indigenous communities that move across borders implies challenges of decentralization of sovereignty based on the recognition of dual or multiple citizenship, as in the case of the Yukpa and perhaps the Puinave. And in the case of the E,ñapa, the recognition of trans-migrant subjects and collectives.

Year		Normative reference
1989	ILO Convention 169 concerning Indigenous and Tribal Peoples	The convention has two basic tenets: the right of indigenous peoples to maintain and strengthen their own cultures, ways of life and institutions, and their right to participate effectively in decisions that affect them. In addition, it guarantees the right of indigenous and tribal peoples to decide their own priorities in the development process as it affects their lives, beliefs, institutions and spiritual well-being and, of course, the lands they occupy or use for their economic, social and political development (ilo.org, 1989).
2007	United Nations Declaration on the Rights of Indigenous Peoples	The General Assembly recognizes and reaffirms that indigenous people are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights that are indispensable for their existence, well-being and integral development as peoples, and reaffirms that indigenous peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind (hchr.org.co, 2007).
2016	American Declaration on the Rights of Indigenous Peoples (OAS)	The Member States of the Organization of American States recognize the important presence of indigenous peoples in the Americas, and their immense contribution to the development, plurality and cultural diversity of our societies and reiterate the commitment to their economic and social well-being, as well as the obligation to respect their rights and cultural identity (oas.org, 2016).

Table 13. Main international instruments that support the collective and individual rights of indigenous groups.

Source: Prepared by the authors based on the instruments consulted.

2.4.4 Legal challenges (national level)

The process of accelerated pauperization of Yukpa and E,ñapa families in Colombia could be linked to the rise of public regulations that regulate human movement here and there, disregarding their fundamental human rights in general, and particularly those related to their ethnicity and trans-nationality.

According to the National Planning Department, it is estimated that in Latin America there are around 108 transnational indigenous peoples, and in Colombia 35% of the indigenous groups are located along different international borders, mainly with Venezuela (25%). (DNP, 2010). In view of this, it is essential to face the normative challenges that constitute barriers to the effective access to fundamental rights of these transnational indigenous peoples, such as ensuring respect for ethnic diversity, and constructing, implementing and guaranteeing public policies that ensure that the fundamental rights of these groups are not violated.

It is the Colombian Ministry of Home Affairs that brings together all national and international regulations that support indigenous communities through the Directorate of Indigenous Affairs, ROM and Minorities with the participation of local governments; therefore, the call is to maintain the leadership of an integrated perspective of analysis, intervention and recognition, respect and guarantee of individual and collective rights of all ethnic groups existing in the country, including transnational and bi-national groups such as the Yukpa and Puinave, among others, ensuring strict compliance with the main instruments that support their collective and individual rights.

Despite the international directives described above, the Ministry of Home Affairs has given technical guidelines for the care of these groups in the following terms: "Transitory families of the Yukpa community from Venezuela must be cared for in Colombia as a foreign population in Colombian territory" (Ministry of Home Affairs, 2020); In other words, the obligations to which the Colombian State has committed itself in this respect are ignored, exacerbating the lack of protection and vulnerability of these groups and demonstrating the inadequacy of reducing concepts such as "migrant", "displaced", "refugee", or "undocumented" to homogeneous categories of experience and identity.

At the national level, Article 7 of the 1991 Constitution states that "The State recognizes and protects the ethnic and cultural diversity of the Colombian Nation and the diverse and multicultural character of the country"; however, it has been through the jurisprudence of the high courts, particularly the Constitutional Court, that the State has been urged to respect and protect this diversity, perhaps because the participation of indigenous sectors in the total population does not exceed 2%. According to the reports of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia[32] and the Juriscol database, the Constitutional Court has developed a body of rules and sub-rules to guarantee the rights of indigenous peoples as collective subjects of law.

Since the declaration of an unconstitutional state of affairs in Ruling T-025, with respect to the protection gaps for the population, a series of orders with indigenous relevance have been promoted, such as Auto 004 of 2009, in which the Constitutional Court determined to protect 36 indigenous peoples (including the Yukpa people), considering that due to the systematic assassinations and displacement suffered due to the internal conflict (to which this people was alien) they were in a process of physical and cultural extermination, ordering the creation of special safeguard plans and the development of a public policy to attend these peoples, but the process of formulation, agreement and implementation of the safeguard plans represents an institutional legal gap due to its low level of compliance.

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[32] E/CN.4/2004/13 § 90-92, 17 February 2004; E/ CN.4/2005/10, Annex III § 7-9, 28 February 2005.

Year		Normative reference
1991	Political Constitution of Colombia	It recognizes a series of rights of the indigenous communities: protection of the ethnic and cultural diversity of the Colombian Nation, as well as its cultural riches. On the other hand, it affirms that communal and reservation lands are inalienable, imprescriptible and unseizable (cidh.org).
2011	Decree Law 4633	Whereby measures of assistance, attention, integral reparation and restitution of territorial rights to victims belonging to indigenous peoples and communities are dictated (Secretariageneral.gov.co).
2018	Conpes 3950. Strategy for the attention of migration from Venezuela	Regarding "Attention for groups with ethnic self-recognition", it is confirmed that for 2018, 6% (approx. 26,000 people) of the Venezuelan population in Colombia claimed to have affiliation with an indigenous community, where most reported belonging to the Wayuu or Yukpa people. Following this figure, it shows a graph that describes the percentage of the population with ethnic affiliation and concludes the section by expressing the importance of formulating an attention policy with a differential ethnic approach that allows communities to access the institutional offer.
2019	Law 1997	Establishes a special and exceptional regime to acquire Colombian nationality by birth, for sons and daughters of Venezuelan nationals in a situation of regular or irregular migration, or refugee applicants, born in Colombian territory, in order to prevent statelessness (funcionpublica.gov.co).

Table 14. Main national instruments that provide legal guidelines for the attention of indigenous groups settled in Colombia and on the border.

Source: Prepared by the authors based on the instruments consulted.

2.4.4.1 Legal, formal and explicit recognition of the transnational mobilities of the E,ñapa indigenous group and of Yukpa and Punivave bi-nationality and trans-nationality

Most indigenous people do not perceive that they are *migrating* and, therefore, do not consider themselves "migrants". The legal notions or categories of "migration" and "migrant" appear as the result of a series of power operations that have as a background a regulatory discourse of people and movements. These appear in contact with international cooperation entities and public institutions, which do not recognize them as bi- or pluri-national peoples or communities. In the absence of this recognition, public and private institutions intervene with those who arrive in Colombia from Venezuela under the current regulations on foreigners and international migration and, consequently, they are not recognized as a group for special protection.

The very process of applying for dual nationality is complex, to the point that, faced with the uncertainty of obtaining documents, they face the dichotomy of accessing the processes of temporary regularization of protection for migrants or claiming their rights as members of a bi-national indigenous people.

The struggles for bi- or pluri-nationality guarantee (1) that their belief in the non-existence of borders prevails, (2) that their logic of self-government and self-determination is preserved, and (3) that they have a tool to access the national protection system, which does not generate limits to mobility in their own territory. It also allows them to maintain ancestral practices such as bartering, to define the title or ownership of indigenous territories regardless of place of birth, and to strengthen the succeeding generations; that is, to guarantee a collective vision as a people, and not individually, as would happen if they were recognized as "migrants".

It is necessary to seek the recognition of bi-nationality or pluri-nationality in the Colombian and Venezuelan legal system of the condition of

transnational and bi-national indigenous people for the Yukpa communities who, although they are not on the official reservations, do settle and resettle in different places between Colombia and Venezuela. This translates into members of the same people (ethnicity, culture) being able to move within their ancestral territory (between countries) without being treated as foreigners, and the recognition of transnational citizenship (beyond nation-states) and effective access to fundamental rights.

The governments of Colombia and Venezuela should take appropriate measures, including through international agreements, to facilitate this recognition; for, as stated by Dejusticia (2020):

According to the Colombian regulatory framework, in order to recognize the bi-nationality of border indigenous peoples, it is necessary to comply with at least two formalities: the existence of an international treaty with the State that shares a border and the recognition of nationalities in two ways, that is, by both the Colombian State and the other State party to the agreement. And although Article 96 of the Political Constitution of Colombia establishes that Colombian nationality can be obtained by birth or adoption, in the case of indigenous peoples who share border territories, paragraph c of the same article conditions this recognition to the existence of a treaty with the State with which the territory is shared, by virtue of the application of the principle of reciprocity.

The closure of bilateral dialogues and the withdrawal from dialogue and diplomatic channels during the government of Iván Duque have increased the lack of protection for these groups. On the other hand, despite the existence of different dimensions of the concept of "ethnicity", Colombian censuses have coined a category to evaluate the magnitude of indigenous groups found in Colombia, that of self-recognition of ethnic identity. This category has been transferred to the legal instruments through which public policies are generated for these population groups, so that, although it can serve as a first frame of reference, it is essential to incorporate a human rights dimension and an eventual proposal of additional indicators. That will make it possible to effectively measure their social, cultural and temporal contexts, given that, up to now and in legal terms, the Yukpa and E,ñapa family groups or communities of Cúcuta and Arauca, respectively, are labeled as Venezuelan citizens who recognize themselves as indigenous. This is insufficient for the recognition of their trans-nationality (E,ñapa)

and pluri-nationality (Yukpa), and for the definition of protection strategies. The absence of information on their historical transnational mobilities translates into invisibility from the perspective of Colombian institutions, especially those that guarantee the fundamental rights to which they are entitled.

Therefore, it is very important to clarify the normative gaps, and reform the laws regarding the Colombian nationality of transnational indigenous children that impede the protection of the fundamental right to nationality. This involves eliminating laws and practices that deny nationality to children for reasons of ethnicity, and formally define the institutional route of attention to cases of indigenous child statelessness in border territories, with equal treatment and beyond guardianship.

In this sense, the Inter-American Court has established frameworks of interpretation and extension of the obligations of the states of the inter-American system for the promotion, recognition and guarantee of the peoples in their total dimension, and not their partialities or communities. However, there are at least two reports that have addressed the issue of border peoples and have urged States to advance bi-national or regional coordination actions in order to ensure adequate respect and guarantee of the protection framework.

Article 96 of the Political Constitution of Colombia states: "The following are Colombian nationals: c) Members of indigenous peoples who share border territories, with application of the principle of reciprocity according to public treaties. No Colombian by birth may be deprived of his nationality. The quality of Colombian nationality is not lost by the fact of acquiring another nationality".

Nationals by adoption are not obliged to renounce their nationality of origin or adoption; However, due to legal loopholes, discriminations historically generated by an exclusionary concept of nationality, the invisibility of these peoples, and the invisible dynamics underlying recognition, these NNA are treated as stateless in the country where they were born. They are invisible to all eyes and institutionally marginalized despite the fact that Colombia has ratified most of the international human rights treaties that contemplate the right to nationality, such as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; documents that establish measures in their favor.

The focus of the analysis is the fact that citizenship (nationality) is a structural obstacle to the recognition of the human rights of cross-border indigenous groups, and is an administrative barrier that creates the risk of statelessness. These groups, although they cannot prove their identity, do inhabit and therefore are part of the country; in this regard, it is worth recalling Article 40 of the Constitution when it establishes that *culture is a foundation of nationality*, but public institutions put procedures before rights.

2.4.5 Political-institutional challenges

Importance of intercultural dialogue for the two-way exchange of knowledge. Methodologically, the collaborative work of community promoters for the construction of counter-narratives that contrast the official and hegemonic views from which they are understood and intervened has been very helpful. In this sense (from below), in light of the contrastive exercises developed with and for the indigenous communities, the following political-institutional challenges are posed:

Effective application of free, prior and informed consent or consultation in all acts of interest for the indigenous communities. This right applies to any legislative or administrative measure and any public policy measure, and to economic and development projects, works or activities, including those carried out by international cooperation agencies and civil society, which has been ratified by the Constitutional Court, as follows:

> In **Sentencia T-713 de 2017** , *the fourth review chamber of the Constitutional Court reaffirmed that (i) prior consultation is mandatory when it is intended to implement measures that are likely to directly affect the communities. (ii) This affectation (ii) can occur for many reasons, so that the injury to the territory, understood as the physical space in which the communities are settled, is only one of the hypotheses defined by the Court. Among other reasons, (iii) because the concept of territory is not geographical but cultural. Therefore, and based on the above, (iv) the certificate issued by the National Directorate of Prior Consultation of the Ministry of Home Affairs is a document that helps to establish, but does not determine when the consultation must be carried out, since the analysis must be made in accordance with ILO*

> *Convention 169 of 1989 and the jurisprudence of this Court. (Constitutional Court of Colombia, 2019).*

Likewise, Ruling C-891 of 2002 states that consultation "constitutes a basic instrument for preserving the ethnic, social, economic and cultural integrity of the indigenous communities and, therefore, for ensuring their subsistence as a social group" (Constitutional Court of Colombia, 2002).

Consultation and free, prior and informed consent, in addition to being an instrument for participation established in Convention 169, articles 2.1, 6.b, c (ILO, 1989), is a fundamental right of a collective nature. The experience of this research shows the importance of reviewing this aspect based on the testimonies and the active participation of the indigenous peoples themselves, so that a demand is made for its effective guarantee, which implies a pedagogy in several ways: towards the indigenous communities and leaders, public and private officials, and control entities such as ombudsmen and comptrollers, and from the perspective of human rights and fundamental freedoms of indigenous peoples.

Implement differential approaches (especially ethnic and intersectional) and human rights approaches, over and above migration and foreigner approaches.

The expression "differential approach" has several meanings: from one of them, it could be said that it is a methodology of analysis and evaluation of policies based on the postulates of fundamental rights and the perspectives of inclusion, equity and diversity. From another point of view, that of the social commitment of the State, the family and society itself, the differential approach appears as an ethical imperative that should guide social and political action. It should be incorporated in institutional policies, plans and programs, as well as in budgets and evaluation systems of guarantees for the integral development and effective enjoyment of the rights of all people, especially those who have been historically excluded from the social offer of the State, and those population sectors that present some risk or specific social vulnerability due to their age, context and condition.

Therefore acting according to the constitutional precept that defines the Colombian State as a social state of law must ensure, in both the public and private sectors, the guarantee and formal and material respect for the principle of equality and non-discrimination, as a founding principle of human dignity (Ruling T-340-10) that allows and guarantees the enjoyment of

all other rights. For its part, the Constitutional Court has stipulated that the right to non-discrimination is derived from the right to equality, insofar as it requires that actions to respect and guarantee rights must be carried out without any discrimination:

This is intrinsically related to the right to equal protection before the law, which in turn derives "directly from the unity of the human race by nature, and is inseparable from the essential dignity of the person". The principle of equality before the law and non-discrimination permeates all actions of the State, in any of its manifestations related to the respect and guarantee of human rights. This principle can effectively be considered as an imperative of general international law, in that it is applicable to every State, regardless of whether or not it is a party to a given international treaty, and generates effects with respect to third parties, including individuals. This implies that the State, whether at the international level or in its domestic laws, and through acts of any of its powers or of third parties acting under its tolerance, acquiescence or negligence, cannot act against the principle of equality and non-discrimination, to the detriment of a certain group of persons. Accordingly, this Court considers that the principle of equality before the law, equal protection before the law and non-discrimination belongs to jus cogens, since the entire legal framework of the national and international public order rests on it, and it is a fundamental principle that permeates every legal system. Today, no legal act that conflicts with this fundamental principle is admissible; no discriminatory treatment to the detriment of any person is permitted on the grounds of gender, race, color, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic situation, property, marital status, birth or any other condition (Advisory Opinion 18/03, paras. 100 et seq.).

The consequences and effects that derive from the principle of equality and non-discrimination are translated into state obligations such as:

Adopt positive measures to reverse or change discriminatory situations existing in their societies, to the detriment of a certain group of persons. This implies the special duty of protection that the State must exercise with respect to the actions and practices of third parties that, under its tolerance or acquiescence,

create, maintain or favor discriminatory situations (Advisory Opinion 18/03, para. 104).

The differential population approach is linked to the human rights framework and the human development approach, in that it identifies and recognizes the particularities, differences and their implications not only for those who constitute its object of analysis, but also for their social, community, cultural and environmental settings, thus evidencing a set of special needs that must be addressed by the State through differential and sometimes preferential treatment. This implies greater efforts to understand the dynamics of transnational and bi-national indigenous communities, to recognize and respect their customs, their culture, their ancestral knowledge and to optimize their community resources, that is, those people who can serve as a bridge in the intercultural dynamics. To achieve this, not only will, time and disposition are needed, but also strategic coordination between the national and local levels so that there are clear guidelines.

Non-hegemonization. Based on a separation of state and mass models, and the provision of differentiated and lasting attention that does not impose hegemonic forms of progress, leaving installed capacities to resolve their problems autonomously and in dialogue with other cultures and with the State itself, recognizing that they have capacities based on their ancestral wisdom, and resilience in the face of multiple historically sustained violence.

Articulated work for social and political advocacy. Solidarity, accompaniment and social visibility from the legal departments of public and private institutions of/with the transnational indigenous struggles for the recognition of their unrecognized bi-nationality and their transnational mobilities in the data reported by local and national authorities, so that there is no response to the erasure regimes that make these communities visible based on their vulnerability and disappearance.

Understanding the socio-environmental dynamics of the territories and environmental risks. Some communities are located in informal settlements that are affected by floods when rivers rise; this leads to higher costs for reconstruction materials, displacement to other communities or places that are not affected by floods, high costs (payment of rents or construction of new places) and an increase in diseases or in transmission by vectors, and in the case of children an increase in gastrointestinal diseases associated with water management. Every rainy season, with the arrival

of floods, these situations occur, but as it is a regular environmental phenomenon that has been internalized as normal, it is not related to natural disasters. It is therefore necessary to develop a differential attention that understands phenomena such as floods not under the crisis model, but from the ways in which communities have adapted to the phenomenon (Reach Initiative, 2022).

2.4.6 Social challenges (local level): related to the forms of production and reproduction of the life of communities

This research shows that one of the most important social challenges is of a structural nature: the construction of multicultural, diverse, inclusive, equitable and non-discriminatory societies in which the rights of indigenous peoples are effectively recognized and guaranteed. The following social challenges are prioritized below:

To impact and break down stigmatizing social imaginaries (and myths), such as:

- Those who perceive the indigenous individual or community as naturally anchored to the rural-marginal and never to the urban,
- The association that Western and sedentary culture makes between walking and begging in which walking, wandering, moving around in non-formal and unofficial places is synonymous with begging, and a wanderer with a beggar.
- The Yukpa woman is no less than any other woman:
- We are not all beggars as the watía (the name given to non-indigenous people in the Yukpa community) always says. We also speak, weave and make crafts, we are women who work, struggle and study the culture, we have the knowledge of the Yukpa people. We want to be valued as Yukpa women, to be guided to strengthen and sustain our families. Kumoko walked and sowed seeds, here there are many of us who bear very good fruit. We have our own spirituality and our own uses and customs. We want to work, for that Kumoko gave us hands and feet. We want to sell the things we

make ourselves, something we carry deep inside us. We are valuable and brave women.

Transiting on foot or in makeshift boats, in the expectation of reaching a safe port, they find themselves openly unprotected in the midst of a policy of criminalization and control of cross-border movements and at the mercy of illegal groups that subject communities to all kinds of abuses and mistreatment. The controls carried out by Colombian Immigration in view of the border closure, which prevent the passage of those who do not have migratory documentation, force them into crossing through sites controlled by these illegalized groups, in most cases on foot and in groups made up mainly of women who come with children, exposing themselves to hunger, retention, and violence by those who control the trails.

The expulsion from the systems of recognition of rights for not having the required documentation is part of a situation in which forced, historical and precarious itinerancy is a permanent situation without any response in accordance with the ethical imperative of respect for life - all lives without discrimination of any kind - and the defense of human dignity.

The lack of clarity about mass deportations and refoulements is yet another warning of a systematic human rights crisis. It should also be noted that collective deportations are prohibited under international law, as well as the violation of the principles of non-refoulement, confidentiality, non-criminalization, the right to due process, judicial guarantees and family reunification. This is something we must all be vigilant about as a society.

We existed before the watía. They have tried to take us to Venezuela since we arrived here, but we are still here and we will continue. They always trick us with money, food supplies, big buses, with many things to make us leave. They have made fun of us when we crossed the bridges, they have humiliated us.

Recognition and visibility, in the following senses:

We want to be visible, that they know we exist, that they know we want a dignified life, that they take us into account for work, that they know we are alive, and that they see us as indigenous people, as Yukpas! Here we are, resisting!
We want to be included in political spaces of participation with the institutions and the government. We do not want any (non-indigenous) watía to

represent us, but we do want them to support us. We want to give and receive adequate information about us. We do not want to be used as people who do not know how to speak, we are not ignorant, we are culture, we are knowledge, we have wisdom.

Our purpose is to be recognized, included and consulted about what we want. We also want opportunities to have indigenous dialogues with the government.

Although we have always been considered incapable because we are different, we are autonomous like all indigenous communities and, if given the opportunity, we are capable of leading and organizing ourselves in society.

2.4.7 Desafíos humanitarios

Welcome the critical transnational perspective in terms of not reducing the search for solutions or measures to help, control or regularize because the simultaneity of transnational processes (multi-situated) requires a real global solidarity that allows re-planning any modernizing project based on a national citizenship.

Promote the inclusion of a cross-cutting approach to the protection of individual and collective rights in humanitarian responses to ethnic peoples in a situation of human mobility, always guaranteeing the transversality of ethnic diversity, gender, and intersectionality approaches.

Promote the implementation of mechanisms, actions and policies for the individual and collective protection of cross-border ethnic groups, both in Colombian territory and during inter- and cross-border human mobility processes. This involves identifying and recognizing the particularities and differences not only of the ethnic groups, but also their implications in the social, community, cultural and environmental settings where they are inserted or arrive. This makes apparent a set of special needs that must be addressed through differential and sometimes preferential treatment that - in the case of ethnic groups with cross-border mobility - should aim at the enjoyment of their *individual and collective rights*, their comprehensive development and the *possibility of movement* in their ancestral cross-border territories.

Improve the institutional response towards coordinated and integrated interventions with an ethnic,

gender and age differential approach (structural racism, bureaucratization of procedures, colonization).

Promote qualitative, ethnographic and collaborative perspectives in institutional diagnoses and train public officials in collaborative community pedagogies that include geographic, cultural and social references. This should be done in order to build new narratives and practices that contribute to overcoming the colonial and nationalist narrative that still persists, and to find joint and not imposed ways to meet their human and cultural needs and perspectives.

Lack of accountability mechanisms. It is also necessary to create formal mechanisms for the accountability of these interventions with the communities. The ideal scenario is that, some day, these interventions - from their inception - will be agreed with the indigenous communities (no one else but them knows what their needs are) and that they will be addressed and resolved in a manner consistent with their historical particularities. But until that happens, clear and precise accountability will also help the communities to recognize and explore their capacities.

The management of expectations and the real capacity of the organizations. The capacity of humanitarian agencies to provide assistance is limited and can generate expectations in the community, which are also fed by rumors that result in community fragmentation. It is necessary to establish clear channels for access to the care routes and provide as much information as possible in the local languages and using channels that are frequented by the communities (association with churches and assemblies and/or traditional authorities).

What is the place of positive differentiation and culture in interventions? There must be a greater social and institutional effort to get to know the communities and design strategies of action-intervention and accompaniment with methodologies that allow the reconstruction of the historical perspective of the transnational indigenous peoples and communities in terms of their mobilities, spatiality, and the impacts of the armed conflict. This is in order to understand and recognize the root causes of their needs, combat the effects with awareness and ethical commitment so that the historical exclusions that still continue are not repeated; and in this way, preserve the indigenous life and wisdom as

a fundamental presupposition in the construction of the Colombian historical memory. .

The familiarization of mobility and transit implies prioritizing family and collective strategies rather than individual and isolated ones, such as mere re- gularization processes without integration prospects.

2.5 Diverse abilities to take action shown by the communities to face their mobility situation in relation to the obstacles for the production and reproduction of their life in community

The indigenous communities considered in this research have resisted the various forms of violence by protecting their communal practices, caring for their traditional knowledge, and strengthening their organizational systems. They have also developed proposals for the defense and recognition of their ethno-territorial and civil rights such as pluri-nationality, as well as sustaining their transnational processes of mediation and peaceful resistance for the resolution of internal conflicts (among indigenous people) and external conflicts (with non-indigenous people).

In the face of closed and risky borders, the struggle for movement and recognition multiplies. The culture of movement and collectives are perhaps the greatest example of resistance and an active and fundamental political ability to take action (subjects, individual and collective, political). An ability to take action that demands the rethinking of the paradigm that has only been conceived for sedentary populations.

The struggle materializes in: collective mobilities to protect themselves en route; communal and individual, essential, tireless work in precarious conditions to attain minimum subsistence (daily); communities communicating (through cell phones) to share knowledge of the risks of the route and the possibilities encountered; communal pots and communal distribution of food and provisions; shacks that are assembled and disassembled en route and in the places of settlement and re-settlement; groups of families that group and regroup to form communities for self-care and self-protection (familiarization of mobility and transit); communal care of children and the elderly with shared medical strategies (loan of ID cards and identification documents to receive hospital care). .

Thus, these communities have created territories of self-protection and solidarity en route and in places of settlement to maintain their lives in movement. They have deployed communal practices of care and solidarity in movement where economies of care are at the center (despite undocumented and unaccompanied children), and women play a key role in which new subjectivities also appear (indigenous transfeminities). The major dispute is over movement-settlement and resettlement on land routes and across closed borders.

A communality that reconstitutes itself transnationally in the community social fabric demonstrates its great organizational capacity, with mobilities that are not perceived as development alternatives, but as mere survival strategies.

Apart from collective forms of resistance, there is an incredible wealth of more individual and imperceptible acts of resistance in the social realm of political border-crossing activities. There are overt and public actions (seizure of parks and bridges), and simultaneously latent, silent and imperceptible daily struggles to maintain life. These are more or less organized struggles in which they challenge, defeat, escape or overtly strain the dominant policies of mobility or the work regime, or of citizenship.

Far from being passive and defenseless irrational victims, they are active subjects of power who accumulate mobile knowledge and constantly deploy multiple strategies for daily survival. Stripped of their rights, they are imminent political subjects: they are part of the social, political, cultural and economic fabric of societies, shaping them through their daily struggles.

As this report is being written, the proposal for joint (communal) work for Yukpa recognition and movement is materializing, this time in or from Norte de Santander, demonstrating once again their collective political ability to take action.
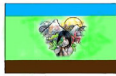
YUKPAOJETAW
Asociación de Comunidades y Caciques del Pueblo Yukpa de Norte de Santander

Norte de Santander, 12 de septiembre de 2022

DECLARACIÓN DE YUKPAOJETAW

Nosotros la Asociación de Comunidades y Caciques del Pueblo Yukpa de Norte de Santander – Yukpaojetaw, que representamos a las comunidades Yukpa de Ucha Petajpo y Manüracha de Cúcuta, Centro Polito Caracha (Tibú), Centro Piloto Tayaya (Teorama) y la Comunidad Yukpa de El Tarra (El Tarra), expresamos lo siguiente:

1. Nos unimos como Pueblo Indígena Yukpa

Todos los yukpas en Norte de Santander provenimos del mismo lugar: la Sierra de Perijá. Nuestras familias se encuentran distribuidas en todo este territorio. Compartimos las mismas necesidades y el mismo interés por permanecer aquí. Encontrarnos siempre nos alegra y fortalece. Unidos tendremos más fuerza para sobrellevar las dificultades, con el cariño, el trabajo y la hermandad lo lograremos, aunque tengamos problemas entre nosotros. Por eso hemos decidido conformar esta asociación entre nuestros caciques, para vivir y trabajar entre todos y por todos.

2. Avanzamos hacia un Plan de Vida

Desde que estamos aquí, siempre hemos sido pisoteados, aislados y arrinconados, no tenemos voz ni voto, cuando en realidad somos personas con derecho a vivir bien, a conocer a otros pueblos indígenas hermanos, a recibir buen trato y atención del gobierno. Nosotros queremos ser visibles, que sepan que nosotros existimos, que sepan que queremos una vida digna, que nos tomen en cuenta para el trabajo, que sepan que estamos vivos y que nos vean como indígenas, como yukpas. ¡Acá estamos, resistiendo!

Es importante que todos sepan cómo somos nosotros y qué queremos. Por eso, hemos decidido hacer nuestro **Plan de Vida**. Este significa trabajar organizadamente sobre un caminito con objetivos, con alegría, para mantener la cultura, que no nos impongan la frontera, para que podamos ver que la comunidad avance, conozca su propio trabajo con las características Yukpas. Buscar cómo solucionar los problemas que tenemos en salud, educación, social, empleo, donde se fortalezca a nuestros niños para vivir colectivamente en las comunidades con la siembra, la artesanía, la cultura. Nosotros, queremos vivir bien.

3. Queremos que nos incluyan como pueblo indígena Yukpa

Con el Plan de Vida queremos nos incluyan en los espacios políticos y de participación con las instituciones y con el gobierno. No queremos que ningún watía (no indígena) nos esté representando, pero que si nos apoyen. Queremos dar y recibir la información adecuada sobre nosotros. No queremos que nos utilicen como personas que no sabemos hablar, no somos la ignorancia, somos cultura, somos saber, tenemos sabiduría.
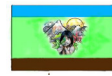
Nuestro propósito es que nos reconozcan, nos incluyan y nos consulten qué es lo que queremos. También queremos oportunidades para tener el dialogo del indígena con el gobierno watía. Queremos cambiar el pensamiento actual del watía hacia nosotros y lo queremos demostrar con hechos. Aunque siempre nos han considerado incapaces por ser diferentes, nosotros somos autónomos como todas las comunidades indígenas y que si se nos da esta oportunidad somos capaces de liderar y de organizarnos ante la sociedad.

4. Permaneceremos en todo el territorio

Kumoko dice que hay una sola tierra para nuestro pueblo, ella es nuestra madre, donde podemos y debemos convivir y formar nuevas comunidades. Donde pisamos la tierra, allí dejamos la mancha, la huella, y esos son los hijos. Si es de morir, morimos en este lugar. Queremos ir y venir por la tierra, Nosotros somos nómadas. Dicen que somos migrantes con fronteras. Nosotros no tenemos frontera. No sabemos por qué inventaron la frontera. El indígena no tiene fronteras, y nosotros somos indígenas. Tenemos y reconocemos a nuestra madre tierra en cualquier lugar, en cualquier parte donde habitamos, cuando nacen los niños, cuando dormimos, allí está la madre tierra. Somos de donde queramos ser. A pesar del peligro en los territorios donde estamos, siempre han permanecido los valientes yukpas guerreros, que no tenemos miedo a nada, aunque no tenemos armamento, con el pensamiento somos fuertes. Por eso declaramos que queremos y seguiremos en este territorio, en Cúcuta, Tibú, El Tarra, y Teorama, en Norte de Santander. Queremos sí, fortalecer más nuestra historia, la cultura y la vivencia que es muy diferente a la del watía. Deseamos oportunidades para mejorar nuestra vida, las viviendas de nosotros como pueblo indígena. Somos capaces de aprender, luchar, dialogar, de hacer cosas muy bien, todo lo puede hacer un indígena dentro de su comunidad y experimentar trabajos laborales hacia afuera también.

5. No queremos ni el desalojo ni el retorno

Nosotros existimos primero que el watía. Han intentado llevarnos a Venezuela desde que llegamos aquí, pero aquí seguimos y seguiremos. Siempre nos engañan con dineros, mercados, con buses grandes, con muchas cosas para que nos vayamos. Se han burlado de nosotros cuando pasamos los puentes, nos han humillado. No queremos que nos obliguen, no queremos violencia con los watía. Queremos respeto para nuestro pueblo porque nosotros respetamos a todos. Nuestra voluntad es quedarnos aquí, movernos por donde queramos, somos libres. Siempre que nos han llevado a Venezuela regresamos, nosotros siempre queremos volver. En Venezuela no tenemos nada de salud, para comer ni para vivir. Queremos hablar con los watía para seguir viviendo bien en nuestro territorio, que lo hemos ganado y hemos estado acá desde hace mucho tiempo. Necesitamos seguridad para el pueblo, a la vida de todos nosotros y a la de poder vivir como somos.

6. La mujer Yukpa no es menos que otra mujer

No todas somos mendigadoras como siempre dice el watía. También hablamos, tejemos y hacemos artesanías, somos mujeres que trabajamos, luchamos y estudiamos la cultura, tenemos el conocimiento del pueblo Yukpa. Queremos nos valoren como mujeres Yukpas, que nos orienten para fortalecer y sostener nuestras familias. Kumoko caminó y echó semillas, aquí hay muchas que damos frutos muy buenos. Tenemos nuestra propia espiritualidad y nuestros propios usos y costumbres. Queremos trabajar, para eso Kumuko nos dio manos y pies. Queremos vender las cosas que hacemos nosotras mismas, algo nuestro que lo llevamos muy adentro. Somos mujeres valiosas y valientes.

Image 28. Declaration from the Yukpaojetaw -
Association of Communities and Chiefs of the Yukpa People of Norte de Santander

Source: National Indigenous Organization of Colombia - ONIC. [Declaration of Yukpaojetaw]

Available at: https://www.onic.org.co/comunicados-osv/4493-declaracion-de-yukpaojetaw

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[33] Yukpaojetaw, the name of the association clearly expresses the importance of the recognition of its mobility, since it translates in Spanish as "Yukpa the one who is there, or is from there" Statement
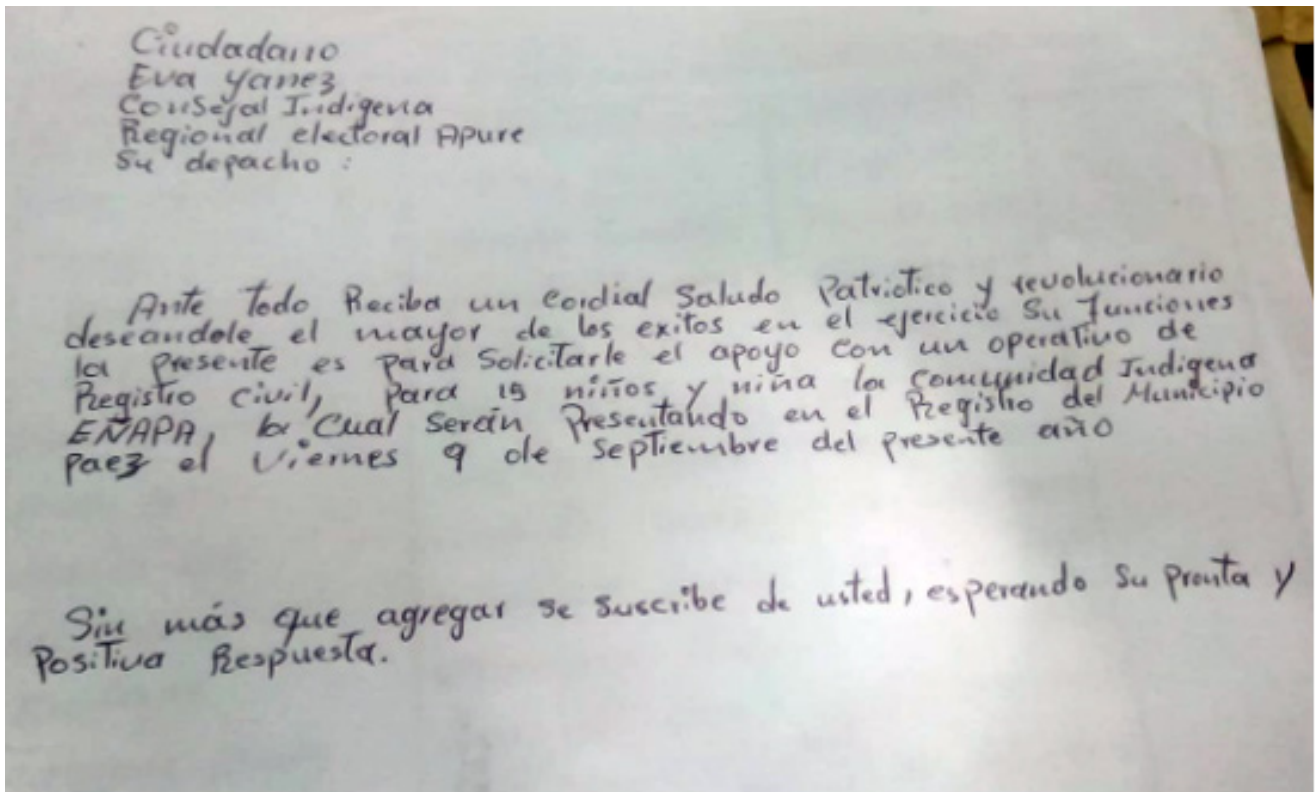
Image 29. Civil Registry Operational Request Form

Source: E,ñapa community archive

In Arauca, the captain of the E,ñapa community received the support of the community assembly to initiate a process of recognition of Venezuelan nationality for at least 15 children in a situation of statelessness in Colombia, seeking support from an Indigenous Councilor of the Alto Apure District in Guadualito, Venezuela. This action is taken in the absence of institutional routes to deal with the situation, providing another example of a collective ability to take action in order to guarantee their fundamental rights that are not recognized.

For the Puinave community, daily practices are the scenarios of resistance, and mobilities are learning processes. The construction of networks that involve other indigenous and non-indigenous peoples shows their ability to take action, and the ways in which they constantly claim rights, recover/occupy territories, debate regulations and question even the way in which indigenous authorities are organized in Colombia.

Although, in 2018, a strong reason for settling in Colombia was related to the so-called "hunger crisis", the movements through multiple territories have been going on for a long time. What is currently resented is the undermining of a better standard of living and the persistence of nostalgia for life in Venezuela: leaving behind the conucos, the houses (well equipped, even with air conditioning), friendships and family. In spite of the above, in these actions of movement, it is recognized that knowledge has been acquired and used to better adapt to the ways of living in Colombia.

In particular, for some women, among the trades that generate the most income for them is the informal sale of food in the streets: preparing empanadas and selling them is an activity they had never done before; these situations confront them because they challenge them about their lives *before..* (working in offices, having their own business, or being teachers), but they also recognize that they have learned from them. These are survival struggles, through activities carried out in precarious informal settings.

2.6 Conclusions and recommendations

This section summarizes the results that can be found throughout the document, which explains the reason for its abstract nature

First of all, in order to analyze the humanitarian challenges of the Yukpa, E,ñapa and Puinave indigenous peoples, it is essential to review their spatial logics and their mobilities (different or not necessarily contained under the classic concept of migrations). For these societies that live in these contexts maintaining multi-local, transnational, bi-national relations, the "territory" is not the fundamental unit of analysis, so it is necessary to decenter methodological nationalism and focus actions, interventions, and protection policies from the perspective of mobility as a form of community life and cultural re-existence.

There are many conceptual difficulties in referring to the totality of indigenous communities with these particular forms of mobility, not only due to the lack of recognition by the State, but also because of the differentiated conditions of their lives, and the different legal frameworks with which they interact. Thus, the present research proposes to think of these societies as *transnational border communities*, while recognizing the situated contexts and the different types of overlapping territories at a *multi-scale level* in which the communities considered inhabit simultaneously.

The Puinave community in Inírida has official recognition within the *El Paujil* reservation as a multiethnic territory. The E,ñapa community in Arauca has some type of occupation titling, which was achieved after the judicial decision that prevented eviction from peripheral, urban, and informal multiethnic territories. In the case of the Yukpa community in Cúcuta, they are at risk of expulsion and eviction in peripheral, informal, urban border territories. In addition, there is a transnational/multi-local territory perspective that could be defined as panamazon.

In this sense, approaches to communities must include an understanding of the processes of taking action and negotiation, of their necessary location in unequal, dynamic and multiple contexts. These are not only between cultures, entities, organizations and countries, but also between economic circuits, ways of understanding and comprehending the world. Hence the importance of understanding the situation of communities in accordance with the differences between the superimposition of territories and how these hide internal discriminations towards and among the different populations that share the same space. The forceful existence of borders imposes very precise but not definitive conditions for action, as we are well aware that these borders transform and adapt not only due to human mobility, but also to the rhythms of commodification and extraction.

The mapping of actors in the territories identified the presence of humanitarian agents. These agents end up undertaking functions that correspond to the State, and their actions are also limited due to the resources available to them (the continuous beginnings with the high turnover of employees of these institutions due to the implementation of precarious contracts, which exceed the functions for which they are hired and which, in addition, are of short duration). Other limitations include the logic of *top-down* action for project formulation and intervention planning, as well as the limitation of the institutional commitments they can take on in the framework of short-term actions in which the world of cooperation is circumscribed, with a focus on humanitarian and emergency responses.

Illegal armed groups are also present and exercise territorial and social control. Indigenous communities

have been victims of different forms of violence, including forced disappearances, forced recruitment of minors, forced displacement, in addition to the absence of state action in terms of protection and recognition of victims under Decree Law 4633 of 2011. Also, given the precarious conditions of the settlements, the communities are permanently at risk of suffering unequal confrontations with such organizations, being recruited by them or even participating in illegal activities that they promote as survival strategies, which has resulted in a process of re-victimization and stigmatization.

For its part, the central government offers few legal resources to deal with the situation of the communities, even though there is content on cross-border ethnic communities included in the Political Constitution and in pronouncements of the Constitutional Court. This is due to the conceptual-legal inadequacies and shortcomings when it comes to understanding the cultural practices and reproduction of the collective life of bi-national or transnational peoples. Frameworks are imposed based on expressions such as "migrants" (pendular or transitory) or "irregular migrants" and on the assumption of *stability* and sedentarism, to which the communities are forced to adhere, due to an immediatist pragmatism. This legal vagueness extends to various levels of life; among them, the multiplication of cases of statelessness, the use of various identification documents, and access to the rights deriving from these same documents.

On the other hand, the regularization initiatives undertaken by the Colombian State have been subject to an individualistic logic, contrary to the collective and communal logics by which indigenous communities are governed. Thus, these initiatives end up breaking the traditional ways of managing the life of the communities, and even interfering with the forms of self-government. All these are strategic points for advocacy that need to be explored in the multi-actor dialogues planned for the second year of this project, which should include as a scenario of political opportunities, the reestablishment of bi-national relations between the governments of Colombia and Venezuela, and the possibilities of recognition as transnational or bi-national subjects that, regardless of the forms of anchoring to a territory, allow for guaranteeing the reproduction of their culture, and developing their forms of self-government and reproduction of collective life.

Within the relationship with the local government, it was observed that vertical relationships have been established that do not respect the time and needs of the members of the communities; the latter do not have clarity about the agendas of these entities and the often scarce or non-existent consultation with the communities results in disjointed actions. Likewise, the technical line for protection based on international approaches to foreigners and migration has been prioritized in its actions, overriding human rights and ethnic differentiation. Very relevantly, local entities have reproduced new forms of vulnerability and lack of protection by leading eviction processes against the precarious settlements of indigenous communities, and even mass returns which contravene international law.

These problems are manifested in specific details that only hinder the exchange with indigenous groups: matters as simple as the information available about the communities related to censuses and situated demands is dispersed among these agents. Such information is collected repeatedly, or with multiple criteria, and is not easily accessible.

In addition, the abilities of the communities to take action are not recognized, taking into account the diversity of family ties, kinship and forms of mobility. Thus, it is proposed to have instruments that account for the variables (time/space), motives and strategies of mobilities, in the event that this occurs. This has limitations: it is costly in economic and temporal terms, because it questions *stability* - undermining the precepts of the nation-state - but would be aimed at materializing the multi- and pluri-cultural recognition of the nation-state, and the meaning and implications of recognizing themselves as cross-border, bi-national or transnational peoples. With respect to the above, it would be important to generate alliances with other institutions that are proposing other ways of *census*, in the case of the Amazon, such as GAIA - Cross-Border Studies Group of the National University of Colombia, Sinchi (ICANH - Alhena Caicedo's work), and Reach. This may be a point to explore in the second year meetings.

In spite of the living conditions of the communities considered in this research, and the difficulties of the associations and diverse agents that surround them, it is undeniable that the indigenous communities have found the possibility of generating alliances with other indigenous peoples and community and civil society associations, from which processes of reception and relationships based on solidarity and inter-culturality have emerged. Likewise, they have been able to articulate with indigenous associations at the national and local levels, and with some governmental institutions to support legal processes, among which the

Ombudsman's Office stands out, as well as with humanitarian agents who have favored an intervention based on inter-culturality and the strengthening of indigenous organizations on their own terms. For the second year of implementation of this project, the actions should consider the potential of these and new alliances in the territory and in relation to national indigenous organizations (OPIAC and ONIC) given their capacity for dialogue with the State.

Likewise, dialogues and commitments with local and national institutions are necessary to improve access to rights, mainly with regard to the management of work permits and access to the health system, taking into account a differential and intersectional approach rather than a migratory or foreigner approach. This is necessary not only to account for the effective situation of the communities, but also to guarantee them the horizontal treatment they deserve and demand.

In addition, the central government should also consider improving the training of those responsible for implementing public policies, carrying out procedures and even regulating public order, since they are generally not prepared to provide differential treatment, even when they are not responsible for generating racial and class prejudices about members of the communities.

In this same sense, this document has insisted on the need to establish alliances and agreements between different humanitarian actors and government institutions to articulate intervention and action agendas together with the communities. It should be noted that the individual disposition of some officials not only allows for the establishment of solid relationships of trust with the communities, but they often become an important resource for the communities because, even outside of their functions or the vocational disposition of the entity with which they work, these individuals are actively committed to the communities, finding mechanisms to provide solutions to their problems.

Seeking better forms of association with the communities and greater articulation between the actors that come into contact with them does not imply thinking of the end of mobilities. One must take into account the difficulties in finding stable subsistence mechanisms, the direct violence with illegal groups and forms of xenophobia, the absence of legal mechanisms that recognize their ethnic and bi-national or transnational condition, as well as the mobilities and their seasonal cycles as expressions of their worldview,

ancestral traditions, and survival mechanisms that indigenous communities put in place.

Therefore, perhaps the main recommendation that emerges from this diagnosis is that any form of relationship should prioritize listening to the communities. Not only through direct experience, but also through the fair application of legal tools such as prior consultation. The necessary implementation of an ethnic perspective cannot ignore the need to address gender issues - which are not always made visible or are reduced to the urban understanding that has become popular nowadays - without knowing how these communities deal with them.

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Ecuador

Content

Acronym

UNHCR: United Nations High Commissioner for Refugees

CARE: European Union Initiative

CONAIE: Confederation of Indigenous Nationalities of Ecuador.

CONFENIAE: Confederation of Indigenous Nationalities of the Ecuadorian Amazon.

CEE: Ecuadorian Episcopal Conference

CM: Millennium Cities.

ICESCR: International Covenant on Economic, Social and Cultural Rights.

FCAE: Federation of Awá Centers of Ecuador

INEFAN: Ecuadorian Institute of Forestry, Natural Areas and Wildlife of Ecuador.

INRED: Regional Human Rights Advisory Foundation

MATE: Ministry of the Environment and Ecological Transition

NOAIKE: Native Nation A'i Kofán Originating from Ecuador

FECAE: Federation of Awá Centers of Ecuador

FEPP: Ecuadorian Populorum Progressio Fund.

PIAV: Indigenous Peoples in Voluntary Isolation

PIT: Cross-Border Indigenous Peoples

SEIB: Intercultural Bilingual Education System of Ecuador.

UIM: Millennium Educational Units.

GAD: Centralized autonomous government. They can be parish, municipal or cantonal.

GIZ: German Technical Cooperation, formerly **GTZ**

OXFAM: Oxford Committee for Relief Against Hunger.

PANE: Physical Delimitation and Sustainable Tourism Development in the State's Natural Areas Heritage, PANE Project.

RECC: Cotacachi Cayapas Ecological Reserve

SNAP: National System of Protected Areas

3.1 Characterization of communities

3.1.1 A'i Kofán Nation of Ecuador, Dureno community, Ancestral settlement Center Upiritu Kankhe

Ecuador

Colombia

Ecological Reservation
Cofan Bermejo

Ecological Reservation
Cayambe Coca

Dureno

Production
Reservation
Faunística
Cuyabeno

Map 10. Location of the Kofán territory in the province of Sucumbíos.

The Kofán population is native to the Amazon, with a bi-national presence. It is located on the borders of Colombia and Ecuador[1]. Its territory comprises seven communities: River Kofanes, Sinangoe, Chandiana´ne, Duvuno, Zábalo, and Dureno. All have legalized territories, and these are maintained under use and management agreements if they are within protected areas: Cofán Bermejo Reserve, Cuyabeno Wildlife Production Reserve, and Cayambe-Coca National Park. Only the communities of Dureno, Avié and Duvuno are outside of protected areas[2]. In the community of Dureno (the site of this research) there are four ancestral settlement centers: Pisurié, Bavurue, Ukavati and Upiritu Kankhe.

The community of Dureno is located in the parish of the same name in the Lago Agrio canton. It has 9,571 hectares and its territory was legalized in 1978. It is located on the banks of the Aguarico River on the Lago Agrio-Tarapoa road. The area of fluvial influence is made up of the Aguarico and Napo Rivers, with their tributaries Aguas Blancas, Cuyabeno, Teteye and Pisurié.

They self-identify themselves as "A'i" or "the people". The word Kofán has no translation into Spanish and identifies the nation in state spheres and in their relationship with national and international non-governmental organizations[3]. Their language is A`ingae, which is an isolated language; that is, it is not related to any Amazonian linguistic family.

The current kinship system is based on bilateral groups, which are identified with the father or mother's family. Traditionally, the residence groups were ambi-local, which implied that a newly married couple established their residence indistinctly in the house of the father of the groom or the bride. This model is still in place today. As for the traditional or historical territory, they moved between the basins of the Aguarico, Guamúes and San Miguel rivers, including the area near Lago Agrio, which they still occupy today.

In Colombia, they are found in the Guamúes valley, Putumayo, Santa Rosa de Sucumbíos, Yarinal, Afilador, Santa Rosa del Guamúes and Luzón.

Canton	Parish	Kofan Center with legalized territory	Occupied land within Ecological Reserves
Lago Agrio	Dureno	Dureno 9.571 ha	
Cascales	Sevilla	Duvuno 7.000 ha	
	El Dorado de Cascales	*Chandia Na´en* 18.000 ha	*Chandia Na´en* (Reserva Kofán Bermejo)
Gonzalo Pizarro	Puerto Libre	15.000 ha	Sinangoe (Reserva Cayambe Coca)
Cuyabeno		Zábalo 35.000 ha	Reserva de producción faunística Cuyabeno

Table 15. Conservation agreements of the Kofán nation with the Environment Ministry (2008).

Source: Prepared by the authors with information from Patiño, Ninfa and Gea Izquierdo (editors) (2021).

[1] The Kofán communities on the Ecuadorian and Colombian sides maintain few relations in the political sphere, however, being part of the same nation, there are sociocultural approaches from time to time.

[2] Update from the Life Plan of the A'i Kofán Nation of Ecuador. NOAIKE-IKIAM.

[3] The word kofán is indistinctly written with k or c. The indigenous linguists prefer the use of the k. For this text the term a'i and kofán will be used interchangeably.

In Ecuador, the Kofán territory is discontinuous[4]. It maintains a total occupation of 434,287 hectares, of which only 44,600 were legalized as of 2020. It is located in the province of Sucumbíos between the cantons of Lago Agrio, in the parishes of Dureno and Jambelí; in the canton of Cascales, parish of El Dorado de Cascales; in the canton of Cuyabeno, parish of Cuyabeno; and in the canton of Sucumbíos, in the parish of La Bonita.

Their territories are under pressure from state and private extractive companies, whose activities have caused impacts on their territory, including deforestation, the opening of highways, the advance of the colonization frontier, and cattle ranching. All of these are expressed in the progressive deterioration of their ancestral dynamics in a context of vertiginous cultural transformations: gradual abandonment of traits such as traditional dress, language, worldview, myths, rites, symbols, cosmographies and representations[5].

The A'i Kofán territory is managed collectively. There are no individual plots of land and each family can use areas, but this is conditioned to the fact that other families do not occupy them. They maintain average demographic behavior states: at present, the A'i Kofán population does not exceed 1,200 inhabitants[6].

The Intercultural Bilingual Education System (SEIB) provides formal education. There are two management centers in Sucumbíos: one for Kichwa and Shuar nations; and the second for Siona, Siekopai and A'i Kofán[7].

In the case of the Kofán nation, there are preschool, primary and basic education services; as of 2008, there were eleven educational centers.

Contact with the Upiritu Kankhe Ancestral Settlement Center, belonging to the Dureno community, was made through the president of the Ai'Kofán native nation (NOAIKE) who proposed a meeting at the Center. Two mini-workshops were held and a large workshop called Protection Gaps, which was attended by 16 people (08 men and 08 women) representing approximately seven families. Although the Upiritu Kankhe Center and the Dureno community made the invitation, intra-community problems and various occupations prevented the participation of more families.

According to the census conducted by the leadership of the Upiritu Kankhe Center, the population of this community is 74 people grouped into 21 families. Traditionally, A'i Kofán social and political organization was based on the figure of the shaman-father founder, who provided an element of social cohesion with a strong religious and political influence based on the powerful forces acquired with the taking of the Intsapa u´fa (Yajé) (Trujillo, 2001; Whitten, 2012). The Native Nation A'i Kofán of Ecuador (NOA'IKE) is the organization that represents all A'i Kofán communities in Ecuador. They hold three annual meetings or ordinary assemblies, where they deal with issues such as the election of the board of directors and territorial and internal issues.

Prior to 2015 -due to the splitting of families caused by the influence of oil companies- the members directly elected the candidates for the different positions. Subsequently, it was decided that the candidates would carry out a campaign where a work plan would be presented to the community once they were elected[8].

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[4] This territorial discontinuity responds to various processes related to the historical dispersion experienced by the Kofán community. Another cause may be the violence generated by the war and drug trafficking in Colombia and the same dynamics of traditional mobility that Amazonian peoples have.

[5] In 2018, the A'i Kofán community of Sinangoe denounced four ministries of the Ecuadorian State for the unconsulted delivery of 32,000 hectares to mining concessions in the area of the Cofánes, Chingual and Aguarico rivers. On October 22, 2018, the judgment hearing of the protection action requested by the Ombudsman's Office and the A'i Kofán community of Sinangoe was held in the Provincial Court of Sucumbíos, in which it was ruled to revert all the concessions that were operating and cancel the granting of new concessions. The violation of the collective rights of free and informed prior consultation, the right to water and the rights of nature and the environment were recognized. In addition, the reparation of the impacts caused was ordered and the Attorney General's Office and Comptroller General's Office were ordered to carry out the pertinent investigations within the framework of their competencies.

[6] Update from the Life Plan of the A'i Kofán nation of Ecuador 2020. Unpublished document.

[7] The Intercultural Bilingual Education System (SEIB) is a model that seeks to promote, value and recover the cultures and languages of the indigenous peoples and nations of Ecuador. It is protected by the Constitution. Its governing body is the SEIB based in Quito.

[8] Interview 2.

Image 30. Community assembly in Upiritu Kankhe. Dureno community.

Source: Diego Yela D., 2022.

At present, due to the socio-cultural transformations imposed by modernity, the Kofán youth have taken up current forms of organization in accordance with the current ethno-political formats. Organizationally, NOAIKE belongs to the Confederation of Indigenous Nations of the Ecuadorian Amazon (CONFENIAE) and, in turn, to the Confederation of Indigenous Nations of Ecuador (CONAIE).

The nation is currently structured as follows:

· General Assembly.
· Governing Council.
· NOA´IKE Directory.
· Council of Elders.

The General Assembly is made up of all A'i Kofan members. It functions according to the direction established in the statute of the nation.

The Governing Council is composed of the presidents of each of the communities, and of the centers.

The board of NOA´IKE is made up of a president, vice-president, secretary and those responsible for the areas of territory, integral sustainable development, equity and gender, with the possibility of creating others depending on the decision of the General Assembly.

In 1980, the Confederation of Indigenous Nations of the Ecuadorian Amazon (CONFENIAE) began a series of socio-organizational trainings with the A'i Kofán, which led to the creation of the Cofán Canongó Association[9] on October 23, 1986, which brings together the communities of Dureno, Duvuno and Sinangoe.

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[9] Canongó or morete tree (*mauritia flexuosa*): very important tree for the Amazonian indigenous peoples, present in their historical and cultural life cycles. The morete is one of the tallest palm trees in the Amazon. The moretales form very biodiverse habitats of their own. Many species of birds and mammals feed on its fruits. In addition to gastronomic uses, the morete palm has countless uses, the rachis of the leaf is used to make ceremonial crowns; the dried leaves serve as fuel, produce a very strong and resistant flame. Fibers are extracted from the buds and leaves to make handicrafts, hunting tools and clothing; the seed is also used to make handicrafts.

Image 31. TWorkshop at A'i Kofán Upiritu Kankhe Center.

Source: Diego Yela D., 2022

Image 32. Representations in social cartography of the A'i Kofán territory. Upiritu Kankhe Center.

Source: Diego Yela D., 2022.

On November 25, 1987, the name Association Kofán (Canongó) was changed to Association of Indigenous Communes of the Kofán Nation (ACOINCO). The Kofán Sábalo community then joined the association, having dismembered from Dureno in 1985. In 1990 it was consolidated as Chandia Na'en community, as an A'i Kofán Center.

The first Kofán congress was held from June 17 to 19, 1991 in Dureno, with the theme of Land. In November 1992, in a new congress of the A'i Kofán people - also in Dureno - the nation adopted the name of Indigenous Organization of the Kofán Nation of Ecuador. On February 20, 1994, in the Third Congress, the Statute of OINCE was approved, where five communities were legalized and the Ministry of Social Welfare suggested the creation of a Federation. In May 2001, an agreement was signed with PRODEPINE, and on June 12, 2001, the Ministry of Social Welfare approved the statutes granting legal status to the Indigenous Federation of the Kofán Nation of Ecuador (FEINCE).

The name NOA´IKE was officially adopted with the creation of the Statute that governs the A'i Kofán people, which was approved prior to the reading and discussion carried out in two general assemblies: the first, organized between May 11 and 12, 2012; and the second, from July 19 to 21 of the same year. The Council for the Development of the Nations and Peoples of Ecuador CODENPE subsequently approved this.

Therefore, in article 53 of the Statute they declared July as a historical date for the A´i people, authorizing the staging of socio-cultural acts of the NOA´IKE. According to the map of actors created by this research, and the local narratives, the institution with most impact on their way of life is the State oil company Petroecuador.

The main problems revolve around the oil exploitation established in their territory, which has deepened the daily tensions between families within the community where there is a conflict marked by kinship relations, which has generated two leaderships[10]. On the one hand,

there are families allied to the official president legally recognized by community election, who is at the head of negotiations with the state oil company[11].

Another group of families forms the second leadership, which is in opposition. It maintains conservationist rhetoric, but is willing to establish agreements under the terms of a free and informed prior consultation, among other points. This leadership was created legally and, according to interviews, is endorsed by the Secretary of Human Rights, since there is a legal impediment for a group of people to join together and form a collective. The official leadership is the one legally authorized for negotiations of this type. The request of the opposition organization is that these actions be carried out with more transparency, with environmental and social guarantees that are sustainable over time[12]. While the fieldwork was conducted, negotiations were not progressing between Petroecuador and the official leadership; however, by May 2022 the talks were resumed[13].

The Kofán community pays special attention to their forest, conceiving it as a space for the reproduction of animals, trees and medicinal plants. Its conservation assures them a continuous use of resources to sustain elements of social and ideological reproduction, the latter thanks to the knowledge of herbal medicine that the elders have, an activity that has experienced a deep deterioration due to several causes, among them the disappearance of the forest mass[14]. In this sense, they created a reproduction zone located at the southern limit of the community crossed by two rivers Chipiri tutua´naiki and Tutua´naiki; however, the negotiations in 2013 and 2014 with the company BGP (Chinese Capital Company) and the national Petroecuador affected this space. This forest is extremely important for the A'i Kofán people. Apart from being beneficiaries of the SocioBosque program, this is a space for hunting, fishing, and gathering activities.

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[10] In one of the workshops conducted, the narratives focused specifically on the history and episodes of oil exploitation.

[11] Names withheld at the request of the interviewees.

[12] Interview 1. As a hypothesis, it can be said that the main problem is the distribution of handouts from the oil company to family groups in conflict.

[13] The background is tinged with kinship relations between the two sides, as some families close to the president support his administration.

[14] Cepek explains that in 2007 a group of researchers from the Natural History Museum conducted a week-long biological inventory of the Dureno territory. They identified 2000 species of vascular plants, 80 species of fish, 62 species of amphibians, 54 species of reptiles, 40 species of large mammals and more than 420 species of birds on this small forest island. The research group described Dureno as one of the few richest lowland fragments left on the planet.

3.1.2 Éperara Siapidaara
Nation of Ecuador

Map 11. Éperara territory in Colombia.

Source: Observatory of the Presidential Program on Human Rights and IHR. Vice-Presidency of the Republic of Colombia. Prepared by the authors..

The Éperara Siapidaara people are originally from the Alto Baudó - on the Colombian and Panamanian Pacific coast - located in the department of Chocó. In Colombia they are in Nariño and Cauca, and in the latter they are found along the rivers Saija, region of López de Micay and Naya, along the limits with Buenaventura, Valle de Cauca. In that area they are located in Timbiquí and López de Micay. In Timbiquí, there are 1,174 people organized in reservations: La Sierpe, with 510 inhabitants; Santa Rosa, with 350; Guanquí with 874 and Infi, with 750. In López de Micay, there is the Belén de Iguala reservation, with 239 inhabitants; La Playita with 320, and the Playa Bendita reservation, with 48 inhabitants (Life Plan of Eloy Alfaro Canton). In Nariño, they are located in the following municipalities: Olaya Herrera, El Charco, Tumaco, and La Tola.

In Ecuador they are located in the north of the province of Esmeraldas, Eloy Alfaro canton, parish of Borbón, on the banks of the Cayapas River, in what is called the Biogeographic Corridor of El Chocó.[15] Their language is Sia Pedee. It belongs to the linguistic group of the Chocoan family, which in turn is part of

[15] The Chocó is a biogeographic corridor of almost 100,000 km2 . It includes a great diversity of habitats and extends from the Panama Canal to Cabo Pasado, in the province of Manabí. This region is a mosaic both culturally and in terms of biodiversity of biological, terrestrial and marine species. The Chocó has flat areas facing the Pacific coast and also a good part of the western foothills of the Andes, including the northwestern part of the province of Pichincha. The elevations of this mountain range trap the air that travels from the coast, which generates a humid climate, forming the pre-montane rainforests. Scientists attach great importance to the Chocó because, in addition to possessing an extraordinary biodiversity, it maintains the only continuous tropical rainforest in the South American Pacific. This area feeds some important rivers; in Ecuador, for example, the Esmeraldas and Guayas. Terra incognita. 8. Journal of biological sciences. Available at: https://www.terraecuador.net/revista_40/40_choco.htm.
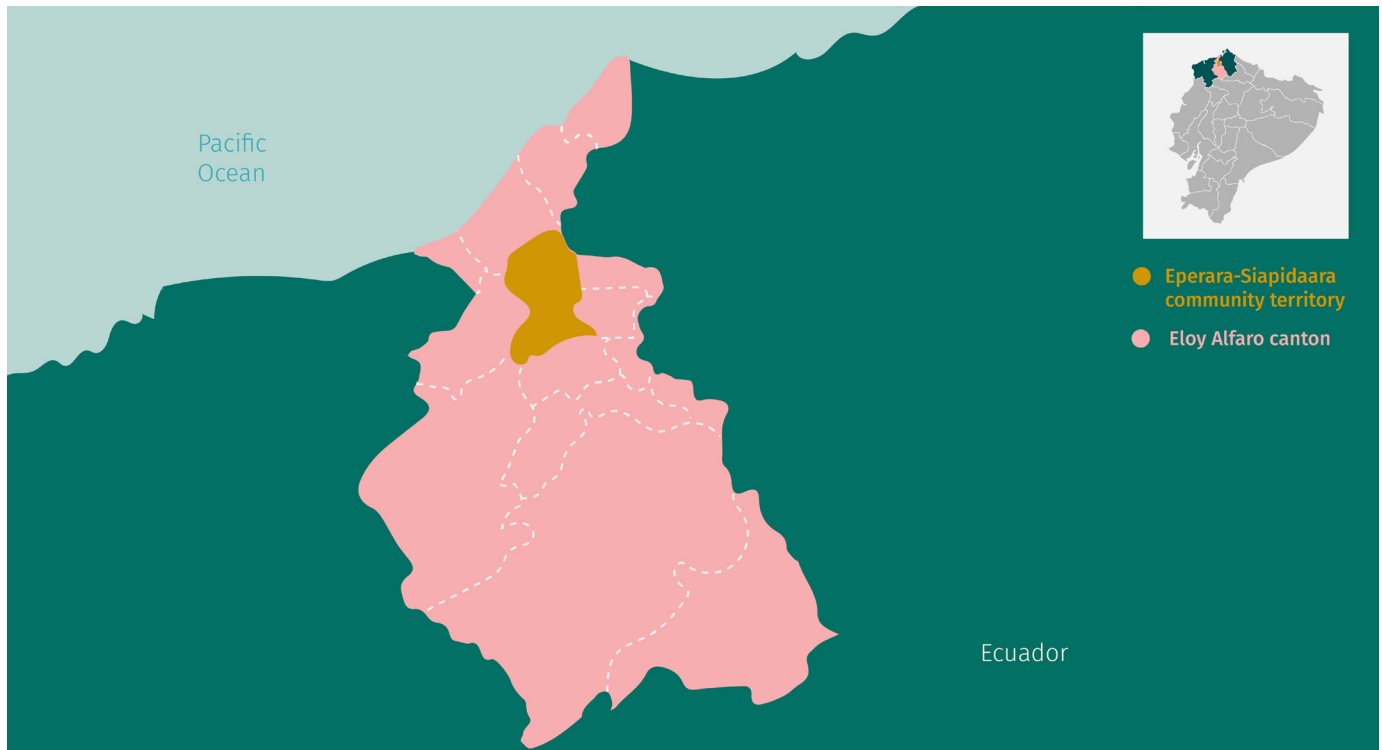
Map 12. Eloy Alfaro Canton. Éperara Siapidaara Territory.

Source: Life Plan of Eloy Alfaro Canton.

the Southern Emberá subgroup (Fabre, 2005, p. 10).[16] The Southern Emberá languages, to which Sia Pedee belongs, are closely related and form a dialectal continuum, because of the mobilities or dynamics experienced. On the other hand, marriages between mestizos and Afro-descendants are permitted, despite certain endogamous norms. The Southern Emberá languages, to which Sia Pedee belongs, are closely related and form a dialectal *continuum,* because of the mobilities or dynamics experienced. On the other hand, marriages between mestizos and Afro-descendants are permitted, despite certain endogamous norms. The communities in Colombia preserve their language better, possibly because a bilingual education program with its own curriculum, sufficient didactic materials and properly trained teaching staff has been in place for several decades.

In the case of the communities located in Ecuador, there is still no consolidated intercultural bilingual education program, although work has been done in this direction since 2005 through the production of didactic materials, the training of teachers to teach Sia Pedee, and the development of a curriculum based on their own social and cultural context. However, according to Rendón, "even when Sia Pedee is successfully introduced into school curricula, the problem remains that all children and young adults in Ecuador do not speak the language" (Carrasco, 2010, p 13). It is preserved only in the generation of adults over 50 years of age. In this sense, the political strategy of the leaders in recent years has focused on the recovery of their culture and the revitalization of their language as the essence of the Éperara identity (Carrasco, 2010, p 12).

The Éperara nation has three population centers: Santa Rosa de los Épera, Bella Aurora and Río Cayapas. The largest of these is Santa Rosa, where agricultural, handicraft, commercial, political, and religious activities converge. It is located on the banks of the Cayapas River, 20 minutes by motorboat from the city of Borbón, 3 hours from Esmeraldas, and 10 hours from Quito[17].

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[16] The Chocoan languages are so named because they are spoken throughout Chocó and have been classified within different linguistic groups; Rivet (1943-1944) associates the Emberá languages with the Carib group, while Guillermo Constenla Umaña and Margery Peña (1991) link them to the Chibcha linguistic group (Carrasco, 2010).

[17] Interview 1. Eperara Siapidaara Nation. Eperara leader.

Image 33. Town of Santa Rosa de los Éperara.

Source: Diego Yela D., 2022.

Image 34. Town of Santa Rosa de los Éperara.

Fuente: Diego Yela D., 2022.

Bella Aurora is the second population center. It is located on the right bank of the Santiago River. The third settlement is the Barrio Cayapas community, located in the center of the Borbón parish, where some families have individual properties acquired through direct purchases.

According to data from the leadership, Santa Rosa de los Éperara consists of 330 people, grouped into approximately 60 families settled in an area of 347 hectares, and holds community property titles. Their lands were acquired both by purchase and ceded by the Afro people of Esmeraldas. Their houses are arranged over about 40 km2, built with wooden structural supports to protect them from the humidity caused by the river. The space occupied by the current settlement is usually flooded every year during the rainy season, when due to the influence of the El Niño, phenomenon, the rivers overflow into the communities settled on its banks[18].

Regarding the conception of their ancestral territory, the Éperara community reaffirms their ancestry from Colombia. In their narratives, they express their link with their ancestral territory and emphasize the visits they make to their relatives in Colombia, settling there in some periods. It is frequent that families arrive from Colombia to Santa Rosa de los Éperara, which does not mean -according to their perceptions - that migration is practiced in the strict sense as a way of group survival.

Access to the Santa Rosa de los Éperara community is by river via the Cayapas River from the town of Borbón. Most families have a canoe and a motor, and passenger canoes travel every 20 minutes between 6:00 am and 6:00 pm. Likewise, access to the Bella Aurora community is via the Santiago River, while access to the Cayapas neighborhood is facilitated by its location inside the parish center.

Image 35. Port of Borbón.

Source: Diego Yela D., 2022.

[18] One of the problems identified is the vulnerability of the town center. The possibility of buying land downstream, 10 minutes away by boat, where the community can resettle is being studied.

Image 36. Cayapas river dock. Santa Rosa de los Éperara community.

Source: Diego Yela D., 2022.

No migratory movements have been recorded as survival strategies. The Éperara community maintains its territory with legal security, which allows them to survive with their daily activities without resorting to a mass exodus . However, due to the small size of the territory, in the future they must face the division of their land into smallholdings, which would cause their displacement to other sites in unsuitable conditions[20].

The Éperara Siapidaara communities belong to the Autonomous Decentralized Government (GAD) of the parish of Borbón and the canton of Eloy Alfaro, so they do not experience major shortages in terms of basic services, as they are located within these jurisdictions. In terms of access to drinking water services, non-governmental organizations such as Altrópico Foundation have arranged storage tanks for water collected from nearby springs, so they have safe water for consumption, since the Cayapas River has high levels of contamination[21].

In terms of agriculture, the soils are not suitable for intensive farming. Their characteristics are as follows:

The Éperara territory has a tropical mega thermal semi-humid climate towards the west of the territory, and tropical mega thermal humid towards the east of the territory, whose annual rainfall can reach up to 2500 mm, while its average temperature is 26°C.
Most of the Éperara territory has undulating and hilly terrain, with slightly acidic soils in 56.57% of the territory; this percentage of the territory has very low fertility. Approximately 29.61% of the territory, mainly in the Santa Rosa community, has soils with high fertility in the valleys. Most of the territory, especially in Santa Rosa, has moderate susceptibility to erosion, due to inadequate production practices and logging[22].

In this context, the soils are not suitable for horticultural work; on the other hand, the lack of government assistance in basic services, job opportunities, and access to secondary and higher education are causes for the low human development indexes. The community

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[20] The approximate population density of the territory is 1 km2 per person.

[21] In the Cayapas River port area, there are places where families, men and women meet and socialize, where news is exchanged and conversations occur; in general, it is one of the spaces for social relaxation.

[22] Plan for Good Living of the Eperara Siapidaara Nation, 2014.

has a layout of residential units with extended families. Each household may have a father, mother, and their married daughters or sons. The farmlands are located at the back of the village center and each family has access to a relatively equal amount of land. According to the NBI poverty index[23] as of 2010, 95.6% of the Éperara population is classified as poor, while 3.48% are people in extreme poverty[24].

One of the most important productive activities is agriculture, the most important product being cocoa. Altrópico Foundation supports activities in this area,

such as the construction of canopies. The families' nutrition depends on what is produced on the farmlands, and on food purchased in the city of Borbón.

Another relevant activity is day labor, which is mainly carried out by men. Currently, the value of day labor -without food- is around US$15 to US$20 per day. Activities range from land clearing, cultivation and harvesting of short-cycle products. This work is also usually done outside the territory, especially on African palm plantations[25].

Image 37. Explanatory workshop with Éperara Siapidaara leadership.

Source: Diego Yela D., 2022.

[23] Poverty by Unsatisfied Basic Needs (UBN) is a multidimensional poverty measure developed in the 1980s by the Economic Commission for Latin America and the Caribbean (ECLAC). The method encompasses five dimensions and within each dimension, there are indicators that measure deprivation.

[24] Semantic perspectives on the word poverty vary from culture to culture: While for Westerners poverty is measured through lack of income, housing, access to employment, among other factors, for many indigenous peoples, especially rural ones, it is measured by the state of their territory, access to the use of natural resources: clean rivers, unpolluted with abundant fish, healthy forests, access to hunting and fishing activities, as well as adequate state attention to their basic needs.

[25] A qualitative and quantitative study is needed to provide more relevant data.

There are no health units or outpatient clinics for the Éperara communities. The most common illnesses are colds and stomach ailments. There are local healers who use ancestral techniques; these people are known as *jaipana* or the equivalent of shaman, witchdoctor or sorcerer; there is also the *pildesera* or healer-massager. On the other hand, in Santa Rosa several midwives assist women during the gestation period as well as during childbirth, as long as they want their attention. When there are emergencies or serious illnesses, most people go to the Borbón health sub-center, and to hospitals in cities such as Esmeraldas and San Lorenzo.[26]

Currently, the Éperara youth maintain a lack of interest in learning about traditional medicine. Therefore, it is considered essential to work on issues of cultural strengthening, taking advantage of the few Jaipana and Pildesera. According to data from the INEC 2010 Census (Ecuador), the Éperara siapidaara population maintains an illiteracy rate of 28.2% in people over 14 years old; a very high percentage in relation to the national average of illiteracy which is 6.8%.

The intercultural educational curriculum has serious deficiencies. It does not incorporate socio-environmental and historical realities of the nation. In this sense, there is a need to work on the systematization of cultural information, and conduct anthropological studies that emphasize the historical-territorial issue. There is a child development center supported by the Ministry of Economic and Social Inclusion (MIES), but there are problems with the allocation of public resources, because these are generated by the State and administered by the municipality of Eloy Alfaro. In this sense, women and mothers of families often request materials from institutions and people who visit the community, in addition to convening mingas, among other activities.

In relation to their political organization, the Éperara nation was legally constituted in 2001 under the name of Organization of the Éperara Nation (ONAE), by means of an agreement issued by the Ministry of Social Welfare. On the other hand, the leadership has accelerated the procedures for the current National Council for the Equality of Peoples and Nations - formerly the Council for the Development of Nations and Peoples of Ecuador (CODENPE) - to recognize them through Ministerial Agreement No. 1962, dated January 14, 2010.

Image 38. Explanatory workshop in the Santa Rosa de los Éperara community.

Source: Diego Yela D., 2022.

[26] Field diary entries.

Historically, their political processes took place under autarchic forms of governance with authorities based on experience such as wise Jaipana elders; however, the adaptation to modern cultural realities has caused the Éperara community to insert itself into the dynamics of modern ethno political organization. The process of political organization of the nation required a change from the establishment of symbolic authorities that determined whether families occupied dispersed settlements, to a centralized authority with other organizational forms ascribed to the Organization of Indigenous Nations of Ecuador (Carrasco, 2010, p. 12). Currently, the Éperara Siapidaara nation of Ecuador (NAESE) has: a grassroots organization legally established and registered with the Human Rights Secretary of Ecuador. The Community General Assembly (AGC) is the highest decision-making body. The State, through its institutional leadership, recognizes the appointment of the directives and, within the community, these are identified as the traditional authority.

The organization is made up of all its members, i.e., men and women over 16 years of age, from the three communities mentioned above. The new authorities must act under a new organizational model, responding to modern and national socio-political realities where the traditional leadership, based on the authority of the elders, has been displaced. Young people assume the leadership, depending on the support of the Assembly for decision-making. As extended families, kinship relations play a fundamental role, since the young leaders depend on the number and support of the extended family in the decision-making process.

The Assembly is held every twelve months and members can be called for extraordinary assemblies to deal with emerging issues. The Governing Council (directives) is the technical administrative team that is in charge of NAESE, which meets every month and is composed as follows:

Nomenclature of authorities in Spanish Language	Nomenclature of authorities in Siapedee language
President	*Tachiporo* (our head)
Vicepresident	
Organizational strengthening, communication and international relations leader	
Leader of land, territory, natural resources and ancestral medicine	
Economic, community development, production and marketing leader	
Education, culture and customary justice leader	
Gender equity, youth and sports leader	
Treasurer	Parata waripidaitee = our money is going to increase (economics spokesperson).
Secretary	
Bailiff spokesperson	Chacara
Leader of land, territory, natural resources and ancestral medicine.	Enjaakîpari Jômaradê = guardian of the territory of the Community (spokesperson of the territory). He is also called Eujanîiebi = air, earth, not polluted. He started as an environmental spokesperson.

Nomenclature of authorities in Spanish Language	Nomenclature of authorities in Siapedee language
Economic, community development, production and marketing leader	
Culture and justice spokesperson	Tachipedee wîpari The punisher in our language
Organizational spokesperson	Kînicia Politics. What we think. Kapiabi. He is strong, and in good health. Health and life spokesperson.

Table 16. Comparative nomenclature of authorities in Spanish and Siapedee.

Source: Prepared by the authors based on information from the text by Eulalia Carrasco (2010).

In the 1960s, after a process of state invisibilization and labor oppression by Afro-descendant families, who called them "the cholos", the Organization of the Éperara Nation of Ecuador, through its leadership, regrouped the people in the Santa Rosa sector, on the banks of the Cayapas River. Through mingas or communal work, the families began the construction of houses[27].

On August 30, 2000, through the joint struggle of the leadership of the Éperara Nation of Ecuador, with the Apostolic Vicariate of Esmeraldas, Bishop Eugenio Arellano, Sister Victoria Carrasco and some NGO's, a 347 hectare plot of land located on the banks of the Cayapas River, 30 minutes from Borbón by river, was obtained and awarded to the Nation. The Santa Rosa community, considered the most important community of the Éperara, currently occupies this land[28].

The conception of territory has been taken into account from their worldview that, in this case, supports a right to territory. The Éperara ontologies - like other indigenous peoples - embrace a particular way of seeing the world characterized by a continuum between nature and society. Contrary to modern naturalist and rationalist ontologies, which objectify nature by considering it exploitable - in the capitalist and extractivist sense - indigenous thought observes taboos, rituals and interdictions[29]. That is why for indigenous people the territory is relational (Escobar, 2014), and they not only conceive the physical plane but also the uranic (sky), telluric (earth) and underworld (subsoil) spheres[30]

The worldview of the Éperara siapidaara nation conceives three worlds. The first world is the one above, in this world is the sun, Tachi Akore (Our God), below this world are the "tápanos" (beings without anus, myth of the Biripoto). The second world is the middle one, this is Tachi Eunja, that is to say our earth, in this world is where the Éperara Siapidaara live, this world begins in To Khi (headwaters of the rivers) and ends in To Kharra (river mouths). The third world corresponds to the one below, of the Antau Aramoora Euka (space of the tápanos). The Sun God circulates between the three worlds and gives them light. The Tachi Nawe (moon) is the mediator between the three worlds[31].

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[27] Upon their arrival, and for several years, the Éperara community was invisibilized by the Ecuadorian state and by the indigenous movement itself. They were known as "the cholos" by the local Afro-descendant groups. They worked without pay in peasant day labor, and were only given housing and food.

[28] Plan for Good Living of the Éperara Siapidaara Nation. Document without bibliographic reference.

[29] It is important to observe the social dynamics and worldview of indigenous groups when proposing development, humanitarian assistance and/or academic projects. Based on the ways of seeing the world of any human group, it is possible to contextualize the various abilities to take action that may be proposed.

[30] This conception of relational territories is particularly important when proposing strategies for territorial defense against the onslaught of extractivism.

[31] Interview 1. Éperara Siapidaara leader.

This highlights the importance of water bodies and especially rivers for this community, based on certain creation myths:

According to the history that we have received from the elders, the creation of the Éperara people, according to what I have heard from my mother, from my grandmother, is as follows:

The creation of the Éperara was in the Chocó river, on an immense beach, very big; there were no people, there was nothing, no food; there was only sky and sea and nothing else; no land, it was not composed, everything was only jungle. Then there, the most powerful Lord God came down from the sky, came to create us the Épera and all the people that exist in this world, because before the creation there were no people, there was only the sky and the sea, as I understand it. Tachi Nawe came down to live on this lonely beach, that is to say, in this river next to the Chocó. When there was no one, she came with her son to live there. The son was asking where he could go to find someone, he wanted to talk about something, or he wanted to do something, and he could not because he was alone. Finally, he said: "Mom, I am going to make a village, I am going to make people"; then Tachi Nawe said: "My son, how are you going to make people? Think first about how you're going to do it".

"Mom, this is how I am going to do it, because I feel lonely, I want to talk to someone, I want to do something". Then, the little God started to do his work. "This beautiful and immense beach that I am looking at, from this little beach I am going to form a material, and at midnight my Mother and my Father have to give me courage to form some people and that is what I will do", he said.

"I cannot help you," said Tachi Nawe, "I cannot do the work, you can do it yourself." (Carrasco, 2010).

In this way, the Éperara Siapidaara community perceives the world and the behavior of people in relation to the inner and outer planes; in this sense, one can notice the influence of Christian thought imposed by the missions that were in charge of the territory::

They are forms of spiritual beliefs that are based from the invisible to the visible, the divine is related to the Jaipana (Sage) and to the nature present in the territorial space, through the sun and the moon; and the contact of communication with the divine lord God strengthens the cultural belief of the nation. The knowledge of the sacred is found in the wise elders, the mayordoma (chief), pildesero, midwife, teachers, cemetery, protected area (reserve), ancestral medicine, waterfall, sacred rivers, etc. (Carrasco, 2010).

3.1.3 Kichwa-Siona Nation of Ecuador

The Siona community is a bi-national Amazonian ethnic group whose territory is located between the borders of northern Ecuador and southern Colombia, in the region known as Bajo Putumayo. Their original language is Paicoca, which belongs to the Western Tukano group, one of the two branches of the Tukano linguistic family (Vickers, 1989, p. 45). They self-identify themselves as zio-bain or people of the cane or chagra[32].

The Kichwa-Siona community of San José de Wisuyá is located on the banks of the Putumayo River, in the province of Sucumbíos, canton of Puerto del Carmen Putumayo, parish of Santa Elena. It is bordered to the north and east by the Putumayo River, to the south by the communities of Brisas del Yoyá and Santa Elena, to the west by the communities of Los Chíparos, Brisas del Putumayo and block 97 Víctor Hugo Ruales, belonging to Petroamazonas, which is located in Kichwa-Siona territory[33].

Traditionally, the territorial management of this community followed the typical itinerant models of tropical forest characterized by dispersed settlements in houses or *malocas* of extended families grouped around the figure of a shaman or founding father.

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[32] Upon their arrival, and for several years, the Éperara community was invisibilized by the Ecuadorian state and by the indigenous movement itself. They were known as "the cholos" by the local Afro-descendant groups. They worked without pay in peasant day labor, and were only given housing and food.

[33] Plan for Good Living of the Éperara Siapidaara Nation. Document without bibliographic reference.

Map 13 Geographical location of the Kichwa-Siona community.

Source: Prepared by the authors.

Image 39. View of some houses in the Kichwa-Siona community of San José de Wisuyá.

Source: Diego Yela D., 2022.

According to Vickers, the characteristic settlement pattern involved dispersed residential groups, located on small tributary rivers and estuaries of the Aguarico, Napo, and Putumayo. The basic settlement consisted of a patrilocal, patrilineal extended family residing in a communal house (1989).

Due to multiple factors such as the influence of the missions, the exploitation of rubber in the nineteenth century, oil in the twentieth century, and the violence generated by the armed conflict in Colombia, the itinerant occupation of the territory has changed to nucleated settlements. The spatial distribution of houses and land within the community is family-based and is a result of inheritance or succession. Traditionally, the man is considered the head of the household and in his house, he usually lives with his wife, his sons and unmarried daughters, and his married daughters with their husbands. The space for sowing follows the model of the colonial mestizo farm distributed in a continuous and situated manner throughout the territory. Hunting and fishing areas are free; however, for big game hunting activities, permission is usually requested from the owners of the farm. There are also communal areas for these activities, such as the Wisuyá forest.

In Colombia, there are 2,578 people distributed in six reservations and six cabildos. They occupy an area of 19,400 hectares in the municipalities of Puerto Asís, Puerto Leguízamo, Orito and Mocoa. The main reservations or communities are: Buena Vista and Santa Cruz, which occupy an area of 13,127 hectares[34].

In Ecuador, they are located in the northeast of the province of Sucumbíos, in the cantons of Shushufindi and Putumayo; the latter is made up of six rural parishes: Palma Roja, Puerto Bolívar, Puerto Rodríguez, Puerto El Carmen (cantonal capital), Sansahuari and Santa Elena. Five communities with both mestizo and indigenous populations are located here: Real Cuembí, Angosturas, La Rosa, Santa Elena, Restrepo and San José de Wisuyá. The latter -the subject of this study- shares territory, political and kinship relations with the Kichwa-Siona reservation of Buena Vista; both are only separated by the Putumayo River. According to current leadership data, San José de Wisuyá is home to 110 people grouped in approximately 20 families[35].

In terms of citizenship rights, many Kichwa-Siona people from Colombia living in San José de Wisuyá are not eligible for Ecuadorian citizenship. In 1990 there was an agreement between Ecuador and Colombia for the free transit and transport of people, cargo and vehicles, whose chapter XII entitled "Ethnic Groups", established in its article 23 that:

> *The competent authorities, jointly with the indigenous peoples and Afro-descendant communities, for Colombia, and the indigenous communities, peoples and nations, the Afro-Ecuadorian people, the Montubio people and the communes, for Ecuador, whose legally constituted territories are located on the border, will establish by means of Regulations issued by the Bi-national Technical Committee of the Colombian-Ecuadorian Neighborhood and Integration Commission, the conditions for mobility with special criteria in order to improve the quality of life and recognize the customs and traditions of the aforementioned communities, with the purpose of maintaining and developing contacts, relations and cooperation with other peoples, particularly those divided by international borders.*

However, this agreement - according to the narratives - is no longer in force.

Cultural traits such as language, music, body semiotics, among others, have been retracted, possibly due to the influence of urban centers, the attraction of modernity and its artifacts; and, above all, to a failure of intercultural public policy from the State in the various related institutional sectors: health, education, cultural revaluation, local justice systems and natural and cultural heritage. In San José de Wisuyá, the Paicoca language has lost its relevance, with an evident lack of transmission to the new generations; this may be due to the historical schooling by the

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[34] ONIC website, available at: https://www.onic.org.co/. There are 52 ethnic groups living in the Colombian Amazon. Its population is approximately 47 thousand members with 14 linguistic families. The most representative are the Tukano, Arawak, Huitoto and Tupi. The departments with the largest indigenous population are: Amazonas (26), Vaupés (19), Vichada (8), Caquetá (10), Putumayo (10) and Arauca (6), the first five located in the Colombian Amazon. However, it is noteworthy that the indigenous populations are minorities, which is an indicator of their social and cultural vulnerability.

[35] Interview 1, 2 and 3. Protection Gaps Workshop in the San José de Wisuyá community.

religious missions, and the process of transculturation and ethno genesis with the arrival of Kichwa families from the Napo to the Siona territory[36].

In terms of health, the most common diseases are respiratory diseases, which generally occur in children, followed by skin diseases and parasitosis. These occur endemically during the rainy season, between April and July, when there are higher levels of humidity. According to interviews with leaders and teachers, there are no cases of malnutrition; the families get their food from nearby markets normally, while supplementing their diet with cultivated products such as cassava, corn and fruit. They raise poultry, which allows them to have an occasionally varied diet.

Prior to 2021, the State carried out monthly medical brigades; after the COVID-19 pandemic, it has been the families, through the leadership, who request them, due to the cessation of regular operations in the area, which consist of dental care, general medical service, and distribution of medicines. For emergencies, there is a river ambulance service managed by the GAD de Sucumbíos, which was financed by German Technical Cooperation (GIZ). According to the narratives collected, the service is necessary but deficient because accidents such as snakebites and regular emergencies such as childbirth and accidents tend to occur. In this regard, the leaders see the need to generate a formal petition to the GAD of Sucumbíos to request improvements in the service.

In cases of emergency, Kichwa Siona people must go to Puerto Asis in Colombia, where there is a public hospital and a private clinic. The distance is one hour upriver by river transport. The cost varies between US$4 and US$5. The nearest health center is in the parish of Sansahuari, located two hours away by land. To access it, families must cross the San Miguel River by barge. There is a health center in the Buena Vista reservation (on the Colombian side); however, during the course of the research, it was found that the facilities are abandoned.

In terms of education, there is a school called Ayahuasca Intercultural Education Center -whose academic offer includes up to sixth grade- and has a native Wisuyá teacher[37]. Attendance is minimal; currently, six students are enrolled. There is no internet signal in the educational unit; instead, the signal is taken from the Claro company tower - located on the Colombian side.

In general, there is a budget deficit for the maintenance of the unit and the State does not guarantee river transportation or food for the students. Access to the facilities is via a bridge in poor condition, which is maintained by the community through frequent mingas. The provincial government has been requested to intervene in its repair.

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[36] Reeve, in his study on the Kichwa of the Curaray (2002) emphasizes that a process of transculturation implies the process of changing an ethnic identity through intercultural marriages. He goes on to state that ethno genesis is a complementary step to transculturation defined in the creation of new identity categories that transcend local ethnic identities. In this sense, a process of ethno genesis can also imply the abandonment of the practices of intergenerational transmission of the oral heritage of an ethnic group, manifested mainly in myths, which are generally stored in the oral memory of the people. When intercultural marriages take place, the oralities generated in the domestic sphere tend to lose their validity. As an example, when these two Kichwa-Shuar groups met in the 1960s, in a marriage between a Kichwa man and a Shuar woman, it is possible that, due to the logic of uxorilocality (the man who marries goes to live in his father-in-law's residence), family ritual spaces are abandoned, such as the guayusa drinking in the early morning hours practiced by the Kichwa, a space where elders, uncles, aunts, grandfathers and grandmothers transmit oralities to the family group.

[37] The right to education in Ecuador is covered by the framework of the Constitution, which provides for universal access from kindergarten through high school, and free public education up to the higher education level. Likewise, the National Plan for Good Living 2013-2017 expresses in its Objective 4 the need to strengthen the capacities and potential of citizens; and finally, there are the corresponding rules and regulations for each level of education. Therefore, the country has a sufficient regulatory framework to guarantee the rights to education without any type of discrimination.

Image 40. Access bridge to the School.

Source: Diego Yela D., 2022.

Image 41. San José de Wisuyá School.

Source: Diego Yela D., 2022.

According to community perceptions, the education is of good quality, there is equipment and high school level, but many families send their children to Buena Vista, to the school Rural Ethno Educational Center Buena Vista (CER) on the Kichwa Siona Colombian side. This school has the Educational Food Program (PAE), although, at the time of writing this diagnosis, there are difficulties in the supply by contractors, which violates the right to food security in school contexts and causes discomfort among families.

On the other hand, there are parents who send their children to Rosario School, located in Palma Roja Parish, three hours away from San José de Wisuyá.

The Ecuadorian government provides a student voucher of US$55 per family. This amount is granted regardless of whether there is more than one person studying in the household. On the Colombian side, a bonus of 40,000 pesos (approximately US$10) is provided every two months for university students.

In terms of socio-political organization, the community is registered with the Secretariat of Management of Peoples and Nations of the Ecuadorian State. They have an autonomous system of ancestral social and political organization based on the Community Assembly and the Cuiracá territorial guards. In addition, they are based on an ethnicity related to the planting of the chagra, and the ingestion of entheogens such as yoko (Paullina yoko) and yagé (Banisteropsis caapi)[38].

Image 42. Kichwa-Siona community of San José de Wisuyá.

Source: *Diego Yela D., 2022.*

[38] The yoko is a stimulating strong drink, extracted from the bejuco Paullina yoko used by the Amazonian Tukano groups (Siona and secoya) mainly. It has purgative curative effects. Ayahuasca is widely used by almost all Amazonian cultures. It consists of a hallucinogenic drink of purgative and cathartic character.

Organically, they do not belong to the Confederation of Indigenous Nations of the Ecuadorian Amazon (CONFENIAE), and by extension to the National Confederation of Indigenous People of Ecuador (CONAIE). There are different perspectives in this regard, mainly related to the lack of negotiation from the different leaders in office, due to economic reasons.

The organizational nomenclature is of a western-gremial character, based on the figure of the president, vice president and other dignities. The elders, great men, wise men or taytas are highly respected and are called upon for more complex decisions, who, through the ingestion of yagé, guide the community in various enterprises.

The leadership is elected every three years. There are no fixed assembly dates. Meetings are called when important events occur for the community. They maintain their own regulations approved in Assembly, including the Territory Commission that directs the activities of the Community Guards of Territorial Control Cuiracá (caretakers in Paicoca language). These are one of the fundamental structures of the Kichwa Siona community organization, since they monitor the territory, guarding against external incursions: settlers, oil companies, as well as the detection of anti-personnel mines.

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The cuiracá are based on the right of indigenous peoples to maintain their systems of autonomy, enshrined in the Ecuadorian Constitution and recognized in Convention 169 of the International Labor Organization (ILO), as well as in the United Nations Declaration on the Rights of Indigenous Peoples. These are their own organizational forms and justice systems based on their ethno-political organization and cosmological systems. Their objective is to monitor and protect the territory.

In Wisuyá, the cuiracá were formed ten years ago. Contrary to the accusations of the current government in the context of the social mobilizations that occurred in 2019 and 2022 about their subversive and armed nature, the Kichwa Siona community use spears, bodoqueras and command staffs to confront the threats that come from outside through oil companies and settlers. Cooperation institutions often provide occasional support with materials to document (photo and video) the damage caused by extractive activities.

Regarding the community's communication level, there is a transport route available, consisting of a bus that leaves daily from El Palmar, a location five minutes from the San José de Wisuyá community, heading towards Lago Agrio. Along the Putumayo River, community members travel in their own canoes or by river transport.

Image 43. Kichwa Siona cuiracá guard.

Source: Amazon Frontlines.

Image 44. Training for Kichwa Siona community promoter.

Source: Diego Yela D., 2022.

Image 45. TKichwa Siona territories on the banks of the Putumayo Rive.

Source: Diego Yela D., 2022.

3.1.4 Awá Nation of Ecuador. Awá community of El Baboso Center

Map 14. Location of the Awá territory in Ecuador.

The Awá people are a bi-national ethnic group native to the biogeographic zone of the Colombian Chocó, settled in a dispersed manner in the territories of both countries. In Colombia, they are found in the departments of Nariño and Putumayo. In Ecuador, they are found in the provinces of Carchi, Esmeraldas and Imbabura. In Imbabura, they are located in the parishes of Lita and Buenos Aires. In Carchi, they are found in the cantons of Mira, in the parish of Jijón, and Caamaño, while in Tulcán they are found in the rural parishes of Tobar Donoso and Chical, all located along the San Juan River. Finally, in the province of Esmeraldas they are located in the parishes of Alto Tambo, Mataje and Tululbí. Currently, the Awá community in Ecuador has a population of 3,500 people and 22 legally constituted centers.

The traditional mode of settlement followed dispersed occupation patterns based on an autonomous model with a family head. The religious orders managed to bring them to the Carchense side, which generated a process of evangelization and schooling that transformed the traditional settlement patterns into centers focused around a school (Naizot, 2009, p. 14; Pineda 2010, p. 34).

They are currently organized under the Federation of Awá Centers of Ecuador (FCAE). The adjudication of the territory began in 1988 when the Ministry of Agriculture and Livestock recognized the Awá ancestral territory. Subsequently, in 1995, the then Ecuadorian Institute of Forestry, Natural Areas and Wildlife (INEFAN) re-defined the Awá ancestral territories and, in January 2006, the Environment Ministry awarded the FCAE 99,336.51 hectares in the Tululbi and Mataje parishes of San Lorenzo canton, Esmeraldas province, and in the Chical, Tobar Donoso, Jijón and Caamaño parishes of Tulcán, and Mira cantons in Carchi province.

Image 46. Meeting with Awá women entrepreneurs.

Source: Diego Yela D., 2022

Currently, the dynamics of the Awá people respond to external contingencies, especially the construction of roads by extractive mining and agro-industrial companies. As an ethnic group settled in two countries, their territory maintains a certain continuity; however, their political and organizational process has adapted to the eventualities caused by cross-border mobility. Their cultural dynamics are embedded in a complex geography, crossed by the presence of external actors, forms of settlement, mobility, and a particular worldview, which has led to new forms of appropriation and use of natural resources

The use of the territory, which responds to itinerant dynamics of spatial appropriation and settlements with a pronounced dispersion, has historically been managed under forms of autonomous political organization with clan or family characteristics. This reality changed drastically with the colonization and, in the last 20 years, with the presence of non-governmental organizations, as well as the intrusion of both legal and illegal mining companies into their territories (Pineda, 2010). In this sense, Awá leaders often manage their external relationship dynamics independently from the national leadership, especially in decision making at more local levels and in negotiations with non-governmental organizations, mining companies and the State itself[39]. This has been mainly exploited by extractive actors to generate fractionation dynamics through their community relations and co-optation of leaders. In this sense, the process of social and political organization due to the territorial dispute has led the Awá community to be profiled alongside the actors in conflict[40].

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[39] This could be seen during the first visit to the community. Although the president of the organization was not able to attend the team, indirect contact was made through the technical people who accompanied the visit with a highly respected Awá leader with a radical anti-mining tendency. He was willing to collaborate with an interview in the future.

[40] The Awá centers of Ecuador near the border suffer the effects of the complex political situation in Colombia, intensified in the last two decades: presence of illegal armed groups, increase in illicit crops, fumigation programs, militarization and the development of mega agro-industrial and infrastructure projects. The latter, in Colombia, lack consultative spaces that establish bridges between national needs and the collective rights of ethnic groups.

Image 47. View of a part of the Awá El Baboso Center settlement. .

Source: Diego Yela D., 2022.

Currently, the Awá community is undergoing a socioeconomic exclusion common to all cross-border ethnic groups[41]. The Ecuadorian State has not been able to guarantee their environmental rights in their territories due to the lack of an institutional framework and the scarcity of public policies for the protection of indigenous collective rights, but it is notorious that policies related to extractivism and agriculture favor the State and private groups[42].

The Awá territory comprises 26 legally constituted centers (communities). Its population is 3,500 people. The property title is global and is managed by the Federation of Awá Centers of Ecuador (FCAE), a first-degree organization promoted since its creation by the Non-Governmental Organization Altrópico Foundation. Despite the support of NGOs, mining companies have become significant actors, and they have unbalanced the relations between the Awá community and the mining companies, and internally among the families of the Awá Centers.

Socio-political organization

The Awá El Baboso Center belongs to the Tobar Donoso canton in the province of Carchi. It has been in existence for 30 years. It was formed with six families and currently has 360 people distributed in 75 families. It has legal recognition granted by the Ministry of Social Inclusion (MIES); however, the directives have not followed up on this process and, consequently, the legal status of the center is uncertain.

One of the problems faced by this center is the lack of interest of young people in internal political affairs, especially apparent in their lack of participation in assemblies and congresses and, in general, in community political decision-making bodies. In this sense, few people contribute to the sustainability and continuity of the organizational strengthening process. This may be due to the lack of a sustainable economic project that encourages them to take an interest in the community[43].

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[41] Taking into account that these border situations have their own characteristics, there are nevertheless certain common denominators such as the presence of armed groups and irregular crossings of people in mobility; all of this, framed in specific territorial structures: geography, ecosystems, and cultural formats.

[42] According to Pineda (2017 [..] the subordination to political interests of other kinds that culminated in January 2007 with the provisions of the Environment Ministry for territorial co-management between Awá and Afro in Esmeraldas is an example of this. Similarly, the subordination to economic interests materialized in the advance of palm cultivation and the environmental catastrophe this entails, as well as in the pressure from logging and mining companies.

[43] Interview 2. with local community leader.

Although the property at the national level is collective, administered by the FCAE and based on an ancestral community right format, the centers maintain an internal conflict due to an inequitable distribution of the family plots. This problem is born from its very creation, since the plots were taken by each family without any regulation to determine proportional access; in this sense, some own more than 300 hectares and others only 6[44]. The problem revolves around the households that have less property, with the aggravating factor that, over time, the lands must be distributed to the new generations. In this sense, an internal process must be carried out to divide the land into smallholdings. The families with the largest land holdings are not willing to assign part of their properties to those with less land, but no holder has private supporting documentation, since the FCAE has the global property title of the 22 communities.

The registry lists 98,000 hectares, but according to interviews with actors of interest, these amount to 120,000 hectares. It is possible that this reduction is a response to the invasions and the problem of land trafficking in the Awá territory. This constitutes a challenge for the FCAE, since, despite continuous lobbying, the problem has not been resolved.

The last meeting to elucidate these aspects took place in the El Baboso Center within the framework of a proposal for delimitation of the Centers promoted by the Altrópico Foundation, which consisted of carrying out a topographic survey of the internal line between communities, leaving conservation areas to be maintained through the SocioBosque program[45]. To date, the Awá community maintains two conserved areas: La Vida Reserve and El Oso Reserve, located on the border of El Baboso Center, Gualpi Alto, and Sabalera. There they seek to preserve and maintain the natural production of water and other biotic resources. In this regard, the program has worked with the community through forums, trainings, and periodic meetings[46].

The Altrópico Foundation has promoted the creation of conserved areas in the communities. This initiative has not advanced due to the lack of definition of inter-community limits. Another proposal made by Altrópico to FCAE was the creation of life plans for the Awá centers. These were proposed under four components: socio-organizational, productive, territory, and environment. The suggested lines of work were organizational strengthening, updating of statutes, internal regulations, tourism, and infrastructure. It was proposed to the Decentralized Autonomous Government (GAD) of Carchi to carry out road infrastructure work.

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[44] According to the narrative: "there is conflict around the land issue, since the people who have a lot of land do not want to give it to those who do not" (Interview 2. with historical leader).

[45] SocioBosque is a program administered by the Ministry of Environment and Ecological Transition (MATE) that works within the framework of carbon sales and conservation of community natural resources. It consists of providing economic incentives to peasant and indigenous communities that voluntarily commit to the conservation and protection of their native forests, moorlands, and other native vegetation.

[46] Interview with Awá leader.

3.2 Socio-historical situation of each community

3.2.1 A'i Kofan Nation

According to ethno historical data, in 1535 Captain Gonzalo Díaz de Pineda encountered a large Kofán population at the confluence of the Aguarico and Caiambi rivers. The Aguarico River was known as the "river of the Kofans". In 1563, Archidona and San Pedro de Alcalá were founded in the Province of the Kofanes.

The community is bordered to the south by the Quijos, to the southwest by the Albijirias and to the northwest by the Sucumbios, Mocoas and other unknown tribes. They were resistant to the incursion of both the Spanish and the missions, especially the Jesuits, who in 1587 settled in Quito. In 1652, the priest Rafael Ferrer founded the Kofán community, called San Pedro de los Cofanes -or San Pedro de Alcalá or San Pedro del río Dorado- made up of more than 3,000 members. The missionary lived there for eleven years, until 1611, year in which he was murdered. During his evangelizing activity, he baptized 4,800 indigenous people. In 1642, another Jesuit missionary, Fray Pedro Pecador, was murdered.

Subsequently, the Kofán population withdrew, and a geographic map of 1750 reads: San Pedro de los Cofanes, ruined place. It disappears from the records for more than 150 years (Life Plan, 2010).

In the 1940s, the community of Dureno was created under the leadership of Guillermo Quenamá, a political and spiritual leader who, together with a group of

families, arrived from the headwaters of the Aguarico River. Gradually they expanded into five population centers or Settlement Centers, with the objective of protecting the territory from the intrusion of oil companies and the colonist invasions that were advancing, supported by the State, under the argument that "the Kofán territory was an unpopulated space without people".[47] This event took place in a context of conflicts and tensions between settlers and indigenous people over the use of resources, such as intensive hunting and logging.

The first settlement was Pisurié Kankhe, located on the road built by the Texas Petroleum Company (Texaco), which crosses the community of Dureno on the banks of the Pisurié River. According to the narratives, this center already existed before the expulsion of the oil company in 1998, when the Dureno community organized a protest and closed the Dureno well, due to the environmental impacts derived from successive oil spills. Some families settled in that space, building precarious houses to monitor the territory in the face of the threat of a possible reopening of the well[48].

Their territory was delocalized from 1967 with the beginning of oil exploitation in the region and in Ecuador, based on the state policy of Agrarian Reform and Colonization, which promoted an extensive occupation under the official discourse that pointed to

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[47] Interview 2. Historical leader A'i Kofán.

[48] Systematization of field diary entries.

the Amazon as an area of wasteland without human populations[49].

For the Kofán people, space or territory is the place where their history and that of their ancestors is present. In this sense, the ethno-political ability to take action in the defense of their territory against oil companies has been a constant in the actions of their leaders until 2013, when the new leadership allowed the entry of seismic prospecting activities, as will be seen below.

In the 1970s, oil exploitation began in Kofan territory. The transnational Royal Dutch Shell Group (Shell) carried out seismic prospecting, while the Texas Petroleum Company (Texaco) carried out drilling. In 1967 Texaco began work with the Lago Agrio well and others in the Aguarico River, and by 1972 the Dureno well was drilled, part of the Guanta complex of wells located on the western border of the Dureno community. The transnational company opened this well without consultation processes and contact with local populations, or restitution for the environmental and social impacts caused (Lagos, 2018).

In 2011, a member of the A'i Kofán youth movement was elected as president, breaking with the traditional occupation of leadership positions held by elders and wise men, who in their mandate did not accept the interference of the oil companies. However, the young elected leader started negotiations with the Ecuadorian public company Petroamazonas, allowing the oil company to begin seismic and prospecting activities, under the argument that, since the beginning of oil operations in the territory, the State and the environmental NGOs have not generated economic benefits for the Kofán people. Therefore, it was time for the community to receive benefits in money for the oil activities in the Dureno 1 well. After two years of opposition from the traditional leadership, during 2013 the new leadership gave way to the signing of the Social Compensation Agreement between Petroamazonas EP and the Kofán

Dureno community, which offered the community a series of "benefits" such as delivery of vehicles, cash for families, scholarships, temporary medical assistance, among others. The seismic prospecting was carried out by the Chinese firm BGP[50], whose operation covered the entire territory, both in unpopulated areas and in SocioBosque areas. These monetary resources were distributed among partners over 15 years of age[51].

In 2014, negotiations for the reopening of the Dureno 1 well were carried out with the state-owned Petroamazonas, which deepened the internal problems between those who supported this process and those who were against it. The negotiation included the purchase of eight pickup trucks with a three-year work contract for several A'i Kofán people in that oil company, in addition to cash that was distributed among partners (Lagos, 2018).

At that time, the oil operation ceased to be administered by Petroamazonas, passing its management to Petroecuador. From that time until the present, negotiations have been ongoing with the oil company for the installation of the platforms with their respective wells.

Regarding the conditions for economic production and social reproduction, the former are related to casual labor in Lago Agrio, and day labor on plots of land owned by settlers and other families. Women, who, as we have observed, have marked roles in A'i Kofán society, generally carry out reproductive activities.

PetroEcuador periodically hires men for road cleaning and labor for field activities. There are no technical personnel working for PetroEcuador among the Kofán people.

The Kofán men have developed expertise in the construction of fiberglass canoes, which are sold on demand. This activity has declined due to the country's economic crisis and the incidence of the COVID-19 pandemic. Demand for canoes is expected to pick up over time.

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[49] Even high-ranking officials and politicians claimed that the Amazon was a myth. Before the Agrarian Reform in Ecuador, the forms of production, and social and intercultural relationship particularities were highly inequitable. This mode of production inherited from the colony was evident in the twentieth century with a concentration of land in few hands. In 1954, 1,369 farms were registered. Of the total, 0.4% concentrated 45.1% of the surface area; more than 250,000 farms - 73.1% of those existing at that time - used 7.2% of the surface area. Thus, land tenure became the basis of an institutional system that produced extreme inequality in income distribution. The latifundia, a concrete expression of this system, had enormous power over the labor market and the land market. This mode of production was present in the Amazon, since until the 1940s there were haciendas with the modality of peonage and indebted labor. The Kofán community did not escape this model, experiencing exploitation during this time under this modality, which remains in their memory.

[50] Chinese-owned geophysical company providing services in acquisition, processing and interpretation of 2D and 3D seismic data.

[51] Findings identified during the second community workshop, as part of the listening sessions.

Women occasionally work in domestic service in Lago Agrio. Their roles in the community are more related to social reproduction activities: horticulture (chakra), caring for, raising and educating their children, preparing food for the family, collecting firewood, shopping in town, and managing the money for these tasks.

The characteristics of the soils in Dureno imply - in many cases - a medium aptitude for agricultural work, which does not allow for intensive activities. Generally, the agricultural cycles in the jungle are rotational with a slash and burn type of agriculture, adapted to relatively small extensions of chakras. Families, when choosing the land for their chakra, study the type of soil they can use for their production. For the Kofán community it is the women who choose the type of soil, and the husbands check on the land on their trips to fish or work their chakras; thus, according to the type of crop, they select the soil. To plant plantain and pineapple, they prefer the hill or high ground; if they are going to plant peanuts, they choose the sandy or pamba type soil.

The Kofán population in Dureno have to be alert so that the rising of the river does not flood their crops, and for this reason, many families choose the time for planting, trying not to coincide the production with the flooding period, which generally occurs between May, June and July[52]. The main products they grow are guineo (of the "orito" variety) and yucca, which they use to make chicha.

Occasionally they make cazabe, which is a kind of cassava bread. The crop cycle is based on the chacra or vegetable garden system, planting chontaduro palms, curcubitáceas - such as squash, ipomaeas - such as sweet potato, sugar cane, and Amazonian fruit trees. Older men and women have a great deal of knowledge about medicinal plants. It is important to mention the use of the stimulant drink extracted from the yoco plant (Paullinia yoco), which has lost its popularity among the younger population[53].

The "dominico" variety of plantain is used for commercial exchange and - occasionally - for sale, and they keep small animals such as poultry and pigs. Taking into account the characteristics of the soil, they do not plant in large extensions, maximum 2 hectares per family,

distributed in three different spaces and somewhat distant from each other.

Another use of the land, to a much lesser extent, is that of fish farming and cattle ranching.

The A'i Kofán people often evaluate the agronomic potential of a site based on three criteria: the nature of the location and the terrain, the nature of the soils and the nature of the vegetation cover. The ideal site is a flat, well-drained, slightly stony and non-floodable terrain, devoid of very thick trees whose felling represents a significant work investment (even when they have chainsaws). Soils considered genuinely favorable are rare.

Slashing consists of two successive phases: clearing the undergrowth and felling the trees. The clearing is done with a machete, with the aim of cutting down all the bushes and shrubs, leaving the cuttings of the undergrowth on the ground. First, they plant corn, which is cultivated only once. This is done through a family minga, where those who participate in the minga are given chicha de yucca or pineapple. After about two days, the trees are cut down with a metal axe and chainsaw.

The yucca, once planted by the Kofán women, yields its fruit after six to nine months, depending on the species. It is harvested twice because its size and texture are good; and at the third planting, its quality decreases. Every three months the chacra is weeded and cleared, an activity that is also carried out through a minga.

A chacra is used for a maximum of up to five years, and then it is left to become overgrown for two to five more years without being completely abandoned. It is used for banana harvesting and as a hunting ground. Generally, each chacra has fruit trees and chonta, which serves as bait for hunting animals, especially agouti, an important source of protein in the diet of A'i Kofán families.

The land is communal property. In this sense, each family can make a chacra in the place of their choice. Men make chacras when they are already married; the number of chacras increases with time. Older people have more chacras. Each household has on average three chacras in use and about two overgrown. The dimensions of the chacras vary between 100 meters by 50 meters and 20 meters by 20 meters. The tools they use to cultivate their products are axe, machete and

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[52] Data extracted from the PRMI project fieldwork. The soils in most of the Amazon forest are not suitable for agriculture because they are fragile and easily eroded (Meggers, 1976, pp. 26, 30).

[53] Listening sessions 1 and 2.

chainsaw, as well as a V-shaped stick or *anku* that is used to drag the weeds.

There is no intensive commercial timber exploitation. Permitted timber extraction is for house construction and general community use.

The forest is a space that offers real sustenance and provides meat, fish, wood for houses, wood for canoes, palms for roofs and plants, both medicinal and narcotic, used by a few wise Kofán elders.

There are also rules and prohibitions for hunting that were signed through an agreement with the Environment Ministry. The territorial extensions have not been established, but rather the subspace, which is based on place names and geographic features such as estuaries, rivers and streams.

The use of narcotic plants has reduced in the case of the new generations, due - among other things - to the disappearance of women and men as healers, enablers, counselors, and social articulators. This, in addition to a series of cultural traits, have retracted over time because of a progressive acculturation.

The new Kofán generations have lost the practice of taking Yajé[54]. Similarly, they do not wear traditional clothing, they do not make semiotic use of the body through colorful bird feathers, nor do they perform the practice of ear and nose piercing; only older adults do it. Women do not paint their feet with achiote, nor do they carry out traditional dances on Sundays with ancestral instruments[55].

3.2.1.1 The SocioBosque program as a contribution to community economy and forest conservation

At the moment, the six Kofán communities have a total territory of 434,287 hectares, of which 44,600 hectares have been legalized in their favor. Considering the total legalized and non-legalized territory, forest intervention does not exceed 0.2%. In this context, segments of the territory are in the SocioBosque program, located in the communities of the Kofanes, Dureno

and Sábalo rivers. The resources are managed by the NOA´IKE board, and the respective community directives.

In this context, the A'i Kofán Dureno population foresees that, for the adequate use and exploitation of these bio resources, it is essential to carry out research as part of a management plan for the Kofán Dureno territory, which was proposed as a community initiative in the context of this research. It is thought that the forest can be exploited within this plan, since there are models of technical timber extraction from the tropical forest that allow a sustained use of certain timber species. These could contribute to economic strategies in order to boost the territorial potential of Dureno: handicrafts, cultivation, and advised processing of cocoa production and other added value products.

3.2.1.2 The Millennium City (MC) in Dureno and the destructuring of production and reproduction patterns[56]

In May 2015, the construction of the MC in Dureno began. These projects were created as part of a State policy aimed at compensating the impacts that could be generated by the reopening of oil wells. They were implemented because of the agreements initiated by the Petroamazonas Public Company in 2014, which concluded with the approval of the reopening of the Dureno 1 well and the expansion of the Guanta 12 platform, where the Dureno 2 well will be drilled.

This Millennium City stands out for its design with a cultural emphasis and the use of ecological materials. It was conceived for 450 beneficiary people with 108 housing units that include all basic services: drinking water, electrification, trails, urban furniture, environmental mitigation, millennium schools, paved streets, tourist centers, and places of commerce, soccer fields, and libraries (Lagos, 2018; Vallejo, 2016a).

At the beginning of construction, many families had to dismantle their homes to make room for the workers; others saw their crops and other spaces affected. In particular, the cemetery was removed, causing

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[54] It is evident that the traits and artifacts of modernity attract the new generations. Nowadays, the new generations have abandoned the practice of taking Yajé; however, there are still older people who do it and to whom the families of the community go at certain times.

[55] The young people expressed in the listening sessions that they feel ashamed of using traditional dress and language, as they are the object of ridicule in schools and colleges.

[56] It is important to make visible the transforming and acculturating role of the Millennium City, created as a strategy to reactivate negotiations to allow extractive activities in Kofán territory to go ahead, which have been characterized by continuous violations of the human and environmental rights of this indigenous nation.

unrest in the A'i Kofán community. From their perspective, the spirits of the dead left their places to wander around the community, which caused illnesses in many children.

The community's daily activities were affected by several changes, both in the landscape, and in the economic, social and political spheres. Tractors, vans, and trucks began to affect the forest. The reproduction activities were delocalized, as many men were hired for various tasks, abandoning traditional activities such as work in the chacras, hunting and fishing, which increased the work of women, who were forced to buy food instead of producing it. This led to an increased consumption of processed foods such as canned food, noodles, rice, soft drinks, cookies, bread, among others, which affected their daily diets.

The women were also hired for cleaning and wood treatment, among other tasks. They were paid a daily wage of 8 hours, with no benefits or social security. They received around US$600 per month. In this context, the Kofán population - for the first time - was inserted into a dynamic of capital and salaried labor. The money was invested in the purchase of food, school supplies, and alcoholic beverages, which deepened family problems.

In conclusion, the Millennium City embodies a novel ideal regarding imaginaries of modernity, order, and coexistence. It caused several changes, mainly in the forms of production and social reproduction: many families returned to live in their original places, others abandoned their houses, and others returned to use them as itinerant homes until today. In any case, it affected the daily dynamics based on dispersed settlement with houses and spaces for horticulture and hunting areas; that is to say, they experienced an internal spatial delocalization.

3.2.2 Éperara Siapidaara Nation

Traditionally, they settled in a dispersed manner along riverbanks, with itinerant mobility patterns. In Colombia, the State generated a territorialization policy for indigenous groups, confining them to reservations, without considering that these groups maintain recurrent mobility logics. In this sense, many groups -whose way of occupying territory had itinerant characteristics- went deeper into the jungle, moving away from the territorialization imposed by the State[57].

Territory occupation in Ecuador has its reference in the ancestral patterns practiced in Colombia and dates back to the early 1960s, when they arrived in small migratory waves and settled in the northwestern region of the province of Esmeraldas, in the so-called biogeographic Chocó. There are several hypotheses that explain this mobility, such as trade, social and political conditions in Colombia, and geographical circumstances within the Chocó ecosystem. Later, in the 1970s, several families crossed the national borders due to armed violence in their territory. The late presence generated a type of dispersed settlement that did not allow the appropriation of their own territory until 2001, when the Ecuadorian State handed over a few hundred hectares of forest on the banks of the Cayapas River. The Éperara community experienced a situation of invisibility because they did not have citizenship rights based on identity documentation.

The requests made to the state bodies by the Éperara leadership, together with ecumenical and non-governmental organizations, were directed towards the search for a space for their settlement, but they did not receive a response. In this context, the search for territory was complex for this people.

In 2000, the Congregation of the Sisters of Providence of Belgium donated their retirement money for the acquisition of 347 hectares of land[58], a territory where Santa Rosa de los Éperara is currently located. Subsequently, other contributions arrived and other farms along the Cayapas River were negotiated. The legalization process, with the support of CONAIE (Carrasco, 2010), followed this.

3.2.2.1 Conditions for economic production and social reproduction

Pia P`anadait'e means good living in the Siapedee language. That is, having territory, health, owning a farm and -above all- having food sovereignty with

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[57] The word "territoriality" refers to the forms of use, exploitation and spatial organization of a native people, while "territorialization" refers to all the actions that, from the States, are implemented through policies that force native groups to modify their traditional forms of mobility and spatial occupation.

[58] The Tachi eunja (our land) possession celebration was on September 16, 2000. Ancestral ritual of appropriation, dance, food, prayers, symbols of identity (Carrasco, 2010).

the absence of transgenic products; it also implies production, hunting, and fishing in abundance[59]. The Ecuadorian state institutions have not been attentive to the territorial invasion lawsuit filed by this nation, showing an inability to address their requests on issues such as territorial security policies, health services, education, drinking water, waste disposal and sewage; and above all, to promote productive models that generate resources from their cultural logics and the potential of their territory.

The Éperara community maintains an incipient economy based on hunting, fishing, and the sale of handicrafts (basketry). Its members maintain small farms where they produce cassava, corn and -mainly- cocoa. Occasionally they sell timber to intermediaries located on the outskirts of the community, often with temporary sawmills.

The sale of basketry handicrafts is occasional, it is the exclusive work of women -who have grouped together, encouraged by certain NGOs and individuals- to arrange their shipment abroad and to certain markets in Quito. During the pandemic, this activity declined; however, as they are good quality products, they can be a source of income with the right direction and support. Organizations such as Altrópico Foundation have supported women's groups to market their products mainly at fairs in Quito.

There is a lack of public state policies that encourage and promote local economic models based on productive activities such as basketry, various agricultural and non-timber forest products, and even sustainable forestry.

Occasionally, the Ministry of Economic and Social Inclusion and the Secretary of Management and Development of Peoples and Nations invite the Éperara women to participate in exhibition fairs for handicraft products. According to the narratives, these institutions do not cover transportation and logistics expenses, which depend on the Éperara leadership, external support from NGOs and, occasionally, the Catholic Church in Esmeraldas[60].

Two years ago, the Éperara Siapidaara Nation (NAESE) signed an agreement to deliver cocoa to the OLAM Ecuador Company with a periodicity of 7 to 15 days. For this, they have acquired a small dryer of 15 quintals[61].

Horticulture, although incipient, guarantees some food production on the "finca". Each family has access to a piece of land they call "finca", where they plant products such as bananas, yucca, sugar cane, fruit trees such as oranges, lemons, mangoes, pineapples, coconuts or pipe, and medicinal herbs. The products are usually taken and sold in the city of Borbón, and are exchanged for other products and – occasionally - jungle meat with other families. They maintain a community savings bank, supported by the Altrópico Foundation, which provides a capital that generates interest and allows the circulation of financial flows with loans among the families, in case of need.

3.2.3 Kichwa Siona Nation

In this context, indigenous peoples, in general, and the Siona population in particular, were subject to the dynamics of the prevailing capitalist system, which delocalized their mobility patterns characterized by itinerant territorial use.

In Putumayo, beginning in the second half of the 19th century, there was a boom in rubber (*Hevea brasilensis*) and cinchona (*Cinchona officinalis*) extraction. In this context, the Capuchin missions were used by the indigenous peoples of the region as a refuge and protection from the exploitation practiced by the rubber companies, generating a model of population nucleation under the tutelage of the religious missionaries[62].

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[59] Field diary entries.

[60] The Éperara often turn to foundations such as Altrópico for support. These commonly arrange invitations to these occasional fairs.

[61] Interview 2. Olam Ecuador S.A. is a company headquartered in the Durán canton of the Guayas Province. It operates in sectors such as agriculture, livestock, forestry, fishing, and hunting. The company was founded on February 15, 2011. As of 2019, it employed 161 people. In its most recent financial highlights, it reported net income drop of 6.31% in 2020. Its total assets recorded a growth of 87.21%. Olam Ecuador S.A.'s net margin increased 0.44% in 2020 (OLAM website). The Éperara nation has been working for two years to deliver the product that has not yet reached certification standards, for which soil and raw material studies are needed. Subsequently, NAESE must acquire a machine for the production of cocoa paste.

[62] At the time of the arrival of the Kichwa people in Siona territory, there were 36 haciendas in the areas of Napo, Aguarico, San Miguel and Putumayo, which took advantage of the work imposed on the indigenous people of the surrounding areas.net margin increased 0.44% in 2020 (OLAM website). The Éperara nation has been working for two years to deliver the product that has not yet reached certification standards, for which soil and raw material studies are needed. Subsequently, NAESE must acquire a machine for the production of cocoa paste.

During this period, forms of indebtedness, patronage and peonage began to emerge, similar to the hacienda systems of the Ecuadorian highlands. On the other hand, there was a traffic of people forced to work in these fiefdoms.

According to narratives collected from the Kichwa Siona oral tradition, in the middle of the 20th century, starting in the 1940s, the Kichwa family of Casimiro Otavalo arrived from the lower Napo, located on the Peru-Ecuador border, with his wife Elodia Jipa and a daughter named Lucinda Otavalo, who settled in San José de Wisuyá.

> [..] They came fleeing from the slavery of gold, rubber, and jungle animal skins. There they were enslaved; they worked for a change of clothes. They washed gold to give to the boss. They did not have the surname Otavalo; this was imposed by the civil registry of Puerto el Carmen: grandfather Casimiro chose the surname. Ricardo Piyaguaje's family with his wife and children were settled on this side.

Wisuyá families knew no state borders. Taita Pacho Piyaguaje and his family contacted Taita Casimiro Otavalo, and took Yajé, thus giving continuity to the community. Over time, marriages between Kichwa and Siona took place[63].

The narratives of the older people start from a geographically broader vision: "We come from Colombia; in those times we did not know about borders, we came and went following the paths of our grandparents. We are here because our parents brought us to the school of the priests. My father used to take Yajé, and with that he could see where we could be and where we could go with our families"[64].

These families have been constituted over time as a population articulated in kinship relationships, and built through a complex process of transculturation and ethno genesis, which since the 1940s was formed with *Kichwa* families arriving from the Ecuadorian province of Napo, and local *Siona*.

Mongua and Langdon record narratives from the 1970s in the Buena Vista reservation (2020, p. 21). At that time, the *Tucano* population was estimated at around 300 people, scattered in small riverside settlements. It was noted at the time that the people call themselves *gantëya bain* (People of the Caña Brava River). During that decade, the oral tradition was a common practice in the transmission of knowledge to new generations; however, this practice disappeared in the following decades, when the daily life of the Siona people suffered a drastic transformation caused by external political actions.

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[63] Interview 1.

[64] Result of informal conversations with a taita recorded in field diary.

Image 48. Listening session. Kichwa Siona social mapping mini-workshop.

Source: Diego Yela D., 2022.

Image 49. San José de Wisuyá. Social cartography created by the community.

Source: Diego Yela D., 2022.

3.2.4 Awá Nation

The Awá occupation in Ecuadorian territory arose due to massive migrations from the beginning of the 20th century; however, it was not until the 1930s and 1940s that they were recognized as an ethnic group, and in the 1980s, the State recognized them as an indigenous nation with their own organizational format based on territorial delimitations.

According to Naizot, the *Awá* territorial relocation was mainly a consequence of the colonization of the northern border of Ecuador, which began in 1917; this caused a massive mobilization of the families settled in these areas (2009, p. 27).

The arrival of the Awá population in Ecuadorian territory dates back almost a century, but it was not until 1982 that they began an organizational process, supported from the beginning by the Altrópico Foundation from Ecuador. This process involved state, religious and international cooperation actors and ended with the creation of the Federation of Awá Centers of Ecuador (FCAE) and the allocation of a territory of 101,000 hectares, which later became Awá-kwaiker ethnic forest reserve.

Their economic activity is based on the use of natural resources: hunting, fishing and gathering, and various external factors have led to the development of other forms of economic production such as agriculture, domestic animal breeding, and fish farming.

In the El Baboso Awá Center, the raising of small animals -especially poultry- is highly valued. According to narratives and interviews with technical and humanitarian personnel, this situation is due to the limited agricultural vocation of their lands. The soils in the El Baboso territory are highly acidic, with low PH and high humidity levels. For horticultural work, they use the "slash and burn" technique: a space is cleared in the forest or chaparro and the soil is left to rest so that nutrients are generated in the soil to plant. The most important product is corn, which is planted along with cassava, beans, sugar cane, and bananas. Medicinal plants and wood are collected for house construction and maintenance.

Small quantities of oranges, mandarins, lemons, guanabanas, and wild avocados, among others, are grown. Naranjilla is a prized product in Lita's market: many families in the El Baboso Awá Center grow it; however, the leaders interviewed are cautious about it, mainly due to the high level of agrochemicals involved in its cultivation. Families can harvest four times a month. Cassava, on the other hand, has an acceptable commercial outlet: it sells for US$6 per quintal. According to the narratives obtained, it is important to design food security projects that include surpluses for sale, given that the difficulty lies in the market. It is necessary to promote the implementation of marketing projects for added value products such as cassava, cacao, plantain, and corn[65].

Almost all of the families raise poultry (chickens and guinea fowl), and maintain water wells where they breed tilapia. Very few families keep pigs, according to the workshop, because of the biological complexity involved in raising them.

Few of the Awá population work as public employees, teachers in schools in other Awá centers, or as health promoters, among other positions. On the other hand, they greatly appreciate the raising of poultry and tilapia, activities through which they have been relatively successful, given the ease of sale and the guarantee of daily income (this activity was promoted by the Altrópico Foundation two decades ago). However, one of the problems is the lack of technical knowledge and economic resources to sustain it, which is why the Awá people are always attentive to support from any non-governmental organization. "The problem with poultry farming is the lack of technical knowledge for implementation and the economic resources involved. The breeding of tilapia, poultry and pigs is what works best"[66]; the latter, in particular, require a lot of biological complexity for their maintenance.

Preliminarily, mining exploitation was not perceived as a problem during the listening session, despite the fact that an anti-mining meeting was held in El Baboso in 2019, as there were intrusions in the center caused by mining actors. In this regard, tensions have apparently decreased; according to leaders, no exploitation has started in El Baboso territory. There are currently only two people working for the Hanrine mining company: one as a security guard and the other in road maintenance. The company has not conducted technical studies in the Center; currently there is no talk

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[65] Interview 2. Teacher.

[66] Interview 2.

of exploitation. "There is a company that intervened a part of the territory [of the community of] El Baboso. The point reached to there, to the Baboso River, but it did not begin exploitation"[67].

There is a concession, located in the northern area, which belongs to a transnational company, but - according to narratives - there is no environmental impact for El Baboso: "but there is for the territories of the mestizo parishes Río Verde de El Carchi (more direct), Jijón, Caamaño and Cachaquito. El Baboso has natural geographic defenses such as mountains, and there are no streams that bring contamination"[68]. On the other hand, several testimonies state that the impact will extend to the water sources[69].

In terms of education, the Center has the Humberto Valenzuela Vera School and has three teachers. The educational institution offers education up to the tenth year of general basic education. The Federation of Awá Centers of Ecuador FCAE signed an agreement with the University of Cuenca to train 60 people for a high school diploma and 46 people for a bachelor's degree with a major in Education. All of them, both high school and bachelor students, received 100% approval. The school has basic infrastructure; there is also a distance learning school.

The El Mariposario project was one of the most successful projects of the El Baboso Awá Center. It was born ten years ago, from some leadership training tours supported by the Altrópico Foundation. They took steps with the GAD of Carchi for its creation and the economic investment. At first, the GAD proposed to build it outside the El Baboso Awá Center, and the inhabitants asked the GAD to build it in the communal area. The project was successful at first: the families sold food to tourists. For the first three years, four Awá people worked voluntarily, earning income at the entrances and as guides for fords and waterfalls. Due to technical miscalculations and lack of maintenance, the facilities deteriorated until their disappearance. According to the leaders interviewed, this failure was due to poor administration by the people in charge of the Center. The community could manage the facilities, but not the management of the permits, which were the responsibility of the Environment Ministry.

Once the space had deteriorated, the Awá people undertook repair and reconditioning work through two mingas. They worked on transporting the white balsa, chonta, guadua cane, and malde wood poles to repair it. The greenhouse was rebuilt to plant the plants and host the caterpillars, seeds were collected and other efforts were made, but the GAD refused to support it, proposing a concrete construction to repair it, and at the time of the close of this research, no agreements had been reached for its continuity. In terms of tourism resources, there is the Santa Clara waterfall and four fords or ponds, whose water damming was worked on with the provincial GAD.

According to the leader interviewed, "we are thinking of taking this up again: communally, we will ask for support, the space is there, but resources are needed to build it up. There was a good tourist reception: during the carnival holiday before the COVID, up to a thousand visitors were registered, but then the numbers fell away"[70].

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[67] Interview 1.

[68] Interview 1.

[69] In any case, people preferred not to provide information on extractive activities, as this circumstance has not yet been clarified.

[70] Interview 2. Professor Wanga.

Image 50. Social mapping done by Awá Women Entrepreneurs.

Source: Diego Yela D., 2022.

3.3 Interaction of each community with other actors

3.3.1 A'i Kofan Nation

3.3.1.1 Office of the United Nations High Commissioner for Refugees (UNHCR)

This United Nations agency - whose mission is to save lives, protect rights and promote conditions that contribute to better living conditions for people in refugee situations - has been working in Ecuador since 2000. Its objective is to support the State in the protection of the largest population of people recognized as refugees in Latin America. It has ten offices strategically located throughout Ecuadorian territory to provide adequate attention and protection to refugees and their host communities. It is located in the following cities: Quito, Guayaquil, Cuenca, Ibarra, Tulcán, Esmeraldas, Lago Agrio, Ambato, Manta and Huaquillas. It works with more than 20 partners in the country and with them, it undertakes protection, shelter, health, and education actions.

In the Lago Agrio field office, there is a medium interest in relation to the A'i Kofán community, since UNHCR's target population are people of any age range who fall into the category of: a) refugees; b) asylum seekers; c) internally displaced persons; d) stateless persons and returnees. The UNHCR explains that, although its institutional lines seek to put an end to exploitation, abuse and sexual harassment,

it could potentially intervene to protect the Kofán community. On the other hand, there is no visible role with respect to the people of the community, unless risks of gender-based violence are identified; in this case, it would coordinate with the nation's leadership to address the issue.

3.3.1.2 Directorate of Nations, Indigenous Peoples and Afro-descendants of the Autonomous Decentralized Government of Sucumbíos

This is a government agency in charge of coordinating activities from the GAD of Sucumbíos with the different nations and peoples of the province. They maintain coordination with development organizations such as the Ecuadorian Populorum Progressio Fund (FEPP). They have nine lines of action such as ancestral-medicinal chakras, provision of medical supplies to the sub-centers near the indigenous peoples of Sucumbíos; savings and credit funds for women's organizations, safe water storage tanks, wells drilled for water in the A'i Kofán Upiritu Kankhe communities, and the construction of a gynecological-obstetric center in the intercultural community of Puerto Aguarico.

The agency has a medium interest in relation to the community. They contacted Anita Ortiz, director of the department of peoples and nations of the GAD of Sucumbíos[71].

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[71] The GAD of Sucumbíos could support lines of work related to infrastructure and development. Commitments were made to sign the minutes in order to establish a participatory proposal for territorial protection between the leadership of the A'i Kofán Upiritu Kankhe community, JRS Ecuador and FEPP; however, the director excused herself and did not attend.

3.3.1.3 Ceibo Alliance

Amazonian indigenous organization that works with external funding. It is made up of the Kofán, Siona, Secoya (Siekokpai), Waorani and Shuar nations. They carry out actions for territorial defense protection in the face of extractive activities. They have the following lines of action: a) water systems; b) defenders; c) territorial mapping; d) environmental monitoring; e) women and family; f) own practices; g) solar systems, among others.

At the meeting held in Lago Agrio, they expressed their interest in working on any of these issues with a specific budget, but did not express interest in holding an informative meeting that would lead to a subsequent actors' roundtable.

3.3.1.4 Ecuadorian Populorum Progressio Fund (FEPP)

Private foundation with more than fifty years of experience in the country and twenty years in the northern Ecuadorian Amazon. They perform non-profit social service for the members. It is an ecumenical organization and is sponsored by the Ecuadorian Episcopal Conference (CEE).

They are defined as FEPP Social Group, grouping regional and companies with different legal status, while maintaining the common principles, values, methodologies, and target groups.

In relation to the community, it has a high level of interest and is considered a direct participant. Contact was made with Angel Gomez, Regional Coordinator of the Northern Amazon. In the context of the activities related to this research, a commitment agreement was signed between the Upiritu Kankhe Ancestral Settlement Center of the Kofán Dureno community, JRS-Ecuador and FEPP to possibly work on the creation of a territorial management plan profile.

3.3.1.5 Petroecuador

This company is considered the most significant threat to the community, as can be seen throughout this diagnosis, given that it is a public company that is responsible for the administration, exploitation and commercialization of hydrocarbons directly and through third parties. They have a presence in the community of Dureno, where there is a negotiation process to install three platforms with approximately 30 oil wells. Relations with the community have become increasingly tense.

3.3.2 Éperara Siapidaara Nation

3.3.2.1 Altrópico Foundation

This development organization works in the bi-national region between Ecuador and Colombia. They collaborate with indigenous, Afro-descendant and mestizo organizations through programs and projects aimed at the good living of their populations. They support activities such as the donation of economic resources for land and river transportation to indigenous leaders for territorial defense efforts in Quito and Esmeraldas, and the organization of workshops related to environmental conservation, including different state institutions. Among their main lines of action, they develop the following:

- Training and seed capital project for the production of handicrafts. .
- Support for the implementation of a water system for human consumption.
- Accompanying the community bank. .
- Cocoa project.
- Emerging financing (assemblies, outings to the city).

With Altrópico, synergies can be established for the multi-sectoral cooperation activities of ongoing projects. They are currently working on improving agro-ecological vegetable gardens and donating plants and tools for cocoa production, through a small company that should be operational in July 2022, which plans to manufacture canopies for cocoa seed cover. They are also working to support the production of handicrafts.

On the other hand, in terms of support for organizational strengthening activities, Altrópico supported the

Éperara Assembly for the ratification of the president and participates in agro ecological leadership training processes through the Water School.

They have a contract with Radio Estéreo Éperara Siapidaara until June 2022. Activities revolve around the organization of forums and radio programs on environmental issues, youth, economy and indigenous rights.

3.3.2.2 Apostolic Vicariate of Esmeraldas

Religious institution that was in charge of the process of purchasing the territory where the Éperara people have been settled since the 80s of the last century; it has also supported their demands in the mining area since 2000, given the gold exploitation in the headwaters of the Santiago River. Currently, they accompany the defense of human rights and nature in indigenous and Afro-Ecuadorian organizations in the Chachi region. In relation to the community, it is an actor with a medium interest.

3.3.2.3 Rada Educational Foundation (FUNDER)

This organization enables peasants, indigenous, Afro-Ecuadorian and urban people, especially young people, to learn new techniques to improve and optimize their productive activities, learn about their duties, claim their rights and, in itself, have the ability to achieve personal and community welfare.

Its operation is related to offering a curricular design by professional competencies adapted to the needs and training requirements of the peasantry and popular sectors in the 24 provinces of the country. Its fundamental task is to promote, facilitate and offer comprehensive vocational training to young people from communities and organizations to generate and/or diversify sources of employment, overcome educational backwardness, and improve their quality of life.

3.3.2.4 Cotacachi Cayapas Ecological Reserve

It is located in the cantons of Eloy Alfaro, San Lorenzo and Río Verde in the Province of Esmeraldas. It has an area of 243,638 hectares, is one of the 36 natural areas that make up the Natural Areas of the State (PANE) as the core of the National System of Protected Areas (SNAP), and is therefore administered by the Ministry of Environment and Ecological Transition (MATE). It has a medium interest in relation to the community. At the time of writing, no contact has been established with the reserve; it is an actor identified from the last interview with the director of Altrópico Foundation.

3.3.2.5 Ministry of Agriculture and Livestock (MAG). Undersecretary of Rural Lands and Ancestral Territories

The MAG is following up on the invasion of the Eperara territory by settlers of Manabí origin (Manabí Province). At the time of the close of this research, the nation's leadership was to meet with the MAG's technical committee, which includes the Undersecretary of Rural Lands and Ancestral Territories, the Directorate of Sanitation and the Directorate of Regulation and Territory in order to produce a sentence, a jurisdictional resolution and to close the case. In addition, no contact has been established with these entities due to the emergency in the province from COVID-19 and the state of exception decreed by the government. For the community, this important actor guarantees the defense of its territory.

3.3.2.6 United Nations Agencies with presence in the territory

In 2018, the Protective Communities project was implemented. This is a bi-national project led by UN Women, UNICEF and UNHCR with the objective of strengthening prevention and protection mechanisms for children and women in the face of problems arising from violence on the border between Colombia and Ecuador. More than 11,000 children and adolescents from the municipalities of Chical, Maldonado, Eloy Alfaro and San Lorenzo in Ecuador, and the municipalities of Cumbal and Ipiales in Colombia participated in this initiative. Young people from the Éperara community also participated.

3.3.3 Kichwa Siona Nation

3.3.3.1 Ceibo Alliance

It is the only Non-Governmental Organization working directly in the territory of San José de Wisuyá. It has been in the Kichwa-Siona territory since 2013. Its approach is Amazonian indigenous and works with external funding. It is made up of people from the A'i Kofán, Siona, Secoya, Waorani and Shuar nations. They carry out activities for territorial defense and protection against extractive activities. In Wisuyá, they began working on environmental issues through awareness-raising workshops. At the time of the research, they organized a meeting in Quito called "Exchange of indigenous educational experiences on education" which was attended by the president of the community.

In terms of interaction with San José de Wisuyá, the organization has generated several activities in the territory. They began with a project to provide clean water to each family and, at the time of the close of the research, they are working on environmental awareness through workshops and courses on human rights.

In terms of social work, in 2021 they donated zinc roofs, 1,000-liter water tanks and an economic resource to buy Creole chickens to elderly women. Within the framework of cultural work, they supported the community in the acquisition of 1.5 hectares to plant yoko - a project called Support for yoko planting within the territory of San José de Wisuyá - and contributed to the construction of ceremonial houses for yagé ingestion and rituals.

One of the objectives of Ceibo Alliance was to raise awareness of the national and international legal instruments for the defense and protection of indigenous peoples, so that the nations that are part of the Alliance could adopt them for their own benefit; in this sense, they trained leaders of the four nations that make up the Alliance.

Ceibo Alliance accompanied the community in the lawsuit filed against PetroAmazonas and Amerisur, who installed a pipeline that transports oil into the Putumayo River without prior consultation, which caused damage to areas of forest 170 meters from the river, where Kichwa Siona Tayta healers collected medicinal plants, especially Yoko and Yajé. This process was monitored within the framework of rights enforcement with the different institutions involved, including the municipality of Cuyabeno, Petroamazonas and the Ombudsman's Office.

In 2019, a series of trainings were offered with the participation of Siona and Kofán leaders. The methodology consisted of showing the experiences of professionals in indigenous and environmental law who were in processes of the defense of communities impacted by oil companies.

3.3.3.2 Petroamazonas

This research also identified the presence of state and private extractive companies as a threat, as they have caused serious social and environmental impacts: contamination of aquatic and terrestrial ecosystems, the advancing of the colonist-mestizo frontier through agricultural and livestock activities, the opening of roads, and logging. In this context, the Kichwa Siona community has been affected in their hunting, fishing, gathering, and itinerant horticulture activities.

In 2015, a pipeline was built without prior consultation, causing serious damage. Forests were cut down and a water estuary was blocked, which damaged the aquatic biodiversity. The community claims that this has also affected their spiritual practices. No repairs were made, but the operation was stopped. Since November 2015, the Siona Kichwa San José de Wisuyá community filed a complaint with the Ombudsman's Office and the Environment Ministry because of the lack of free, prior and informed consultation, and the arbitrary intrusion into their territory by Petroamazonas and the Colombian oil company Amerisur, now replaced by Geo Park.

These extractive activities are part of the execution of the construction project for the interconnection pipeline from Platanillo 9 Colombia to the VHR Ecuador-RODA field, which will serve to transport crude oil from Colombian territory to Ecuador. In this sense, Petroamazonas is an actor with whom advocacy strategies are necessary to establish conversations and coordinate communication actions in case of spills and other eventualities that may arise.

3.3.3.3 Office of the United Nations High Commissioner for Refugees (UNHCR)

This is a United Nations agency whose mission is to save lives, protect rights, and create conditions that contribute to building a better life for people in refugee situations. It has been working in Ecuador since 2000. Its objective is to support the State in protecting the largest number of people recognized as refugees in Latin America. It has five offices strategically located throughout the Ecuadorian territory with the objective of providing adequate attention and protection to refugees and their host communities.

UNHCR's target population are men and women of all ages who fall into the categories of: a) refugees, b) asylum seekers, c) internally displaced persons, d) stateless persons and returnees. The head of office with whom it was possible to speak explained that, given that one of UNHCR's lines of action is to end sexual exploitation, abuse and harassment, they would potentially intervene on behalf of the Siona community. In this sense, UNHCR does not represent a significant role for the community in the framework of the actions of this research, given that UNHCR's target population is not specifically indigenous people, but they did express their interest in being alert to possible situations of gender-based violence. In this case, UNHCR would coordinate with the nation leadership to address the issue.

3.3.3.4 Directorate of Nations and Indigenous and Afro-descendant Peoples of the Autonomous Decentralized Government of Sucumbíos

This is the competent authority for the coordination of activities from the GAD with the different nations and peoples of the province of Sucumbíos. In the Kichwa Siona territory, it has worked in the construction and maintenance of bridges and roads, has provided various collaborations of food, canned goods, and clothing to the community during the COVID-19 pandemic. They maintain coordination with organizations such as FEPP. In relation to the community, this actor cannot put at risk human and environmental rights in the territory. In this sense, this Directorate could be of medium interest to the community.

3.3.3.5 Ecuadorian Populorum Progressio Fund (FEPP)

This is a private non-profit organization, with more than fifty years of experience and twenty years in the Amazon, dedicated to social service. Its character is ecumenical and it is sponsored by the Ecuadorian Episcopal Conference (CEE). It is defined as Social Group FEPP, which brings together regions and companies with different legal status, while maintaining common principles, values, methodologies and beneficiaries. In the Amazon, they work in the provinces of Orellana and Sucumbíos.

In Lago Agrio, with respect to the community, they expressed their interest in articulating joint initiatives regarding some of the topics mentioned, with a specific budget.

3.3.4 Awá Nation

3.3.4.1 Hebrew Cooperation: Hebrew Immigrant Aid Society (HIAS)

It works in urban areas, assisting people in situations of migration, precariousness and vulnerability, as well as refugees. They do not work or have a presence in Awá territory; however, spaces for dialogue and coordination could be explored, since other Awá centers have people in mobility situations.

3.3.4.2 Norwegian Refugee Council (NRC)

It is a new entity in the areas surrounding the community. It does not operate in Awá territory; however, alliance opportunities could be explored.

3.3.4.3 Decentralized Autonomous Government of Imbabura (GAD Imbabura)

Supports extractive mining activities and is an ally of the transnational mining company. Maintains communication spaces in favor of the mining activity and works in the maintenance of bridges and roads. It was directly involved in the creation of the Awá Butterfly Farm.

3.3.4.4 Federation of Awá Centers of Ecuador (FECAE)

According to the perspectives of the technical people interviewed, in the face of strong pressure from legal extractivist agents and those outside the law, this organizational body has been weakened and fractured by internal conflicts. Its leaders have been publicly denounced by extractive companies and have been threatened with prosecution for terrorist acts against private property[72]

3.3.4.5 Social Cultural Foundation

This organization carries out activities financed with some UNDP grants. It accompanies direct processes of conservation of common resources such as water, soil, forests, and seeds. They work in intercultural health spaces, organizational processes with alternative methodologies based on local and ancestral cultural experiences and knowledge. Their actions revolve around a process of awareness raising about the impacts of mining extractivism. The foundation plays a fundamental role in the area in terms of raising awareness about natural resources or common goods. It is an important ally for the community. It supports poultry and tilapia farming, which is considered the most important for the El Baboso Center.

3.3.4.6 Cooperazione per lo Sviluppo dei Paesi Emergenti (COSPE)

This international organization supports the planting of cocoa and coffee in Awá communities. In the midst of this, they do not address issues of human rights and nature. In the context of the COVID-19 pandemic, no contact was made during this research; however, it could also be an important ally for the community

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3.3.4.7 Altrópico Foundation

This is the most important organization working with all the Awá Centers and other nations in the province of Esmeraldas. Its work focuses on organizational strengthening, land management, and support for local economic enterprises. In this sense, it is also a key ally for the community.

Based on these actors and their levels of relationship with the communities, it is possible to affirm that the problems identified in each community have a common factor: they are mainly caused by external agents. These include activities such as mineral and hydrocarbon extraction, as well as drug trafficking.

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[72] Interview 3.

3.4 Multi-scale sense of protection

3.4.1 Introduction

The notion of the term protection in international humanitarian discourse is aimed at the immediate restitution of violated human rights. According to the Oxford Committee for Relief Against Hunger Oxfam, "protection is defined as all those activities aimed at ensuring full respect for the rights of all people, without discrimination, in accordance with existing regimes of law" (2016). This implies the exercise of actions by States and other actors to interrupt situations of violation or, in any case, implement measures of restitution, recognition, and access to suspended rights. Protection involves actions to prevent threats and/or redress rights. It consists of the prevalence of guarantees over risks, based on the preservation and defense of the human dignity of all persons, without distinction of any kind.

It is a legal responsibility, the competence of which lies with the States, who are primarily responsible for ensuring the security of the population within their borders (Oxfam, 2016). However, given the existence of gaps or protection gaps, some non-governmental actors and other relevant stakeholders may come in to complement efforts. It includes preventing and reducing risks and threats that may violate human rights and guarantees. It is also defined as a result, aimed at preserving human dignity and integrity.

In contexts of forced migration, the notion of protection also implies the restitution of rights violated in the societies of origin, given that the forced nature of displacement derives from causes associated with disrespect for human dignity. This implies immediate access to violated rights, as well as basic goods and services for life and human development; however, it is not limited to this. Protection must take the form of a set of concrete actions in which the receiving State and/or the host society guarantees the portability of the rights of persons in a situation of mobility.

In this sense, the notion of protection is closely linked to the idea of rights, which provide the scope where protection is framed for the guarantee of human dignity, and a map is drawn of concrete actions to achieve it. The first reference of the protection framework, from the point of view of International Humanitarian Law, is the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations in 1948[73]. This is the foundation of the whole framework of international law regulations in this area, and the first reference to clarify the notion of protection.

Only through the notions of "protection" and "rights" can concepts such as "protection gap" be understood. In principle, this can be defined as a situation in which there is a risk of human rights violations. These are situations that violate (or potentially violate) the access, and enjoyment of human rights, endangering the

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[73] As a historical precedent, it is preceded only by the Declaration of the Rights of Man and of the Citizen of 1789, promoted by the National Constituent Assembly derived from the French Revolution.

integrity of persons subject to rights. It is a problematic situation, characterized by a threat to the life, integrity and security of persons that effectively presents a gap or distance in terms of the protection and guarantees recognized by national and international law.

From the doctrine of human rights, there is a universally recognized catalog of human rights for people, both as individuals and collective subjects. Particularly in the case of indigenous peoples and nations, the foundations of protection can be found in multilateral instruments such as the United Nations Declaration on the Rights of Indigenous Peoples and the American Declaration on the Rights of Indigenous Peoples in the Inter-American system. There are also specific instruments such as ILO Convention 169 on Indigenous and Tribal Peoples, whose primary provisions establish their right to preserve their cultures, ways of life and institutions, as well as their active participation in decisions that concern them.

Ratification of ILO Convention 169 commits a member state to adapt national legislation to the protection framework established by the mandates of the aforementioned instrument. This constitutes a first protection framework: guaranteeing actions aimed at vindicating the right of indigenous peoples to self-determination.

The National Constitution incorporates into its text those international regulations related to the protection of human rights; this parameter of interpretation, as in several constitutional systems of the continent, grants normative effects to international instruments.

3.4.2 International scale

Given that States are the main guarantors of rights, they must be considered as the main actors in protection actions. This has implied that they recognize a set of guarantees and obligations established in national regulatory frameworks. In Ecuador, the National Constitution recognizes a catalog of rights that includes:

- The free development of their identity and preservation of their traditions, forms of social organization, and sense of belonging.
- Protection against discrimination based on ethnicity, origin, or identity.
- The recognition and vindication of collectivities affected by episodes of discrimination, violence or racism.

- The conservation of the ownership of their community lands, and the preservation of the minimum guarantees for the possession of their territories, including mechanisms for their free adjudication.
- Decision-making regarding the use, enjoyment, administration, and conservation of natural resources within their territories.
- Free, prior and informed consultation regarding plans and programs for the exploitation of non-renewable natural resources found on their lands, and whose exploitation implies a direct impact.
- The participation in the benefits of natural resource exploitation activities. Those that represent an affectation must involve compensation for the social and cultural damage caused.
- Conserve and maintain their biodiversity management practices and knowledge, indigenous forms of social organization.
- Recognition of the right to the application of customary law and practices, as long as it does not violate constitutionally recognized rights.
- The prohibition of displacement from their own ancestral territories.
- Preservation, protection and development of collective knowledge, science, technology, and ancestral knowledge, protection and recovery of their ancestral places. In this sense, the appropriation of this knowledge, practices and innovations is also prohibited.
- Preserve, protect, and recover its cultural and historical heritage, as an indivisible part of Ecuador's heritage.
- To develop, strengthen, and promote quality intercultural bilingual education, from early childhood through higher education.
- Recognition and promotion by the State of all their forms of expression and organization, which includes not only cultural manifestations, but also their modes of political organization, expression of their identity, promotion of the use of clothing, symbols and emblems that identify them.
- Promotion of their participation in official decision-making bodies, and definition of public policies that concern them.
- Prior consultation before any legislative measure that affects, or potentially affects, their collective rights.
- Protection against military activities carried out in their territories

This catalog of rights constitutes a first approach to the framework of national protection that the Republic of Ecuador recognizes for indigenous peoples and nations, and on which the notion of protection from the international point of view is based.

On the other hand, international migration is considered as "the movement of people across borders to reside permanently or temporarily in a country other than the country of birth or citizenship" (UN, 2015). From a human rights perspective, this concept encompasses both indigenous and non-indigenous societies that, for various reasons, tend to move outside their territories of origin.

It is necessary to clarify that, in the case of indigenous populations or ethnic groups (Barth, 1976), other conceptual considerations are required, since the meaning of concepts such as "territory", "own space", "living space", among others, acquires totally different connotations as a semantic horizon towards the indigenous or non-indigenous *other*.

Generally, ethnic groups are forced to move outside their living spaces for external reasons; on certain occasions, their mobility dynamics cause them to circulate through different national States, often ignoring their spatial-border impositions, as is the case of the Indigenous Peoples in Voluntary Isolation (PIAV) present in the Amazon basin. In any case, it is suggested that the cross-border mobility of most of these groups is due more to external processes than to dynamic reconciliations of internal decision-making as nomadism, and other adaptations of an ecological nature nowadays fixed around climate change. In this sense it can be affirmed that:

> *Cross-border Indigenous Peoples (TIPs) are those whose ancestral territories were divided by borders between countries, by these political-administrative boundaries that are fictitious or artificial divisions for these peoples, but not without consequences (CARE, European Union, p. 2).*

According to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) (Article 2.1) "*Migrant worker* means any person who is to perform, performs or has performed a remunerated activity in a State of which he or she is not a national".

The Convention also defines, in Article 5, migrant workers and members of their families in an irregular situation:

> *Migrant workers and members of their families [..]shall be considered undocumented or in an irregular situation if they do not comply with the established conditions [..] [specifically] authorization to enter, to stay and to engage in a remunerated activity in the State of employment in accordance with the laws of that State and the international agreements to which that State is a party (United Nations Organization, 2014).*

In this sense, the term "illegal" is not appropriate because of the associations with unlawful activities that it implies. In this sense, it is recognized that "every human being has the right to recognition everywhere as a person before the law" (Universal Declaration of Human Rights, Article 6).

In South America, studies on indigenous migrations in the region are scarce. Poverty, inequity, exclusion, and political and social instability are the causes and drivers of migration. Indigenous migrations respond to broader regional dynamics, with deepened socio-political and economic phenomena that have left these peoples in situations of vulnerability, where the role of national States in protecting these peoples has been inefficient or non-existent. In this sense, it is possible to affirm that cultural particularities such as languages, spirituality, and ways of managing the territory, make these processes much more impactful

In Latin America, the important advances in jurisprudence in relation to the human rights of indigenous peoples have been possible because of their demands, perseverance and ethno political abilities to take action, recognizing the support of sectors of civil society, Non-Governmental Organizations, international mechanisms, and a scarce participation of state institutions.

In international meetings or indigenous *caucus*, whether on biodiversity or climate change, it has been reaffirmed that free mobility is a right, since for these peoples the borders drawn by States are alien to their cultural dynamics. Thus, the ancestral right to be rooted in their territories is demanded, to not be displaced because of coercion by wars, geopolitical directionalities and other phenomena that violate their individual and collective human rights.

The human rights system - encompassing mechanisms, laws and policies - has been projected through bodies such as the United Nations Working Group on Indigenous Peoples - later to become the Human Rights Council - in collaboration with bodies such as the United Nations Permanent Forum on Indigenous Issues. In this context, at the regional and international

level, these peoples are protected by the following instruments:

3.4.2.1 United Nations Declaration on the Rights of Indigenous Peoples

It was conceived in 2007 in the context of the 61st General Assembly of the United Nations. There is a debate as to its binding nature, as it has a declaratory status. The United Nations (UN) positions it as part of human rights, and therefore Ecuador and other countries in the region should have it as part of the national legal system. This declaration is ratified from time to time with the due will of the governments in power. The main rights generated by this declaration are:

· The enjoyment of human rights and fundamental freedoms.
· Non-discrimination.
· Self-determination, which entails political self-determination, to self-government in internal and local affairs.
· Strengthen and preserve their own organizations and political regimes.
· Peace, non-violence, security, and freedom from forced displacement from their territories.
· Not being subjected to forced assimilation, nor to the destruction of their culture.
· Establish and control their educational systems and institutions providing education in their own languages, consistent with their cultural methods of teaching and learning.
· Proper modality of land transmission between members of these peoples.

3.4.2.2 Convention 169 of the International Labor Organization (ILO)

In 1989, the ILO adopted the Convention on the Rights of Indigenous and Tribal Peoples. It is complemented by the United Nations Declaration on Indigenous Peoples. This mandate is related to economic, social and cultural rights, where the case of indigenous peoples was particularly addressed[74].

Its objectives are set out in two instances: the elimination of discriminatory elements by national societies and their States, and the guarantee of their cultural, social and economic dynamics within the framework of their own self-determination.

Its main contributions are:

· Indigenous and tribal peoples are subjects of protection. In this sense, their economic and cultural characteristics, social and political organization, and worldviews are different in relation to non-indigenous populations, which requires special treatment by national States in terms of public policies that guarantee these conditions.
· Consultation and participation is perhaps the most important provision of the Convention. It reiterates that these peoples must participate effectively in all instances required by the States, especially with regard to actions taken in their territories, whether extractive, constructive or planning. Free, prior and informed consultation is a mechanism for effective participation in the respective decision-making processes. This implies many difficulties for its elements to be incorporated into national legislative systems.
· On the issue of displacement, in Article 16, the Convention is emphatic in speaking of the right not to be relocated unless in exceptional cases, establishing the right to return to their space with compensation arising from losses; in these cases, prior consultation must be made. It also emphasizes the effects on culture, language, beliefs, and institutions.
· Territorial security is the issue that determines the survival and autonomy of these peoples. Unlike white-mestizo spaces, these are of a collective nature, traversed by particular dynamics generated from their own worldview, forms of use and appropriation of resources; they are integral and interconnected in a single sector between nature and society (Viveiros de Castro, 2004).
· Indeed, from the humanitarian discourse, in order to guarantee the protection of indigenous peoples and nations, Convention 169 establishes: a) right to possession of land; b) right to property; c) right to use and control of their territories; d) right to protection and to solve their land claim problems; e) right of access (even if they are not occupying the land) for traditional, cultural and subsistence activities, especially for nomadic peoples and shifting cultivators; f) the right to their own land transfer

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[74] There are a number of human rights guarantors, including Economic, Social and Cultural Rights (ESCR).

modalities, among the members of said peoples; g) the right to protection against appropriation, intrusion and against people who want to take advantage of their customs or ignorance[75], among other aspects.

- The issue of natural resources is fundamental for understanding indigenous territorialities. The Convention emphasizes their right to the usufruct of these resources in their lands or territories, as well as their right to participate in the management, administration and conservation policies of these spaces. All of this is in close consonance with the right to consultation on any project or study that may affect the resources in their territory; such is the case of mining and oil extractivism, construction of dams, and diversion of bodies of water, among others[76].

3.4.3 Regional scale

Although the American Convention on Human Rights stands out on the regional horizon as the source and normative framework on which the inter-American human rights system is built, it is through the pronouncements of the Inter-American Commission or the Inter-American Court of Human Rights (IACHR) that the indigenous approach to the application of the Convention has been developed.

The standard of care for indigenous peoples established by the IACHR now proposes the criterion of amplification or extension of humanitarian care to indigenous peoples as collective subjects, starting with the care of their communities, but extending to that collectivity. This extensive principle is contained, in addition to the rulings, in the reports on border peoples, very much in line with the recommendations made by the United Nations.

3.4.3.1 International Covenant on Economic, Social and Cultural Rights (ICESCR)

This instrument is part of the International Bill of Human Rights, together with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and in its Article 1 emphasizes the right to economic and political self-determination of peoples.

3.4.3.2 American Declaration on the Rights of Indigenous Peoples-OAS

The notion of protection of indigenous peoples and nations of the OAS is observed through the recognition of the following rights:

- The right to belong to indigenous peoples.
- The right to have legal personality recognized by the legal instruments of the countries.
- The right to exercise and preserve their culture, to cultural integration, and to use their own language.
- The right to be recognized by the States as having due guarantees against discrimination.
- The right to education, health, and environmental protection.
- The right to association, assembly, freedom of thought, and communication.

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[75] The convention argues that the word land is equivalent to territory. Article 13 claims cultural and spiritual importance, which obliges

[76] The issue of territorial security has been the most important aspect pointed out by the nations involved in this project.

3.4.4 National scale

Other important instruments for the protection of indigenous peoples in Ecuador are the following agreements that have to do with Environmental Rights and Indigenous Peoples:

· United Nations Conference on the Environment.
· Amazon Cooperation Treaty Organization (OTCA).
· Convention on Biological Diversity.
· Convention for the Safeguarding of the Intangible Cultural Heritage.
· United Nations Declaration on Environment and Development.
· United Nations Framework Convention on Climate Change.
· Convention for the Protection of the World Cultural and Material Heritage.

The 2008 Constitution proposes a legal hierarchical order, established in Title IX, which affirms the Supremacy of the Constitution, in Article 425: "The hierarchical order of application of the norms shall be as follows: a) The Constitution; b) international treaties and agreements; c) organic laws; d) ordinary laws; e) regional norms and district ordinances; f) decrees and regulations; g) ordinances; h) agreements and resolutions; and other acts and decisions of the public authorities".

In the second paragraph of the same Article 425, it is established that "In case of conflict between regulations of different hierarchies, the Constitutional Court, judges, administrative authorities, and public servants will resolve it by applying the superior hierarchical regulation".

In this way, the Magna Carta is structured as the highest authority; thus, regulations of lower hierarchy have no legal effectiveness. This provision conflicts with the various treaties that the Ecuadorian State has signed, especially those referring to the protection of indigenous territories.

However, Ecuador has ratified the most important international and Inter-American human rights treaties, along with ILO Convention 169. It also supported with its vote the acceptance of the United Nations Declaration on the Rights of Indigenous Peoples in 2007.

Article 417 of the Constitution states that international human rights instruments are of direct applicability. Article 1 states that "[..] Ecuador is a constitutional State of rights and justice, social, democratic, sovereign, independent, unitary, intercultural, pluri-national, and secular. It is organized as a republic and is governed in a decentralized manner..".

In this sense, it recognizes the validity of a pluri-national State. Article 11, paragraph 6, states that "[..] All principles and rights are inalienable, un-renounceable, indivisible, interdependent, and of equal hierarchy".

Article 57 of the Constitution recognizes and lists the collective rights of the indigenous, Afro-Ecuadorian and Montubio peoples and nations. In this regard, the following stand out:

· Protection against racism and all forms of discrimination based on origin, identity, ethnicity or culture.
· Retain the imprescriptible ownership of their community lands, which shall be inalienable, unseizable, and indivisible. These lands shall be exempt from the payment of taxes and duties.
· Maintain possession of ancestral lands and territories and obtain their free adjudication.
· Participate in the use, usufruct, administration and conservation of the renewable natural resources found in their lands.
· Free, prior and informed consultation, within a reasonable period of time, on plans and programs for prospecting, exploitation and commercialization of non-renewable resources found on their lands that may affect them environmentally or culturally, to participate in the benefits of these projects and to receive compensation for the social, cultural and environmental damages they cause them. The consultation to be carried out by the competent authorities shall be mandatory and timely. If the consent of the consulted community is not obtained, they shall proceed in accordance with the Constitution and the Law.
· Conserve and promote their biodiversity management practices and their natural environment. The State shall establish and implement programs, with the participation of the community, to ensure the conservation and sustainable use of biodiversity.
· Conserve and develop their own forms of coexistence and social organization, and of generation and exercise of authority, in their legally recognized territories and community lands of ancestral possession.
· Not to be displaced from their ancestral lands.
· Maintain, protect and develop collective knowledge; their ancestral sciences, technologies and knowledge; genetic resources containing biological

diversity and agro biodiversity; their medicines and traditional medicine practices, including the right to recover, promote and protect ritual and sacred sites, as well as plants, animals, minerals and ecosystems within their territories; and knowledge of the resources and properties of flora and fauna.

3.5 Diverse abilities to take action shown by the communities to face their mobility situation in relation to the obstacles for the production and reproduction of their life in community

It is notorious that understanding the processes in the Amazon of northeastern Ecuador, with the serious environmental and social impacts generated by oil extraction, entails taking into account the functioning of the development discourse and its narratives of inclusion (Vallejo, 2016).

Authors such as Arturo Escobar (2013) propose the analysis of three axes of the forms of knowledge that refer to extractivism and its relationship with indigenous peoples: a) the forms of knowledge that refer to and through which it comes to exist; b) the system of power that regulates its practice; and c) the forms of subjectivity fostered by this discourse.

In this sense, the State creates and needs the current development model inserted in dichotomous imaginaries such as traditional-modern, poor-rich, excluded-included, that refer back to imaginaries of past centuries, such as savage-civilized. This condition is present in the Kofán community of Dureno in view of the fact that two devices accompany the gifts generated by the State institution: a discourse fertilized by the idea of development and offers of artifacts and money. The community relations departments of the oil companies have skillfully managed to position themselves and co-opt leaders through these two devices.

3.5.1 A'i Kofan Nation

The state-owned company Petroecuador has entered into negotiations with the official leadership for the construction of three platforms with four hectares each and a roadway 12 kilometers by 10 meters wide. On each platform they intend to install 30 extraction wells. The offers are not clear; however, during the seismic prospecting promoted by the president of the community in the 2011-2014 period, several benefits such as cash, vehicles and tools were received. Such action is still criticized by several leaders under the criterion that gifts in artifacts and money are not sustainable over time. However, there is a group of historical leaders opposed to the current leadership who do not agree with these negotiations.

The discourses vary according to the people, since - although there is awareness of the continuous spills and damages over time - they express that it would be possible to negotiate with the oil company under the terms proposed by the A'i Kofán population, under the premise that "the oil operations have been in force for more than five decades and they are not going to leave". In an interview they expressed: "yes, it would be possible to work with the oil companies, but with the proper social and environmental guarantees".

This contradiction can be explained by the long occupation of the Kofan territory by oil companies for about six decades, expressed in the installation of oil wells surrounding the community. With this in mind, it is difficult to have a radical alternative that would put an end to oil operations. On the other hand, people from the community also affirm: "We want a healthy territory, without pollution, with spaces without oil to be able to grow our products and have food sovereignty. We would work with the oil company if they would accept our demands"[77].

It is well known that in Dureno the continuous oil exploitation has caused severe impacts to its society and ecosystems. The most affected areas are the clogged pools and buried pipes, which are a liability left by Chevron Texaco. There are several sinkholes located in the higher parts of the territory. Thus, when oil or formation waters are mobilized due to rainfall, they reach the water bodies that flow into the Pisurié River, which in turn crosses the Kofán territory from east to west.

In the representation created through social cartographies, several rivers and streams can be seen, so the construction of new platforms would further damage these ecosystems contaminated by successive spills during decades of exploitation. Several cases have been reported: one in 2014 and another - reported by members of the Dureno community - in December 2021.

According to the perceptions of the leader interviewed, tensions were generated between the families that agree with the oil operation and the group that demands more inclusion, policies and techniques that guarantee an ecologically, socially and economically controlled exploitation, favorable to the community[78]. In this way, there are mutual accusations of possible misappropriation of funds from compensation and indemnities. These new forms of internal conflict are deepened by the scarcity of sources of employment and/or support for local economies. In addition to this, there is a kind of lack of concern on the part of the leaders regarding social and environmental problems that may be caused by oil activity[79].

As can be seen in the image of the social cartography of the territory, the Pisurié Kankhe ancestral settlement center is a strategic site for occupation, monitoring, and use of the territory. It has approximately eight families and is close to the Guanta and Guanta 5 platforms. The potential platforms are located on the opposite bank of the Pisurié River, which despite being a tributary that has experienced continuous spills, is still a depository of aquatic fauna[80].

The Dureno 1 and Guanta wells have been major sources of contamination throughout their area of influence: constant oil spills systematically affected the soil and water from 1972 to 1998, the Pisurié River was polluted, the fish and land animals of the Pisurié died of intoxication and this affected the daily diet of the people living in the area, as well as their access to the resources necessary for their livelihood.

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[77] Interview 1 a'i kofán leader. Some historical leaders maintain a conservationist discourse highlighting the damage that could be caused by the imposition of three platforms with ten or twelve wells each. However, during the interview process, a certain willingness to negotiate with the oil company under the terms proposed by the nation was observed. It is argued that the oil company should offer the nation the necessary guarantees for an exploitation with high safety standards and with the participation of the entire community, not only with the families that support the current president. During the course of the field work we tried to contact him, but it was not possible. According to the narratives, he is the one leading the conversations with the oil company and is seriously questioned. According to some information, on May 17, 2022 Petroecuador gave money to the community president.

[78] Interview 1. Historical leader.

[79] Perceptions gathered in Workshop 2, entitled Protection gaps in the Upiritu Kankhe community center.

[80] In this context, the Kofán people of Dureno have organized themselves into guards to watch over the territory to be aware of spills.

Image 51. Social mapping of the A'i Kofán territory.

Source: Diego Yela D., 2022.

Image 52. Detail of social mapping in Upiritu Kankhe: Oil wells in Dureno.

Source: Diego Yela D., 2022.

The Pisurié River crosses Dureno from east to west. It is one of the most intensively hunted and fished areas, as is the Aguarico River, which is why the river's alteration is so sensitive for the people who live there. The pollution limited access to clean water for irrigation and drinking, which resulted in health problems, illnesses and deaths. The protective forest was impacted by the 2013 seismic event.

In Dureno, between April 18 and 20, 2022, three days of paralysis were caused by the closure of the road to Guanta, at kilometer 19, Madre Selva sector, as a measure of peaceful pressure, demanding that the company Petroecuador cease oil exploitation within the ancestral territories of the community. In the same way, they requested and request from the national government unrestricted respect for the collective rights of indigenous peoples, especially the right to prior, free and informed consultation before any extractive project; all this to guarantee the protection of their territories.

In terms of human mobility, the A'i Kofán Dureno community does not register massive migration patterns as a strategy for social production and reproduction. They maintain legal security of their territory, which allows them to have a fixed settlement pattern.

For the A'i Kofán community, the notion of protection is related to the absence of the State in matters of basic services and the generation of economic patterns that sustainably benefit the community. In this sense, the notion of protection is related to what can be called an absent State that has protected external interests rather than the A'i Kofán people. Proof of this are the continuous spills and damages that have occurred since oil exploitation was established in their territory, and which have not been effectively repaired. Many leaders are aware that the oil exploitation carried out for decades in their territory has not brought benefits or processes that have managed to lift their inhabitants out of poverty; on the contrary, poverty indicators are high and environmental impacts are evident.

Indigenous Amazonian soil management in agriculture and horticulture is characterized by rotation, due to the low fertility of their soils. It is important to note that the populations have lost their dynamics of itinerant occupation of space due to different causes over time, such as missionary incursions, extractivism in the 19th century (quina and rubber) and in the 20th century-early 21st century (oil). This situation has caused indigenous groups to occupy nucleated spaces, contrary to any logic related to their historical cyclical forms of territorial management.

At present, production systems are based on the use of natural resources and areas for agricultural use (chakras or chagras) with which Amazonian peoples maintain a continuous relationship and interdependence. In these areas, a multiplicity of crops is maintained to ensure a continuous appropriation and, at the same time, reduce competition for the nutrients of the land. With different cultural management methods, generally based on cutting, slashing, burning, and planting, the chagras are functional for two years, and then give way to secondary forests.

Seasonal patterns make their ritual and daily activities oscillate between the rainy season, with an increase in fishing, hunting and gathering activities, and the *equinox* season, when settlements and the use of the territory become itinerant. During the rainy season, they cultivate crops, and during low rainfall periods, they engage in fishing, hunting, gathering wild forest products, and preparing new chagras. Seeds are obtained from fallow fields: formerly cultivated areas that are now fallow. On the other hand, since they occupied the current territory, incipient cattle ranching has also been practiced[81].

Traditionally the Kichwa Siona people have maintained this subsistence economy based on hunting, fishing, gathering, and occasional sale of handicrafts[82]. The

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[81] Alliances and relationships are formed around this dynamic, which is an important activity that generates passive or emerging income. Some families organize themselves to entrust other families with the task of caring for the livestock or, in any case, rent their space. This is paid in various ways, either in cash, by raising livestock or by exchanging products such as cassava, bananas or cocoa. Likewise, this remuneration may consist of exchanging labor in tasks related to cleaning the chagra or, in some cases, building houses, stables or other activities that do not require payment in money.

[82] Mongua and Langdon (2020) recorded narratives from the 1970s in the Buena Vista reservation. By that time, the Tucano population was estimated at around 300 people (Wheeler, 1987, p. ix), scattered in small river settlements. It was already noted that the people called themselves gantëya bain (People of the Caña Brava River). It was also observed that during that decade the oral tradition was a common practice in the transmission of knowledge to new generations; however, it disappeared over the following decades, when the daily life of Siona underwent a drastic transformation caused by the oil extraction.

dynamics generated by the status of a frontier community inserted in an economic enclave generated by other activities, make the forms of production and social reproduction revolve around an established model. The production and sale of products such as cassava, plantain, jungle meat, fish, and timber do not represent sufficient, sustainable, and secure income.

3.5.2 Éperara Siapidaara Nation from Ecuador

Given that the demographic behavior of the Éperara community is dynamic, it is necessary to explore strategies for the acquisition of new land. This problem arises in terms of production and social reproduction, since - over time - plots are likely to be reduced to smallholdings, and the territory will be affected.

Until a decade ago, new families arrived from Colombia, which destabilized the distribution of farms for both housing and agricultural production activities[83]. This problem has made it very difficult to distribute land to be used by the new generations[84].

In May 2011, significant progress was made in the acquisition of new land. With the support of - the then GTZ - now GIZ (German Development Cooperation), procedures were initiated to acquire 90 hectares and expand the territory. In this sense, they obtained the offer of support from the German NGO W. Oberle Stiftung. The urgency was due to the advance of African palm cultivation in the area, which increased land costs and extended the agro-industrial frontier.

Since 2016, part of their territory was invaded by a family originally from the province of Manabí, who - under the argument that the area was wasteland - occupied 17 hectares of the "community protection zone", which were granted to this family by the Ministry of Agriculture and Livestock (MAG) in the government of then President Rafael Correa[85].

The invading family occupied the northern part of the territory, in the area designated by the Éperara community as a community protection zone; fishing, gathering, hunting and timber exploitation activities are not permitted here. There are two lagoons and several estuaries. It should be remembered that the river and other bodies of water play an important role in the founding myths and in the Éperara worldview . It is worth mentioning the ability to take action of the Éperara leadership, for they have denounced this problem in multilateral spaces and with human rights organizations, diligently managing the processes; but the institutional bureaucracy has not been consistent, delaying the problem for more than five years.

The leadership considers this series of events to be a violation of their territorial rights, especially since they are a minority that is poorly served by the Ecuadorian state. On the other hand, despite the help of humanitarian institutions, this Éperara leadership has invested enormous economic resources in trips to Quito and Esmeraldas in order to process the necessary procedures. They have carried out mapping and boundary delineations, in which - far from solving the problem - they have affected the nation's territory. They have also received political support from CONAIE, the Ombudsman's Office, INREDH Foundation, CEDHU, the Apostolic Vicariate of Esmeraldas and the Altrópico Foundation[87].

The underlying problems that put pressure on production and social reproduction activities are the felling of trees by settlers and the consequent impact on the ecosystems of the territory, expressed in the reduction of animals for hunting, destabilization of water bodies, and the impact on fishing activities, among other protection risks.

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[83] The arrival of families from Colombia has been decreasing since 2014. The Ecuadorian Éperara people are aware of the logic of demographic behavior over time, which would result in the division of their farms into smallholdings. Currently, each family has an average of four children. The projection is that in 10 years they will be of age to marry and start their own families. There are other variables to analyze; however, this requires a more detailed study of Éperara's demographic behavior.

[84] Narratives collected during fieldwork based on interviews with leaders, NGO technical staff, and informal conversations.

[85] Thanks to the economic support obtained in the framework of this research, the Éperara leadership managed to reach Quito and solve the problem, bearing in mind that the objective was to support their efforts to defend their territory.

[86] State officials in charge of land conflict processes should be aware of these particularities. In fact, the way in which indigenous peoples mark out their territory differs completely from the colonial and modern forms of land use, which is the predominant view of state bureaucracies.

[87] Interview 2. Leader.

3.5.2.1 Overlap with protected areas

The nation's territory overlaps with the Cotacachi Cayapas Ecological Reserve (RECC), which has an area of 243,638 hectares. It is located in the cantons of Eloy Alfaro, San Lorenzo and Río Verde, in the province of Esmeraldas. It is one of the 36 areas that make up the Natural Areas of the State (PANE) as the core of the Protected Areas System (SNAP) and, therefore, is administered by the Ministry of Environment and Ecological Transition (MATE).

This protected area has an altitudinal range between 38 and 4,939 meters above sea level. There are seven vegetation formations, as well as a variety of endemic flora and fauna species, many of which face some degree of threat, such as the brown-headed spider monkey (*Ateles fucsiceps*), the harpy eagle (H*arpia harpyja*) and the umbrella bird (*Cephalopterus penduliger*) (Patiño, 2021).

Around the reserve there are several ethnically and culturally distinct populations. In 2005, it was estimated that approximately 2,400 Afro-Ecuadorians, 3,500 Chachi indigenous people and an undetermined number of colonists occupy the banks of the Santiago, Cayapas, Ónzole and their tributaries. In the area around the highlands are the Awá nation (near the RECC), Chachi nation (located inside and outside the RECC) and the Éperara Siapidaara nation.

According to community narratives, the forest mass has decreased in the last 20 years. Timber exploitation and the agricultural area have increased. The Cayapas River has high levels of pollution. In addition to sewage from upstream towns, there are agro industrial African palm companies that use chemicals to maintain their crops, which end up in the river. This problem affects all the towns in the Esmeraldas River basin: Guayllabamba, Quinindé, Río Blanco, Cayapas, and Santiago, and impacts the health (gastrointestinal and skin diseases) and food security of these towns.

3.5.3 Kichwa Siona Nation

Based on the findings of this research, it is possible to affirm that there are no policies focused on activating local economies and/or taking advantage of the potential of the territory: horticulture, scenic tourism, traditional medicine tourism based on the ingestion of Yajé and the herbal knowledge of the wise elders or taytas, and handicrafts with non-timber products; among others.

The Kichwa Siona community has successfully managed several complaints regarding the enforceability of collective and/or territorial rights. One of the most important was the opposition of San José de Wisuyá in 2015 in the face of Ecuadorian state-owned company Petroamazonas and the company Amerisur - now GeoPark - which operates from the Colombian state. The community denounced an entry without prior consultation[88].

This entry caused environmental and cultural damage, impacting ecosystems such as forests and bodies of water. This also led to damage to cultural heritage, as species with significance for the families, such as the yoko and Yajé, were destroyed, and cultural interdiction (sacred) spaces were intruded upon, which were represented in the social mapping work carried out as part of this research. Water bodies (springs) used to supply family households[89] were blocked. The extraction devices were made visible in the social mapping, where concern was expressed under the premise that there will always be spills.

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[88] Amerisur Exploración Colombia Ltda. is a Colombian company, a subsidiary of the British company Amerisur Resources plc, which is dedicated to the implementation of oil projects in the country. In the Siona territory they had serious problems both with the armed groups, who charge a tax to the companies, as well as environmental damages to the people and mestizos. Now, their capital is in the hands of the Chilean capital company GeoPark, who bought Amerisur's asset.

[89] Systematization of interviews 1 and 2. Confeniae denounced this action with the following text: "This abusive entry of Petroamazonas occurred while the company, in coordination with Amerisur, an oil company operating in Colombian territory, was developing the project for the construction of the interconnection pipeline between Platanillo 9 Colombia and the VHR Ecuador-RODA field, which will be used to transport crude oil from Colombian territory to Ecuador".

Image 53. Detail from the social mapping: Possible spills from well 20.

Source: Diego Yela D., 2022.

Image 54. Detail from the social mapping: Well 20 spill.

Source: Diego Yela D., 2022.

With respect to climate change, adaptation and mitigation policies are the responsibility of the State through the Ministry of Environment and Ecological Transition (MATE). However, during the rainy season -with the different variations at the planetary level- from May to July, rivers overflow, crops are flooded with the consequent problems: food shortages, alterations in the daily diet, high expenses for trips to nearby towns for food supplies, since gasoline is an expensive and scarce product, used in activities related to coca production. In addition, the community members are disconnected from urban centers such as Lago Agrio, Puerto Asís and Puerto El Carmen. Classes for children and young people are interrupted. People lose their livestock and animals. Respiratory and epithelial diseases increase.

Faced with this scenario, it has become necessary to ask the State and local governments to include a contingency plan in their Annual Operating Plans (POA) that includes policies related to climate change mitigation and adaptation. Despite continuous requests from indigenous leaders, the institutions do not respond.

In 2010, Decree 080 declared the area known as the Cuembí Triangle, located in an area of approximately 104,238 hectares in the Putumayo canton, province of Sucumbíos, as protected forest and vegetation. This has affected the inhabitants of several communities located in the Santa Elena parish, Putumayo canton. One of them is San José de Wisuyá.

At the end of 2018, inhabitants of 19 communities of the parish held a stoppage of activities in the Selva Alegre community, sector of the oil station called La Blanca. The government's intention was that the communities should accept the protective forest of the Cuembí Triangle, and the proposal was accepted under the argument that it is an ancestral territory belonging to the communities and it was intended to be managed autonomously. The ruling was favorable for the communities. The Kichwa Siona leaders of Wisuyá carried out the relevant negotiations so that the territory would remain under the sovereignty of the 17 communities that were in conflict with the decree. The proposal was for them to administer the protected area autonomously, guaranteeing a technical and sovereign model.

The neglect of the State and the GADs is evident in the lack of attention to the infrastructure of roads, schools, bridges, and electricity poles. At the time of this research, there was evidence of coordination efforts with the GAD to repair the Yoyá bridge, which connects the community to the highway. These actions are organized through community mingas, with the supervision of the cuiracá community guards.

In Wisuyá, the cuiracá guard is made up of approximately 40 people, including women and men of various ages, who monitor the area from time to time. It should be noted that a social memory is gradually being formed around their recognition of the territory. During this process, in addition to monitoring the perimeters of the community, native plants with medicinal and ritual characteristics are identified. In the same way, it is a time used for planting yocó and Yajé; and the guard fulfills a dynamic that strengthens their identity through the conservation of the forest and plants for rituals[90].

There are currently 2,400 hectares in Ecuador occupied by the Siona community; however, they still do not have the proper titling that guarantees communal ownership. In this regard, the leadership requested that the Decentralized Autonomous Government (GAD) of Sucumbíos carry out a satellite delimitation of the community. The leadership also found an ownership document recognized by the GAD with 2,400 hectares in favor of Wisuyá. However, in the Territorial Management Plan of Santa Elena Parish there is a document of adjudication from the then Ecuadorian Institute of Agrarian Reform and Colonization (IERAC)[91] of 5,734.03 hectares. The leadership has investigated the matter. Six years ago, they traveled to Quito and Tena to visit various institutions; however, at the time of the close of this research, the document had not been found.

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[90] Field diary notes. In this context, the most important - and as a community initiative - was the maintenance of the Kichwa Siona cuiracá community guards.

[91] The Ecuadorian Institute of Agrarian Reform and Colonization (IERAC) was an institution created in 1964 by the then Military Government Junta, which issued the first Agrarian Reform and Colonization Law, as well as the Law of Vacant Lands and Colonization.

3.5.4 Awá Nation

In this community, it is important to highlight a problematic aspect: Young Awá people work in the palm companies in San Lorenzo: San Francisco, Alex Palma, Tropi Palma, among others. All of them pay for mobilization. Some Awá people who have worked for some time have been able to access social security; however, the modality of hiring for 15 days or a month has increased, which excludes social security and a decent and fair remuneration. The Awá population that is dedicated to this modality of work must take the bus at 4:00 am in Lita to arrive at 6:00 am to San Lorenzo, with a return to their homes at 17:00. "Men and women work, they even bring their children, because there is no shelter for children. The palm companies do not offer legal benefits".

They must also bring their daily food, since the companies offer them food by deducting it from their salary. According to the interviewee, the companies pay for each plant, which is the so-called advance mode. In this context, they work in different activities, such as "chapear", trail cleaning, and pollination; as a payment standard, they are required to pollinate 80 plants per day, which implies a great effort on the part of the workers, and does not coincide with a fair remuneration. "In a month one can earn from 420 to 560 US dollars. That depends on the number of palms harvested and plants pollinated"[92].

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[92] Interview 2. Awá leader.

3.6 Conclusions and recommendations

The onslaught of modernity, with its political and economic characteristics, has linked territories, indigenous populations and nature, expanding borders to obtain *commodities* for the world market, a context in which new imperatives have become more dynamic, ranging from technologies to geopolitical expressions that in some countries have violent expressions.

Consequently, indigenous nations have seen the need to create and recreate new formats of ethno-political action to defend themselves from the onslaught with which these actors have occupied and pressurized their territories. In this context, it is worth noting the complicity with which national states have acted in favor of transnational interests with total inaction in the face of the defense of indigenous peoples (Hennessy, 1978, in Vallejo et al., 2016).

The advances of these actors cause intense pressures that lead to the arrival of technical equipment, generating enclave economies inserted in contexts of deterritorialization. In this sense, there is an absence of intercultural public policies such as education, health and environmental protection, which creates a scenario for extractivism to become one of the causes of conflicts due to its capacity for penetration and insertion in almost all areas of the region[93]. This process has created reconfigurations in the lifestyles of the communities of the coastal zone and the northern Amazon, modifying their traditional patterns of mobility and appropriation of resources[94].

The general notion of protection for these nations is intertwined with the international humanitarian discourse and the national normative framework. Preliminarily, the findings of the present research establish that, when presenting the word "protection", both in the workshops and in other spaces, the term necessarily had to be re-semanticized. In this sense, a twist was given to this notion by translating it into the question: what problems do you have here in your community? In response they emphasized those existing in their territories, and expressed their disagreements about them.

In general, members of the nations highlighted the threats, risks, problems and needs they face in their daily lives in relation to the set of rights recognized in the Constitution. Indeed, it was noted that there is an awareness of being subjects with rights, whose guarantees are recognized in a legal framework that implies protection obligations on the part of the Ecuadorian State[95]. In view of this, they established and recognized the protection gaps of which they are victims.

From these particulars, and derived from the results of this research as concluded in previous sections, the problems perceived maintain common denominators related to the effects of external agents. These include activities such as mineral and hydrocarbon extraction, as well as illegal economies.

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[93] Gudynas points out that nation states are diligent in promoting and defending the transnational interests of such enclaves. This situation is notorious in Ecuador; for example, Decree 51 that the current president of Ecuador, Guillermo Lasso, issued to double oil exploitation and generate more legal and economic facilities for mining companies in Ecuadorian territory (2011, p. 25).

[94] By way of example, since the government of Rafael Correa, the resources from oil extractivism have been directed towards the construction of works exalted within a discourse that promised to reinvent a new Amazon. One of the emblematic works of the government of that time are the Millennium Educational Units (UEM) and the Millennium Cities (CM), one of which is located in the A'i Kofán community of Dureno.

[93] This has been possible due to the continuous training they have received from various NGOs

In this sense, although indigenous peoples have their own internal conflicts like any other society, external agents with large economic interests operating in their territories cause a deepening of these conflicts. In these contexts, the impacts on their particular practical, symbolic, and ideological forms of territorial management are serious.

The A'i Kofán people have experienced aggressive oil exploitation permitted, encouraged and subsequently intensified by the Ecuadorian State since the 1960s, which has put their territorial integrity at serious risk due to the strong cultural and environmental impacts produced. This has been expressed in the State's lack of interest or inability to be an entity that controls, regulates and oversees the activities of extractive transnational companies, in order to comply with the minimum constitutional guarantees established for the protection of these peoples.

The ability to take action of the Kofán community has manifested itself in fierce opposition through its historical leadership up until 2013, when the state-owned Petroamazonas managed to negotiate - with a new leadership in the hands of young people - the entry of seismic activities in exchange for gifts in money and artifacts. This left important social and environmental consequences manifested in an extremely deteriorated social fabric, to the point that there is talk of a physical division of the community's territory. In this sense, it is recommended to organize dialogue and mediation tables with the support of humanitarian organizations and professional personnel with expertise in conflict resolution. The two parties in dispute would then be summoned to reach an agreement that would allow them to overcome their differences.

With respect to the Éperara Siapidaara nation, its main difficulty lies in the small territorial extension it possesses in the face of an incapacity of the state institutions to guarantee its demands concerning invasions by mestizo settlers who prey on its lands. The local leadership has diligently demonstrated its ability to take action, with the cooperation of national Non-Governmental Organizations, human rights organizations, and ecumenical institutions.

In this sense, the main protection gap is the progressive division of land into smallholdings that is visible in the territory with only about 350 hectares and a population density of approximately 1 km² per person. In this context, one of the impacts that the Éperara community can work on is to create new plots for young families that establish marital ties, as well as to form a working group with humanitarian, state and non-governmental actors to study the possibility of acquiring land for the nation.

The inaction of the State in addressing their demands for territorial defense against illegal occupations or invasions of their territory was also identified as a protection gap. In this sense, the ability to take action is evident in how the leadership has managed its demands with the above-mentioned actors.

For this nation, the recommendation to seek support for handicraft activities also emerged as a finding, which would be inscribed as a contribution with a gender focus, since women are the ones who make them, and who are also responsible for the marketing and administration of the economic resources obtained within the framework of social reproduction activities.

With respect to the Kichwa Siona nation, from what has already been described, some capacities have been installed; however, only a few leaders have been able to access them; therefore, it is necessary to promote local advocacy work through these capacities, starting with Ceibo Alliance, which would provide new opportunities for the processes that the community decides are most important. On the other hand, it was identified that access to education is limited and of poor quality, so it is necessary to work in alliance with humanitarian and state entities (Ministries of Education, Culture and Heritage) to generate a scholarship program for school, high school, and university students. Given that educational programs do not include their own traditional socio-cultural, ecological, and historical realities, a study is needed to make these issues visible and propose a public policy on intercultural education in this regard.

It should be noted that for the indigenous world, visions of territory are not framed - as in modern capitalism - on a mercantilist or economic ethos, but in a relational form between humans and nature. From the narratives identified, the conception of the ancestral territory can be explained from two perspectives: that of the elders or taytas, and that of the young people. In this sense, it is recommended to strengthen advocacy capacities in a more sustained manner for the defense of human rights with emphasis on collective rights and extractivism. To this end, it is important to consider synergies with the organizations Ceibo Alliance, and the Ecuadorian Populorum *Progressio Fund* (FEPP).

According to the findings of this research, it can be asserted that although the current settlements of cross-border indigenous groups are the result of

historical mobility processes, mainly from Colombia, these groups do not currently maintain accentuated migratory patterns as an economic or survival strategy[96]. In this context, it should be noted that territorial property is relatively guaranteed under a certain international observance of human and, therefore, territorial rights[97]. The problem here is that external extractivist agents, both legal and illegal, threaten their territory.

In the case of the Awá territory, a complex situation is evident due to the presence of external agents. Illegal extractivism maintains a constant presence, generating contradictions and damaging the territory's ecosystems. The State has little presence to guarantee the collective and environmental rights of the Awá communities, as these entities are the ones that stimulate the economy and generate income for the peasants and indigenous people based on the building of roads, construction of bridges, and wage payments.

The Awá people of the El Baboso Center have decided to remain silent on this issue. The possible answers are that the extractive company operating in the territory is somehow pressurizing them, taking advantage of the levels of poverty and state neglect experienced by the community[98]. Poverty levels in the community can be seen in the lack of access to quality education, lack of employment, poor circulation of capital, and dependence on NGOs.

Because the soils of their territory are not suitable for agriculture, the Awá people of El Baboso have opted for poultry and fish farming, activities that have been very productive, and to which the Awá women give vital importance. On the other hand, it should be noted that there is still a need to explore greater efforts to raise awareness about gender, its social roles, and its effects on community life. Therefore, it is recommended to consider coordinating with academic institutions and local NGOs such as the Social Cultural Foundation,

an organization that has been working with this nation for more than 10 years and maintains a close relationship of trust[99].

Finally, we recommend educational activities to raise awareness among the families of the four communities in this study about gender roles, the importance of women in community life, the construction of masculinities in the indigenous world, the relationship of gender roles with mythology, the environment, domestic violence and its relationship with alcoholism, among others.

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[96] The Éperara Siapidaara group arrived in the province of Esmeraldas from the Colombian Chocó area in the 20th century, driven both by their mobility dynamics and, later, by the conflict in Colombia. The A'i Kofán community has traditionally moved between Colombia and Ecuador; currently, they are dispersed throughout the Province of Sucumbíos. The Awá community arrived from Colombia during the 19th century, driven (like the Éperara) by their itinerant mobility logics and because of the continuous pressure from armed groups and drug traffickers in the Colombian Chocó. Their character as cross-border communities lies in the fact that they consist of the same ethnic group with family ties, whose unity was divided by the Western notion of transnational frontiers imposed by the nation-state as a political form.

[97] Here an ambivalent role of the state authorities is evident: Although the right to the protection of territorial integrity is constitutionally established, the Ecuadorian state encourages extractive activities in indigenous territories, activities that endanger the quality of ecosystems and the consequent use of natural resources by local populations.

[98] Informal conversations with a technical person from an NGO.

[99] It was not possible to obtain testimonial perspectives that make gender inequalities visible; however, from conversations with different actors, it is clear that this problem affects not only the people in this research, but also all indigenous peoples in the country.

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INTERVIEW 2. Dirigente histórico. Historia de vida realizada por el promotor comunitario

INTERVIEWS SIONA NATION

INTERVIEW 1. Leader

INTERVIEW 2. Leader.

INTERVIEW 3. Woman leader.

INTERVIEW 3. Community promoter.

INTERVIEWS AWÁ NATION

INTERVIEW 1. President of El Baboso Awá Center.

INTERVIEW 2. Teacher of the Educational Unit.

INTERVIEW 3. Local NGO technical staff.

INTERVIEWS ÉPERARA SIAPIDAARA NATION

INTERVIEW 1. Leader

INTERVIEW 2. Teacher-leader.

INTERVIEW 3. Eulalia Carrasco. Anthropologist.

Acronym

ACUSHIKOLM: Shipibo Urban Community Association of Metropolitan Lima

ASHIREL: Shipibo Residents Association in Lima

AVSHIL: Shipibo Housing Association in Lima

ACHR: American Convention on Human Rights

CEPLAN: National Center for Strategic Planning

IACHR: Inter-American Commission on Human Rights

CEDAW Committee: Committee on the Elimination of All Forms of Discrimination against Women

Convention 169: International Labor Organization (**ILO**) Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries

IAHR Court: Inter-American Court of Human Rights

OMB: Ombudsman's Office

SD: Supreme Decree

DIRESA: Regional Health Directorate

DNI: National Identity Card

UDHR: Universal Declaration of Human Rights

ENDES: Demographic and Family Health Survey

GORE: Regional Governments

IDE: State Density Index

INDEPA: National Institute for the Development of Andean, Amazonian and Afro-Peruvian Peoples

INEI: National Institute of Statistics and Informatics

MIDIS: Ministry of Social Development and Inclusion

MML: Metropolitan Municipality of Lima

MIDAGRI: Ministry of Agrarian Development and Irrigation

MIMP: Ministry of Women and Vulnerable Populations

MINAM: Ministry of Environment

MINCUL: Ministry of Culture

MINDEF: Ministry of Defense

MINEDU: Ministry of Education

MININTER: Ministry of Home Affairs

MINJUSDH: Ministry of Justice and Human Rights

MINSA: Ministry of Health

MINTRA: Ministry of Labor and Employment Promotion

MTC: Ministry of Transportation and Communications

MVCS: Ministry of Housing, Construction and Sanitation

NNA: Children and adolescents

ODECOFROC: Central Organization for the Development of the Cenepa Border Communities

ILO: International Labor Organization

ICCPR: International Covenant on Civil and Political Rights

ICESCR: International Covenant on Economic, Social and Cultural Rights

UNDP: United Nations Development Program

SAIPE: Agricultural Service for Research and Economic Promotion

FTA: Free Trade Agreement

Content

4.1 Characterization of communities

There are three communities referred to in this diagnosis, each with its own characteristics and particularities. Two of them belong to the Awajún indigenous people. The first is called Papag Entsa or river community, a name given because they are located on the banks of the Cenepa River, which borders with Ecuador. The second community is Alto Pajakus or roadside community, a name given because it is located on the road to the Department of Loreto. Despite belonging to and self-identifying with the same indigenous people, both have dynamics and characteristics that differentiate them.

The third community belongs to the Shipibo-Konibo indigenous people of Cantagallo; however, unlike the previous two, they are located in the urban area of Lima (downtown), in the district of Rimac. As a result, their dynamics, perception, and characteristics vary in relation to their peers in rural areas or other regions of the country. Before going on to explain the dynamics of each community, it is important to understand the characteristics of the indigenous peoples to which they belong.

4.1.1 Awajún Indigenous People in Amazonas

According to data from the 2017 National Census conducted by the National Institute of Statistics and Informatics, the departments that today report having Awajún population are: Amazonas, Cajamarca, Loreto, San Martin and Ucayali; the first of these being the one that today hosts the largest population that self-identifies as Awajún. According to data from the Ministry of Culture (MINCUL) it is estimated that 65,828 people belong to the Awajún indigenous population, making them the second most numerous in the entire Peruvian territory (Cornejo, 2015, p. 15).[1]

As can be seen in Map 16 below, the Awajún indigenous people are concentrated mainly in the department of Amazonas. There they share their territory with two other indigenous peoples: the Quechua and the Wampis. This department has the third largest indigenous population in its territory, representing 13.4 % of the total indigenous population (National Institute of Statistics and Informatics, 2017).

It should be noted that the department of Amazonas is located in the north of Peru, to the northwest it borders with Ecuador, to the east with the department of Loreto, to the southwest with La Libertad and to the south with Cajamarca. Amazonas is divided into 7 provinces: Condorcanqui, Bagua, Utcubamba, Vengara, Luya, Chachapoyas, and Rodriguez de Mendoza. The first two are home to the largest indigenous population, with Condorcanqui having 124 communities that self-identify as indigenous peoples, the majority of which are Awajún. For the purposes of this research, we worked in two districts: El Cenepa and Nieva; in the first is the Papag Entsa community and, in the second, the Alto Pajakus community.

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[1] The first is the Asháninka indigenous people of the Central Jungle (MINCUL, 2019a).
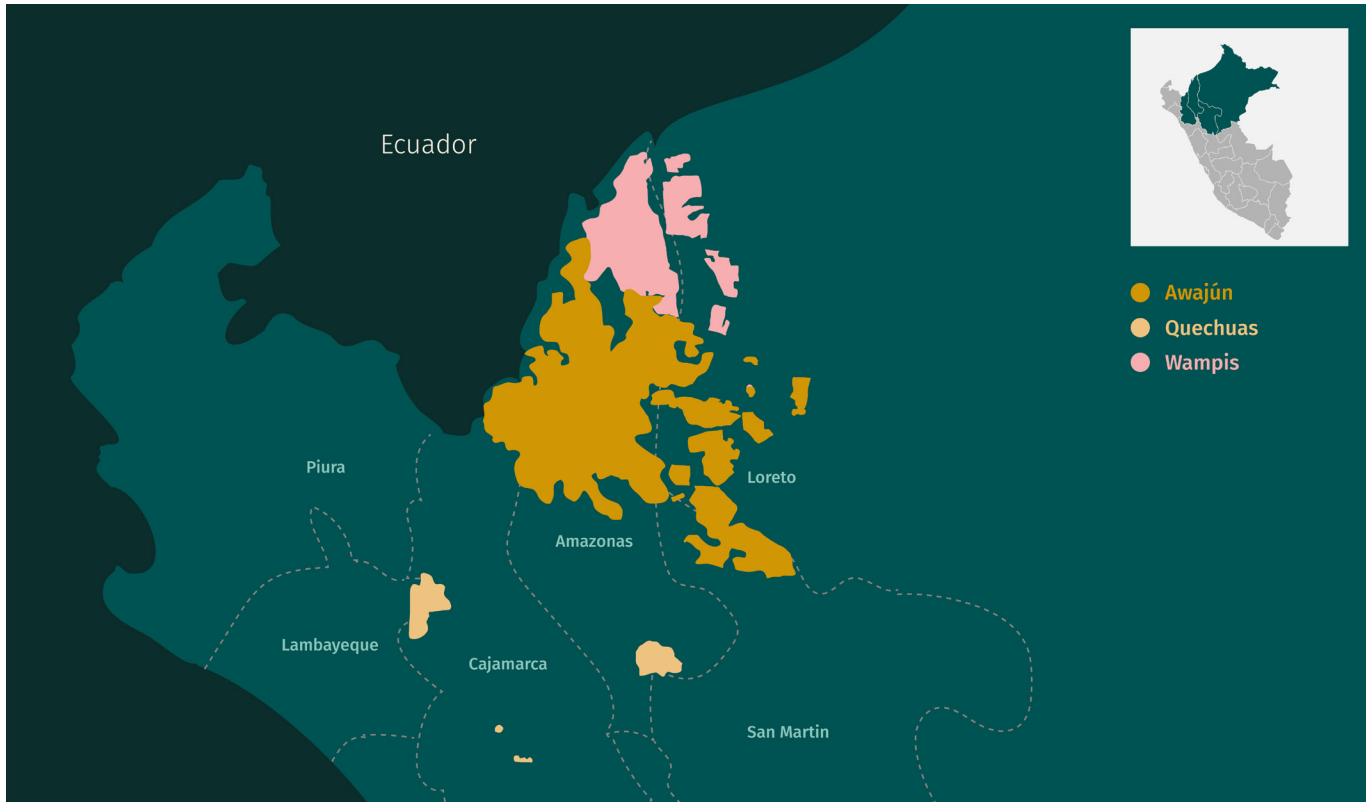
Map 15. Awajún, Quechua, and Wampis Indigenous Peoples in Amazonas and its borders.

Source: MINCUL, 2022b Prepared by the authors.

Map 16. Districts of the Province of Condorcanqui in Amazonas.

Source: MINCUL, 2022a. Prepared by the authors.

According to the Ministry of Culture – MINCUL - (2020) the Awajún population was known as the Aguaruna, and their Awajún language is the most spoken language in relation to the others belonging to the Jíbara linguistic family.[2] According to the Ministry of Education (MINEDU) "the Awajún language is considered a vital language [..] because it is spoken and transmitted from generation to generation" (Cornejo, 2015, p. 16).

It is important to highlight that in a study presented by the Amazonian Center for Anthropology and Practical Application (CAAAP, 2022), for the Awajún, territory is a continuous space of land, water and sky that gives meaning to life and human beings. The conception of territory has three dimensions: (1) the spiritual, sacred places such as waterfalls, rivers and forests where the spirits of the earth, subsoil, water, air and space are found; (2) the material that is related to the socioeconomic survival of the indigenous peoples, and appears in the territory through a collective structure where all the products and all the support for survival are found and, (3) occupational, how the territory is recognized, what its origin was, and where the sacred and historical paths and places are.

According to the Ministry of Culture (2020), the Awajún are mostly settled in native communities. This logic was established with the Law for Native Communities and Agricultural Promotion of the Jungle and Jungle Belt Regions of 1974, which was later modified by the Law for Native Communities and Agrarian Development of the Jungle and Jungle Belt Regions of 1978. The latter law made it possible to acquire land titles. .

On the other hand, it is necessary to point out that communities are currently being built in endogamous nuclei. They are based on kinship relationships, as will be mentioned below, and the people of these communities share blood ties of various degrees, in which the dynamics of the community are cemented. According to MINCUL (2020), "the family, called patá in Awajún, is made up of all those people with whom a genealogical or consanguineous link can be established. Therefore, marriage is a very important institution because it strengthens and establishes alliances between relatives" (p. 7).[3] The institution of marriage and the husband-wife relationship should be understood as the recognition of the Apu or chief of each community, who gives authorization and is in charge of organizing the space for the new family.[4]

From this understanding of the family, gender roles have also been created and assigned to men and women in different ways. Traditionally, Awajún men have been dedicated to activities such as war, hunting, fishing, making tools, baskets and weaving, and building houses; that is, work outside the family spaces. While Awajún women have been dedicated to the role of mothers, raising animals and plants, and making pottery; that is, to activities that link them to the nucleus of the family and the social reproduction of the group.

These roles no longer conform to the traditional ways, and factors such as family violence, abandonment of the home, migration, economic crises, among other circumstances, have caused families and their members to change their direct responsibilities. These changes have meant an indirect empowerment of women, who now also play a role in the public sphere, leaving the communities to study or work. However, this has not modified the Awajún gender roles, which keeps them in the domestic sphere in the community.

The main subsistence activities carried out by the Awajún communities are horticulture, fishing and hunting. Historically, like the rest of the indigenous and tribal peoples, these practices have been considered part of a direct connection with the territory, and have been inherited down since before the creation of the Peruvian State. It is out of this dynamic that the Awajún people bring together their values in the vision of Tajimat Pujut which means "full life" or "good living". This includes in its foundations the elements of well-being and habitat as ways to guarantee the protection and promotion of "a healthy environment, soils, streams, rivers, lakes and lagoons, waterfalls, puquios, colpas, beaches, islands, subsoils, guacharo caves,[5] sacred hills, and the air" (CAAAP, 2018, p. 10).

Tajimat Pujut also means having abundant and healthy food, spiritual well-being and optimal psychological stability for the people of the present and future generations. The full life can be ensured by taking into consideration the correct planning and sustainability of the territory, sustained in the resources provided by nature (CAAAP, 2022). However, they also

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[2] This family includes the Wampis, who, as mentioned above, also share territory in Amazonas.

[3] Since about 1970, the *Awajún* no longer make use of cross-cousin marriages (MINCUL, 2020).

[4] Findings from field work.

[5] About the Guácharos Cave review: https://cuevasdelperu.org/san-martin-rioja/cueva-los-guacharos-sol-oro/

consider that the territory is a meeting space for social and community relations, which also converge as goods in nature (CAAAP 2018, p. 10). Despite this, the economies outside the law have had an impact on the change of these forms of subsistence, as will be presented below, as these illegal activities have polluted the environment, impacting the use of the means of survival named above.

The political organization dynamics of the communities is determined by the election of a person for the position of Apu or chief who is elected by members of the community, over 18 years of age. During the research with these communities it was identified that each year the following positions are elected: Apu, Vice-Apu, prefect, sub-prefect, treasurer and secretary. The purpose of the diversity of positions is to contemplate that in the case of an absence, the next person automatically has the capacity to take up the direction of the community, in decisions or issues that concern them. It should be noted that, previously, they did not have any authority and everything was based on a model where each head of family was in charge of his own household, but with the enactment of the National Law of Indigenous Communities of 1974, the new dynamic was established (MINCUL, 2020, p. 11). .

The people elected to the position of Apu must have the trust of the community, although, during the research it was observed that there were cases where transparency and unethical actions had diminished the trust of the community towards the Apu in some cases. However, although the role of the Apu is fundamental, there is also a communal assembly whose role is to be a space where important decisions are discussed and taken. This means that each community has a space where collective meetings can be held that serve as a kind of *accountability*, where accounts are submitted and the authorities report on progress.

In addition to this form of organization, it was found that the communities have been shaped more broadly in response to the aforementioned laws. In 1977 the Aguaruna and Huambisa Council (CAH) was established, and in the 1980s new federations emerged, such as the Central Organization of Aguaruna Communities of the Upper Marañón (OCCAAM), the Federation of Huambisa Communities of the Santiago River (FECORHSA), the Federation of Aguaruna Native Communities of the Nieva River (FECONARIN), the Central Organization for the Development of the Cenepa Border Communities (ODECOFROC),[6] and the Federation of Aguaruna Communities of the Domingusa River (FAD) (CARE Peru in MINCUL, 2020, p. 12).

The Awajún communities mainly speak their own language; however, almost all adults are bilingual (Spanish and Awajún). The schools for girls and boys at kindergarten and primary school level are based on Awajún, while in high school Spanish predominates. As a result, most of the children in the community only understand Awajún. On the issue of education, according to the 2017 Census published by the National Institute of Statistics and Informatics, Awajún communities have a proportional number of schools in relation to their population as can be seen in Table 17.

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[6] ODECOFROC's support for this project has been central to the work of the Papag Entsa community.

Indigenous or native people, department, province and district	Existence of educational institutions		
	Total	Yes	No
Awajún			
(Amazonas Region)			
Condorcanqui Province	189	187	2
Nieva District	109	108	1
El Cenepa District	62	61	1
Santiago River District	18	18	-

Table 17. Census of Native Communities and educational institutions in the Amazonas Region by province and district.

Source: INEI, 2017. Prepared by the authors.

4.1.1.1 Papag Entsa Community

It is important to note that this community is categorized as a population center under the standards of the Peruvian State, but for a long time it was a territory annexed to the Nuevo Kanam community, and since 2020 it has ceased to be so. Currently, it is an autonomous community, it has the political dynamics mentioned above, which makes it one of the youngest Awajún communities by conformation. One of the characteristics that can summarize the situation of this community is the precariousness and multidimensional poverty experienced by its members, including the lack of recognition of their existence within the Peruvian territory. Its name means Papag Stream, as it is located next to the stream that gives its name to the community, and also supplies water to it.[7]

As the community was formed months before the beginning of the COVID-19 pandemic, it has been invisible on the official maps of the Peruvian State. Consequently, for the purposes of this research, we have taken into consideration the only geo-referenced map that identifies the neighboring community of Nuevo Kanam, which serves as a reference to have an exact location, as shown in Map 19 and 20.

As described above, the socio-political organization consists of the person designated as the community's Apu, followed by other authorities and the communal assembly. The community has approximately 35 families; a 2022 census identified that the community has 139 inhabitants. Of these, 72 were identified as women and 67 as men. It is important to note that having previously belonged to another community, many of the community members do not have an identity document. The census found that 26 people, both under 18 and older, do not have a National Identity Card (DNI).

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[7] The water from this stream is not drinkable and therefore cannot be consumed by the community.
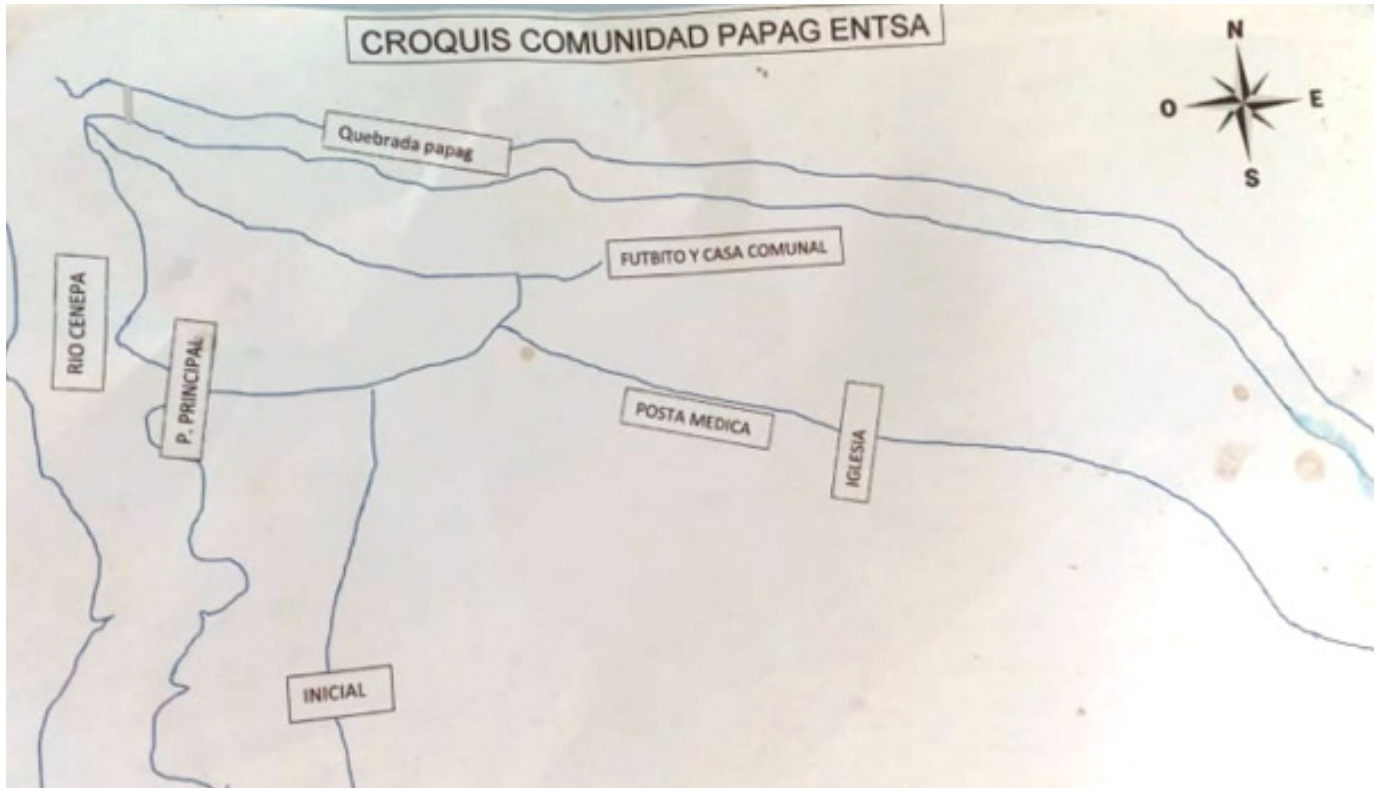
Map 17. Sketch drawn by the authorities of the Papag Entsa Community.

Source: *Papag Entsa* Native Community, 2022.
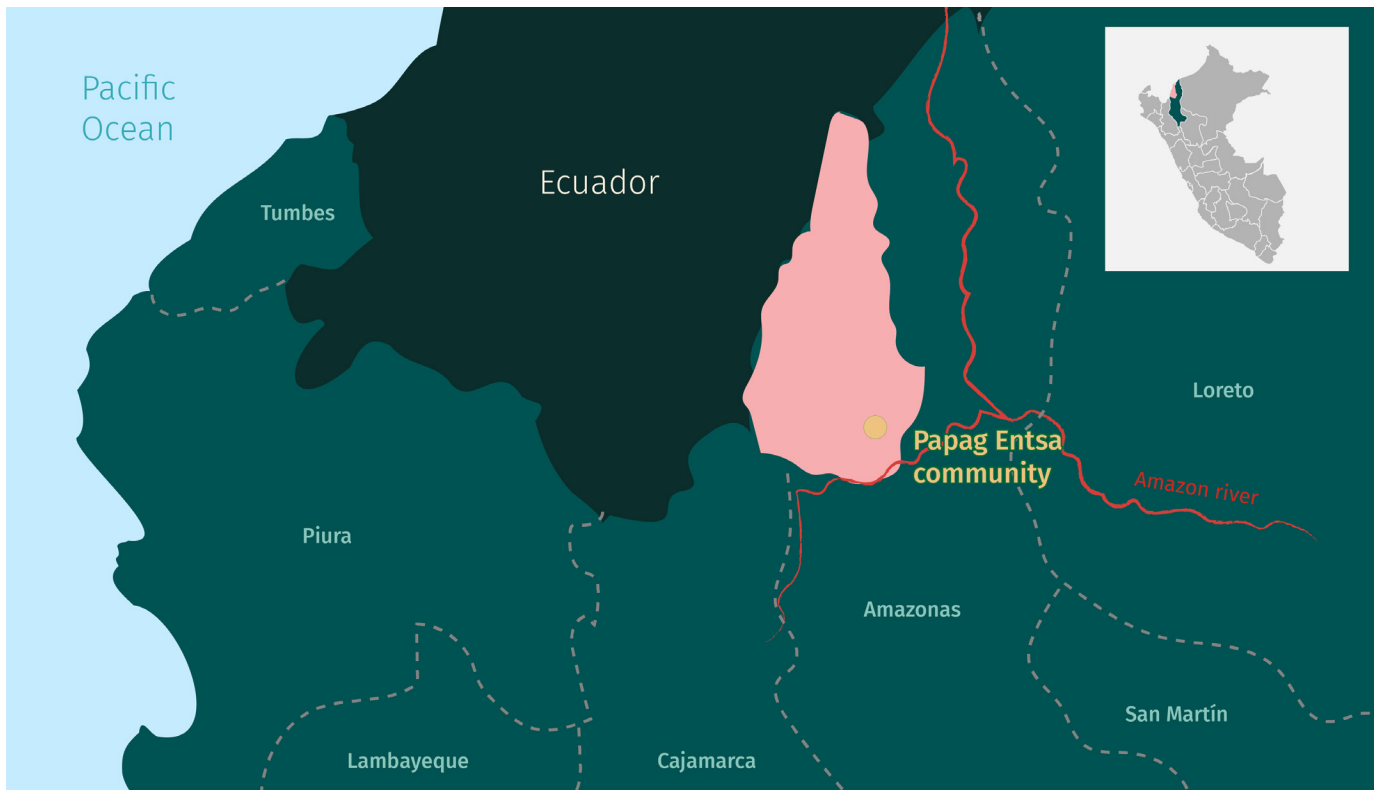
Map 18. Geographic location of the Papag Entsa community, in relation to the bordering provinces of Peru .

Source: National Platform for Geo-referenced Data GeoPerú, (n.d.). Prepared by the authors.
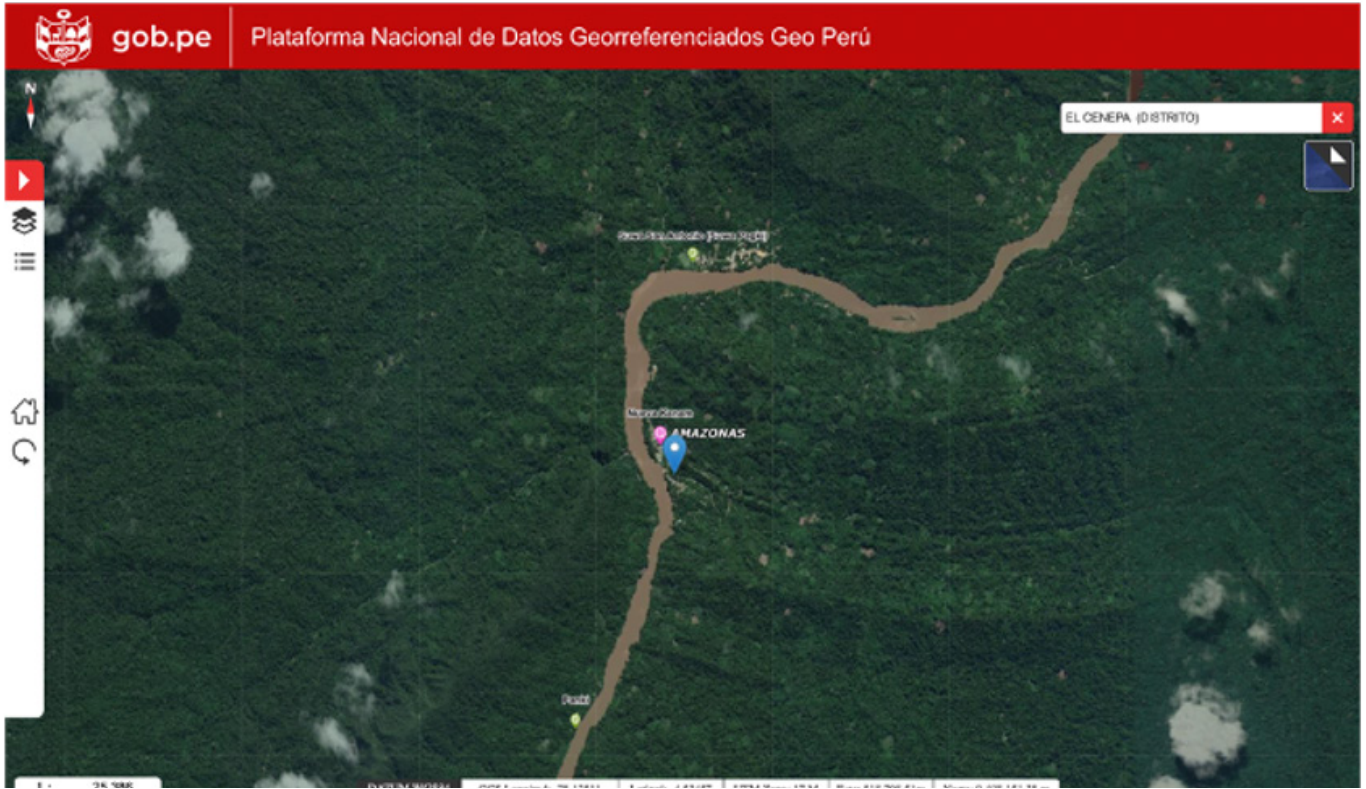
Map 19. Geographic location of the Papag Entsa community in relation to the Cenepa River.

Source: National Platform of Geo-referenced Data (GeoPeru).

The following photographs show some of the constructions and meeting spaces that the community has in its territory:

Image 55. ODECOFROC building. View of the building towards the Cenepa River.

Source: Rosa Arévalo, 2022.

Imagen 56. ODECOFROC building. View of the building towards the mountains.

Source: Rosa Arévalo, 2022.

Image 57. ODECOFROC construction. ODECOFROC members preparing lunch.

Source: Rosa Arévalo, 2022.

It should be mentioned that illegal gold mining with dredges and mercury has had a very strong impact on the environment, contaminating the river, the animals and plants in the areas that served as subsistence resources. This has led to an impact on the social dynamics of the communities; however, socioeconomic and security conditions may influence the decision to participate, and few of these communities refuse to take part in this economic activity.

Papag Entsa is one of the few communities that has unanimously decided not to participate in this illegal economic activity. At the same time, it emphasizes its total disagreement and is aware of the serious effects this activity is having on the environment and daily life. ODECOFROC is one of the few allies of the community in this position, and its interaction is with the Apu who has representation, leadership, and legitimacy.

4.1.1.2 Alto Pajakus

Alto Pajakus is identified by the Peruvian State as a dispersed population community. It is a product of the third stage of the conformation of the native communities. As explained by Baud (2019) the Awajún people in their beginnings were conformed as "[..]society with dispersed housing; but it is from the rubber era that the economic dynamics changed and the families went to live near the larger rivers, which is known as the first stage" (p. 178).

The same author explains that the second stage began in 1950, with the cultural movement and bilingual schools, and families were able to organize themselves around the nearest schools. The third stage is related to the enactment of the native community laws of 1974 and 1978, and thus Alto Pajakus was created in 1977.

The community of Alto Pajakus, located in the province of Nieva and less than an hour's drive from the district of Santa María de Nieva, has a different dynamic from the previous community. The proximity to the town allows them to maintain fluid communication with events in the region. The fact that they border with Loreto allows them to move within and outside the region, whether for study or work purposes. This generates periods of migration and seasonal return, which usually coincide with the harvest and rains in the area, as observed in the research.

The socio-political organization is similar to the rest of the native Awajún communities in Amazonas; that is, there is an Apu and a vice-Apu, who are in charge of the first interactions with external actors in order to grant or restrict access to the community. This community also has a communal assembly where, as the indigenous leader commented, all the issues that affect the community are discussed, and the person who is in the role of Apu often submits to their demands. The physical space where the assemblies are held is shared by the school which, at the same time, has served as a space for the Ministry of Housing and Sanitation, which is in charge of starting the construction of the water and sewage network.

TÍTULO II
DE LA ORGANIZACIÓN DE LA COMUNIDAD TITULAR ALTO PAJAKUS

Artículo 4°. La comunidad nativa Alto Pajakus se crea con la Resolución Directoral N° 1463-77-DGRA/AR, el 21 de junio de 1977; y tiene a la comunidad Alto Pajakus como comunidad titular; y a las comunidades Alto Pupuntas y Nuevo Creación Chapiza como comunidades anexas.

Artículo 5°. La comunidad titular Alto Pajakus tiene dos (02) comunidades anexas y no se permite la creación de nuevas comunidades anexas dentro de la jurisdicción de la comunidad titular.

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Imagen 58. Creation Act of Alto Pajakus.

Source: Nugkagkit, 2022.

Regarding the quantification of people and households, Alto Pajakus has 360 people, 179 women and 181 men. According to the census conducted in the community in 2022, the community is made up of 77 households. One of the issues identified in both communities is that there are still no statistics that make the issue of disability visible. Therefore, the importance of raising awareness was highlighted regarding the need to have questions to make visible the population with disabilities or LGBITQ+ that may live in the community.

4.1.2 Shipibo-Konibo Indigenous People

The Shipibo-Konibo people (Shipibo, hereafter) represent 5.66 % of the indigenous population in the 2017 Census, which places them in sixth place among the peoples with the largest number of inhabitants. According to MINCUL (2019b): "the population in the communities of this people is estimated at 32,964 inhabitants, being one of the most numerous peoples in the Peruvian Amazon" (p.1) (See Map 21). Now,

unfortunately, the 2017 Census of the National Institute of Statistics and Informatics did not consider indigenous communities in urban areas. For this reason, the Shipibo community of Cantagallo in Lima (2019b) was left out of the count.

This indigenous people has a great capacity for mobility and for establishing communities in urban areas, such as those settled in Coronel Portillo, in Ucayali, or in Cantagallo, in Lima. One of the most important characteristics of the community is that it bases its main economic income on art. The art called "Kené"[9] is unique and characteristic of this indigenous people that is visualized in woven fabrics, murals, handicrafts, drawings, etc. The Shipibo women, in most cases, are in charge of maintaining this tradition, being the ones who sustain the household economy in the communities. In 2008, Kené art was declared a national cultural heritage with Directorial Resolution RD N 540/INC-2008.

[8] For more information please visit the following link: https://pueblosoriginarios.com/sur/amazonia/shipibo/kene.html

Map 20. Location of the Shipibo-Konibo population in the Amazon.

Source: MINCUL, 2019b. Prepared by the authors.
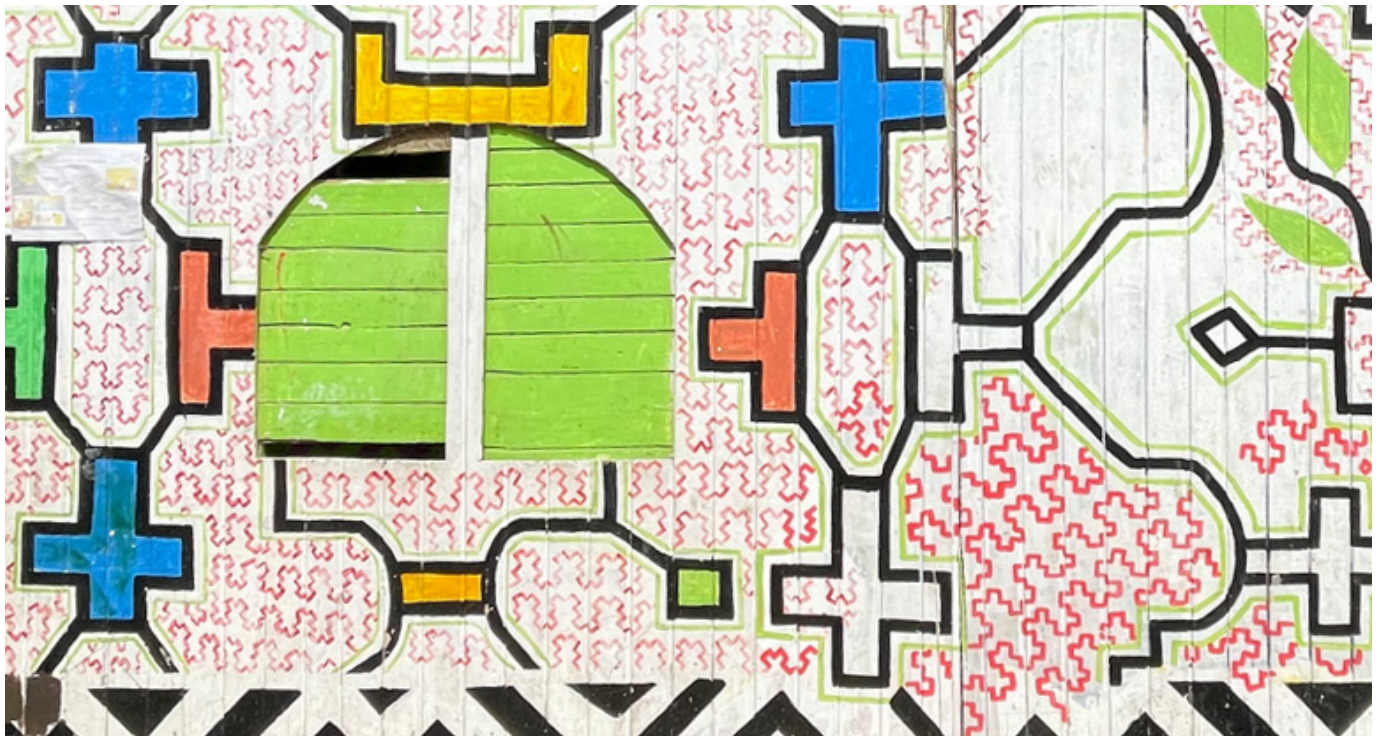
Image 59. Example of Kené Art.

Source: Rosa Arévalo, 2022.[9]

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[9] Photograph of the facade of the artisan shop of the Shipibo Housing Association in Lima (AVSHIL).

In terms of their political dynamics, depending on the areas in which they settle, they are organized in civil associations or federations. They have a real strength for developing direct relations with the State, either at regional or central level. According to MINCUL:

> [..] the Shipibo-Konibo people have been participating in seven prior consultation processes. These include the process regarding the proposed categorization of the Sierra del Divisor Reserved Zone as a National Park, the proposed Imiria Regional Conservation Area, the modification of the zoning of the Master Plan of the El Sira Communal Reserve 2015-2019, the Hidrovía Amazónica project and hydrocarbon lots 189, 191 and 195" (2019b, p. 6). .

This shows not only how close this community is to situations that affect them directly, but also the organizational capacity they have to respond officially to these situations and processes.

4.1.2.1 Shipibo Community of Cantagallo

LThe Shipibo-Konibo community of Cantagallo was created due to the mass migration of young people from Ucayali, a region in the northeastern part of the country during the 1990s. The main reason for these displacements was to pursue higher education that could not be guaranteed in their regions of origin. After settling in the districts of Breña and Rimac, they decided to gather in the vacant lot now known as Cantagallo.

This is the first urban native community in Peru, which, although it has brought advantages by being located in the capital, close to various institutions that are not near their place of origin, it has also been invisible in the censuses or official statistics of the National Institute of Statistics and Informatics (INEI). This is because the Peruvian state only counts indigenous peoples in rural areas, and consequently, geo-referenced maps and census reports do not identify the Cantagallo area as an indigenous community.
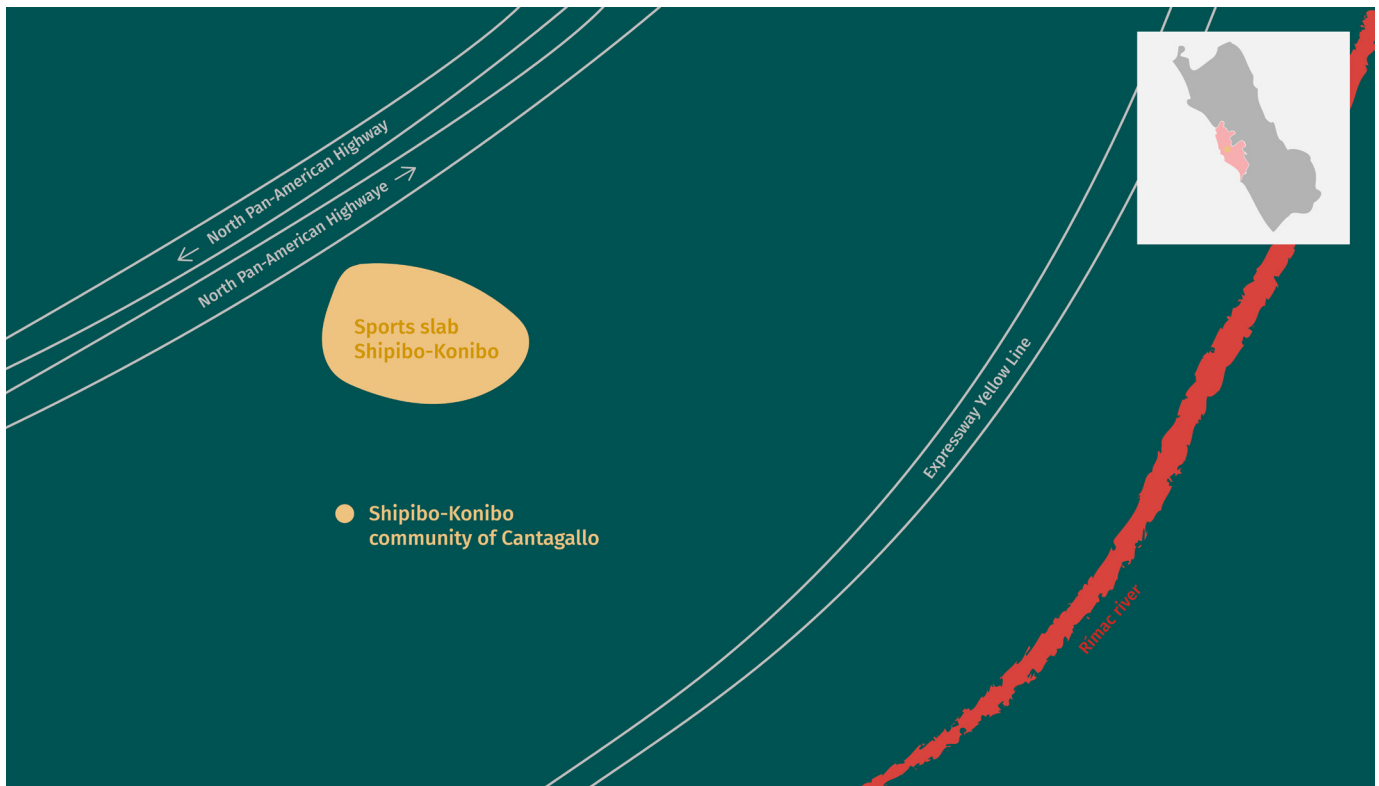
Map 21. Shipibo-Konibo people of Cantagallo-Rímac, Lima.

Source: Google Maps 2022. Prepared by the authors.

It is worth noting that during the late 2000s, shortly before its final establishment (Espinoza, 2019) in early 2010, the community of Cantagallo began a territorial conflict with the Metropolitan Municipality of Lima (MML). The conflict centered on the fact that the MML wanted to build a Vía Parque Rímac project that included the land where they live.

At the beginning of the administration, an attempt was made to relocate them through dialogue, taking into account the provisions of ILO Convention 169, but the next municipal administration did not continue with the dialogue, and therefore had a more direct confrontation with the community. During the research, it was learned that a new plot of land had been provided for the community, but the process was not clear or transparent, and so several of the people felt mistrustful about whether this would actually become a reality, and the relocation project was delayed.

Subsequently, on November 4, 2016, the community suffered a serious fire that according to reports from the Ombudsman's Office affected 436 homes and 2038 people (El Comercio, 2016). During the research, it was learned that since that date, the community has sought to rebuild its territory, but there has been no presence of public representatives that could guide the process. This situation has represented the main challenge, since the community is currently struggling to gain recognition from the Peruvian State as an indigenous people living in an urban area. In addition, another challenge encountered is that living in an urban area involves differentiated logics that have been brought from the Shipibo worldview to the center of Lima, the capital of the country.

To date, the community is made up of approximately 300 families, each of which is part of four different associations: Shipibo-Konibo Urban Community Association of Lima; Shipibo Urban Community Association of Metropolitan Lima (ACUSHIKOLM); Shipibo Housing Association in Lima (AVSHIL); and Shipibo Residents Association in Lima (ASHIREL). Its president or community leader represents each association. In turn, each of the associations also has a political structure, similar to that of the Awajún. However, the figure of the president bears a significant weight, both in decision-making and in the legitimacy granted to them by their associates.

It is important to mention that for this research we worked with 442 people, where 365 were directly involved and 77 indirectly; all of them belonging to AVSHIL, ACUSHIKOLM, and Community Association.

4.2 Socio-historical situation of each community

The purpose of this section is to consider the most common forms of production and reproduction of communities and the obstacles they face. In order to understand the dynamics of production, the following variables are considered: Territory, Knowledge systems, Financial capital and Organization (Inter-American Institute of Human Rights, 2007) (See Table 18). It should be mentioned that each community's approach to human mobility has been different. For Alto Pajakus, its conformation has to do with political processes, unlike the Papag Entsa and Cantagallo communities, whose origin is linked to issues related to social factors.

Variable	Definition
Territory	Axis on which the communal dynamics are based, where social, political and economic activities are carried out. It is also considered a symbol of indigenous autonomy.
Knowledge systems	Information and knowledge derived from the internal and external abilities to take action they can count on. The first system, related to tradition, worldview, and intrinsic forces of the community. The second, related to the actions of actors such as NGOs, Churches, and Public Institutions that have an influence within the community.
Financial capital	Expressed in multiple forms: grants, indigenous funds, loans, credit systems, indigenous enterprises, "fair" trade, undignified (sic) employment opportunities, and payments for environmental services.
Organization	Whether formal or informal, these are defined as spaces in which the political-collective exercise, productive, reproductive (survival) and recreational work or social capital can be directly perceived.

Table 18. Definition of variables to be considered in the production dynamics of the communities.

Source: Prepared by the authors based on information from the Inter-American Institute of Human Rights, 2007.

4.2.1 Papag Entsa

Image 60. Visit to Papag Entsa Community and ODECOFROC.

Source: Rosa Arévalo y César Ruiz, 2022

One of the first issues identified in relation to the mobility approach is that the conformation of the Papag Entsa community emerged when the people who were part of the community annexed to Nuevo Kanam decided to separate and become autonomous.[10] Native communities do not usually have many inhabitants, since the plots that are given to them are divided between families, and Nuevo Kanam had already exceeded the number of people that its territory could grant. In this way, a group that had direct and indirect family relationships decided to move to a new plot of land near their old community.

Although they self-identify as Awajún, their identity stems from the community as the axis of their social and political life. They say that, although they were not born in this territory, the children born after 2020 are from this place, so the legacy they have to give them is important and is directly related to the care of traditions, community life, and the dynamics that are taking shape in Papag Entsa.

As a young native community, Papag Entsa has several obstacles that impede its development in full freedom. One of the first has to do with the exploitation of natural resources in the area. During Alan García's second presidential term in Peru (2006-2011), the Awajún people of Amazonas were affected by regulations that threatened the Amazonian territory by allowing the concession and sale of the jungle for biofuel cultivation. During 2009, the conflict exploded in the so-called Baguazo,[11] and several Awajún, Wampís and Achuar from all over Amazonas manifested their disagreement, through strikes, highway takeovers, organized because of the legislative and executive initiatives, which the FTA also tried to facilitate with the United States. These initiatives put the populations of these areas at risk, which led to the formation of struggle committees in the areas of Imaza, Nieva, Cenepa, Marañón and Santiago. As a result, 33 people died, including police and indigenous people.

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[10] Findings from field work in March 2022.

[11] The social conflict that broke out in the so-called "devil's curve" in Bagua, Amazonas, was called *Baguazo.*

ORGANIZACIÓN DE DESARROLLO DE LAS COMUNIDADES FRONTERIZAS DEL CENEPA -ODECOFROC

ODECOFROC

El Cenepa, 24 julio de 2022.

PRONUNCIAMIENTO A LA OPINIÓN PUBLICA

1.- Venimos tomando acuerdos en diferentes reuniones donde la población general Cenepa vienen pidiendo la interdicción e intervención y cese inmediato la minería ilegal instalaciones en diversas comunidades nativas.

2.- En el día 17 de julio del presente año en curso, promovidos por los mestizos mineros ilegales dueños de las maquinarias (como dragas) mas 400 personas nos habían atacado a las instalaciones de ODECOFROC donde habían destrozado varios materiales, la instalación del internet, cables, puertas y las autoridades como el alcalde del Cenepa, subprefecto y el director de la UGEL Cenepa y consejo directivo de ODECOFROC , los jefes de diferentes comunidades hemos estado como secuestrados, nos han insultado, y algunos Apus recibieron maltratos físicos, en esa discusión dijimos que la organización de odecofroc seguirá gestionando la interdicción de la minería ilegal en el Cenepa.

3.- En el Cenepa un grupo de jefes y personas han estado cobrando dinero a los mineros ilegales, entre ellos esta el profesor EULOGIO WAMPUTSAG presidente de la ronda independiente del Cenepa, SR. ROGER TSEJEM jefe de comunidad de Mamayaque, FEDERICO UJUKAM jefe de la comunidad de Tutino, SR. SERGIO KUNCHIKUI INTASH jefe de la comunidad de suwa pagki, ellos son los que mueven a los miembros de las comunidades para atacar a las instalaciones de odecofroc, ellos mismos están organizando realizar una reunión para tomar nuevamente a las instalaciones de odecofroc para el día 30 de este mes año en curso.

4.- La organización de odecofroc, el consejo directivo, y su equipo técnico, jefes de las comunidades defensores y defensoras del medio ambiente agradecen profundamente al presidente de la república, al ministro de defensa y al ministro del interior, la PNP y los efectivos de las Fuerzas Armadas por haber realizado exitosamente la interdicción de la minería ilegal en las comunidades de WAWAIM y en la comunidad ANEXA SANTA FE (perteneciente a la comunidad de Mamayaque),quedó pendiente realizar la interdicción las comunidades de TUTINO Y SUWA PAGKI Y otras más.

5.- En horas 9:00 am las FAA y los policías intervinieron a las instalaciones de las dragas en la comunidad de WAWAIM, los policías y militares recibieron disparo de balas por parte de las rondas independientes y los mineros ilegales encabezado del profesor EULOGIO WAMPUTSAG y la policía tuvo que intervenir inmediatamente y resultaron heridos de bala producto del enfrentamiento.

La organización de odecofroc agradece a todas las instituciones publicas y privadas estar en alerta en cualquier amenaza y ataque a nuestra organización, seguimos firmes a la defensa de nuestro rio Cenepa y a los defensores y defensoras del medio ambiente.

Atentamente.

Consejo directivo de ODECOFROC.

Image 61. ODECOFROC Public Statement, July 24, 2022.

Source: ODECOFROC, july 2022.

In addition to the institutional conflict, there is another factor that threatens the loss of territorial autonomy: illegal mining. One of the main obstacles that has existed is that they can no longer move freely in the territory of El Cenepa because several of their leaders have received death threats due to the struggle and defense of the environment.[12] In addition, support for illegal mining has divided the Awajún communities of El Cenepa, which has caused community dynamics to change.

Papag Entsa is one of the few communities in the area that disagrees with the use of dredges[13] for illegal mining. During the visits it was clear that this community recognizes that in other communities there is a division about being in favor or against this illegal activity, since this type of mining can generate income that allows access to services and goods. During the research it was learned that ODECOFROC has made complaints about this as can be seen in the following image.

Another obstacle related to the territory is that, as mentioned above, the Awajún population survives mainly by hunting and fishing. Due to the contamination of the river and the land, these activities are no longer carried out, since the fauna has been exposed and threatened by the risks associated with the use of mercury for gold washing. This impact on the territory implies difficulties for oral traditions, where there is a continuous relationship between culture and nature, which implies a different use of natural resources. Regan (2010) has collected the knowledge of the Awajún people:

"Nugkui and her daughter are symbols of the land and if you mistreat the Nugkui, that is, the land, you lose its productivity and biodiversity. The relationship with Nugkui is the basis of the productivity of the land" (2010, p. 7).

A challenge related to the right to freedom of movement was also identified, which is due to the lack of transportation available in urban centers. Both Santa María de Nieva and Huampami are the closest cities to the communities of the Cenepa River. Transportation is informal, which means that safety measures are not enforced. Many times the boats that cross the river are chalupas that go faster than allowed, competing to fill the boat with more passengers. In other words, the lack of control means that fixed schedules, number of passengers, and type of luggage, among other things, are not established.

In addition, since there is no formal transportation, there is no opportunity to return the same day, so emergencies or services that need to be performed need to be dealt with in the community until the next day when transportation to the nearest urban centers is available again. The financial aspect further restricts travel. Fares increase based on the price of oil, which makes it unaffordable if there are several people to move. As of 2020, the average income of a rural jungle family was 442 soles (approximately 111 US dollars) and the price of a chalupa trip from Papag Entsa to Nieva costs about 80 soles (20 US dollars).
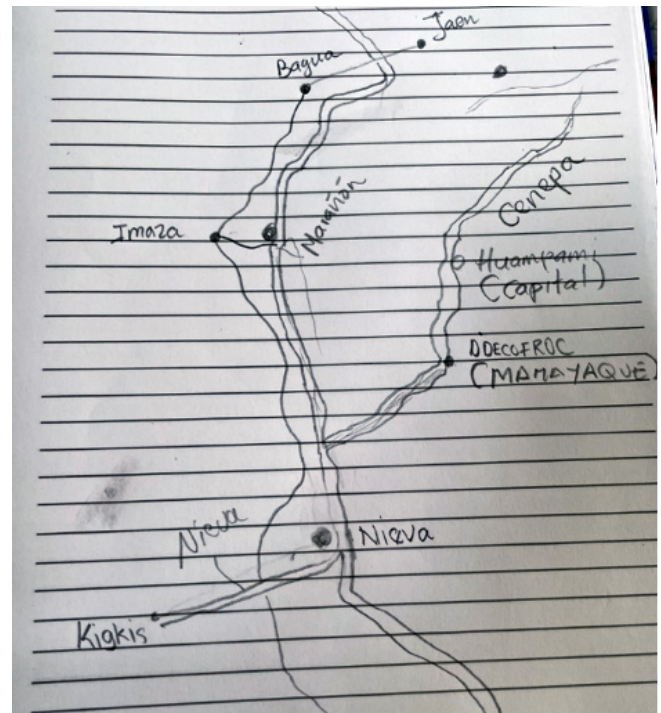
Map 22. Sketch of the nearest urban centers.

Source: Óscar Chigkun, 2022.

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[12] Review the following chronology: https://ojo-publico.com/3602/la-mineria-al margen-de la ley-enfrenta-las-comunidades-awajun-en-amazonas

[13] Vessels used for washing gold collected from rivers.

In terms of knowledge systems, this community relies mainly on the people called comuneros as agents. During the work carried out on the indicated dates, no agent external to the community representing any other institution was observed. Thus, the main obstacle in relation to this aspect is that there is an evident gap and abandonment on the part of state agents. This shows the lack of interest given to them in the public agenda, which causes the crises to worsen and the unlawful economies to continue to grow, without an official institutional response. .

This is related to the fact that there is no articulation with public policies to find strategies, actions and programs to solve the challenges described. In addition the imaginary upheld by the State, mainly in Lima, considers that the traditional knowledge of the community generates backwardness for the country, rather than intercultural ways to solve the obstacles. In this regard, several politicians - during the context of the conflicts in Bagua - expressed this viewpoint. The main one was an article called El síndrome del perro del hortelano, written by former President Alan Garcia in 2007.

Likewise, congressmen such as Mauricio Mulder pointed out: "The Government considers that these decrees are not unconstitutional. The APRA party considers that they favor the sustainable development of the country's natural resources. Here there is *radical* politics motivated by violent groups" (June 5, 2009). This discourse is completely the opposite.

However, for the community the idea of development is understood as the possibility of generating options to freely decide how to implement the Tajimat Pujut, and they recognize the need for development in their territories in order to improve the situation in which they find themselves. For the *Papag Entsa* the idea of caring for the environment and its resources predominates, which is not opposed to the idea of western development. Regan (2010) identifies this point when he notes that, during the *Baguazo*, the Awajún "perceived the threat to their subsistence, their identity and their spirituality, all so closely linked to their

ecosystems. They are not opposed to development, but to the type of development offered by the State" (p. 2).

A vision without an approach based on human rights and without an intercultural approach, forces development to be understood in only one way. This makes invisible the cases where the necessary bases have not been provided to cover the lack of services, goods and other issues outlined by the State, and whose duty is to guarantee and fulfill them.

Consequently, the organizations and community members of the area have activated the responses themselves. ODECOFROC is the main actor that capitalizes on this function; however, the lack of state presence and the invisibility of this part of the territory mean that they are not taken into account in decisions that deserve their intervention, as they are the ones who channel the demands and listen to the problems of the area.

Regarding the obstacles related to financial capital, it should be understood that Papag Entsa only has the daily means of subsistence that come from their work inside and outside the community. Inside, since some people usually provide services or goods in exchange for money. In Papag Entsa the most common are:

· Haircutting.
· Sale of groceries, personal hygiene products, and generic drugs.
· Rental of solar panels to charge electrical products.
· Internet rental by the hour during the evenings.[14]

Outside of *Papag Entsa*, work related to agriculture is fundamental; however, it is not done every day, since it requires travel outside the community, which implies taking boats or chalupas. Regarding this, it is important to consider that the dynamics of gender roles are very marked, given that it is the men of the communities who go out to do this work. Only in the case of households supported by single mothers, or mothers whose husbands migrate to other communities for temporary work, are women in charge of this work.

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[14] The rental of solar panels and internet depends on the weather (sun and rain).

ORGANIZACIÓN DE DESARROLLO DE LAS COMUNIDADES FRONTERIZAS DEL CENEPA - ODECOFROC

El Cenepa, 02 de setiembre del 2022.

PRONUNCIAMIENTO A LA OPINION PUBLICA

Queridos ciudadanos, ciudadanas, autoridades de diferentes instituciones públicas y privadas, y estimados congresista de la república, Ministros del Estado y los ONGs, la organización de ODECOFROC, se crea en año 1995, desde su creación venimos gestionando la titulación de nuestras comunidades, defendiendo nuestro territorio ancestral, la biodiversidad ecológica, derechos de la mujer, la niñez, la juventud, la educación EIB, la salud y así fomentando los proyectos productivos como cacao, piscigranjas, chacra multiestrato, la educación comunitaria y los círculos de aprendizajes en nuestro territorio, gracias a los **COOPERANTES Y ONGS** que nos vienen apoyando, pero insuficientes.

2.- Señores, mientras que ocurre esto, en el año 20218, ingresaron los mineros ilegales en el rio Cenepa en coordinación con los **APUS o JEFES** de las comunidades donde están extrayendo mucho oro contaminando el rio Cenepa por el arrojo del mercurio, generan conflictos muy fuertes en las comunidades por falta de transparencia del manejo de fondos económicos de la minería ilegal, prostitución, alcoholismo, coimas y sobornos, **ATAQUES Y ROBOS** de los materiales de ODECOFROC, amenazas, injurias, difamación a los dirigentes defensores del medio ambiente, estos hechos esta en manos del poder judicial.

3.- Frente a esta situación, como organización indígenas defensor del medio ambiente y derechos humanos hemos acudido ante el gobierno nacional donde pedimos instalación de la mesa técnica en la provincia de Condorcanqui, el gobierno cumplió de constituir la mesa técnica y en esa mesa técnica en presencia de todas las autoridades, junto con los dirigentes indígenas regional y GTAA hemos pedido el estado de emergencia para combatir la tala ilegal, minería y otros, ahora nos sorprenden con el acta de reunión extraordinaria realizada en la capital de la provincia Santa María Nieva a horas 10:50 am, del día 01 de Setiembre del 2022, done estuvieron el alcalde provincial de Condorcanqui, las autoridades, apus de diversas comunidades y dirigentes a favor de la minería que toman acuerdos RECHAZAR o ANULAR el estado de emergencia, levantamiento del paro y otros puntos más, esta decisión significa DEFENDER la minería ilegal, tala ilegal, y otros.

4.- Señores, ODECOFROC y otras organizaciones de la localidad no fueron invitados en la reunión del día 01 de Setiembre del 2022, por lo tanto, por la disconformidad ODECOFROC no formará parte del levantamiento del paro, a demás manifestamos que seguiremos **RESPALDANDO** el **ESTADO DE EMERGENCIA** hasta erradicar la minería ilegal, tala y otras actividades ilícitas, la presencia de la minería, la anemia, la desnutrición es por **CULPA** de los alcaldes del Cenepa, Santiago, Nieva y GOREA por ellos nunca han invertido en proyectos productivos para combatir los problemas antes descritos.

Atentamente.

Hortez Baitug Wajai
DNI N° 44799991
PRESIDENTE

Image 62. ODECOFROC Public Statement, September 2, 2022.

Source: ODECOFROC 2022.

Although the community does not currently have basic services that require the payment of a monthly fee, such as water or electricity, money is essential to acquire the services mentioned in the previous paragraphs. In addition, it serves as the main mechanism to be able to leave the community and pay the fare for the passage in the chalupa.

However, the research recognized that the cooperation projects have had an impact on the economic dynamization of the community, since the purchase of food, the rental of communal premises, among other expenses within the community means necessary income. It was noted that sometimes this income has been used to cover personal expenses that have an impact on the entire community. For example, expenses were covered for the travel of community members to Nieva to discuss issues related to the environment and illegal mining.

It is worth noting how conditional transfer social programs, such as JUNTOS, have been able to have a positive impact on the Awajún community. However, rising prices have made it more expensive to reach the collection center, such as the nearest Banco de la Nación, which is in Santa María de Nieva, but no beneficiaries of this social program were identified during field visits. According to studies by Correa (2014), the JUNTOS program has had legitimacy in the Amazon, so there was an expectation of expansion to other areas. Since Papag Entsa is a new community, it could be an incentive for this program to register new beneficiaries. In this sense, it is up to MIDIS to generate an intercultural opening to focus on this area.

On the other hand, during the COVID-19 pandemic, the government provided various vouchers, which, according to community members, were difficult to collect, because transportation costs could be more expensive than the vouchers to be collected at the bank; secondly, the lack of electronic devices and internet meant that not everyone knew that they would have this benefit.

Regarding the organizational component, the Awajún should be considered a group with great organizational capacity. Their deployment during the Baguazo redefined their organizational power. Regan (2010) points out that:

What remained hidden from the understanding of state officials and the majority of citizens is the organizational capacity shown by these peoples, and all this coordinated by leaders who have no authority to

command, but are only representatives, and where the leaders make decisions by consensus (p. 2.

Nevertheless, Papag Entsa also suffers from the same problems that are pointed out to the authorities at the national level. Sometimes the low legitimacy of the person in the position of Apu has an impact on how the communal Assembly can prevent him/her from acting as head of the community. It was reported in the fieldwork that for the Awajún population of Papag Entsa, the Assembly is the highest decision-making body, where corruption cases have often been discussed. The dynamics of its functioning is related by Cornejo:

The communal assembly is the highest decision-making body. It is a meeting of community members registered in the communal register with voice and vote. The assembly can elect and remove members of the communal board and approve and interpret the community statute (2015, p. 74).

Although only the community issue is being touched upon, it should be noted that there have been inter-ethnic conflicts over who can represent public spaces (Cornejo, 2015).

4.2.2 Alto Pajakus

CAs mentioned in the previous section, the territory for the Awajún community is where they can deploy their full autonomy. In the case of Alto Pajakus, it could be conisdered that they have greater advantages because they do not face the division of the river, or because they have been constituted as a native community within the province of Nieva for a long time. However, despite having been established at the end of the seventies, the lack of protection and distance from the State has meant that regardless of governments, ideologies and agendas, these communities continue to be placed in categories that subjugate them to situations of precariousness in various aspects.

The research revealed that logging is an illegal economic activity that has not been completely rejected in the area. In the workshops, it was stated that they are aware that this can damage their territory and the environment in the long term. However, they also oppose the idea of prioritizing economic resources that allow mobility and displacement in this area to Santa María de Nieva or Loreto. However, it was noted that

the lack of state presence may facilitate the continuity of these actions.

The territory is also thought of in terms of who should guarantee the provision of basic services and rights such as health and education. Unlike the previous community, which takes it for granted that they must go out in order to acquire these services, Alto Pajakus demands that the State must guarantee that these services are as close to their community as possible. There is a medical post of the Regional Health Directorate (DIRESA), but it does not have sufficient tools or personnel to attend to medical emergencies. The same goes for schools; although there is a kindergarten and elementary school in the same area, they are either unavailable or unusable.

Temporary displacement or migration outside their community, but within what the State continues to recognize as part of Awajún territory, is very common. This occurs as part of the work in the Chacras[15] in Loreto, a neighboring department. It should be noted that there are latent risks, as the displacement is done by river.

A clear example of this situation occurred with members of the community who decided to go to Loreto to work temporarily, at which point the boat collapsed leaving the crew members at risk: the boat disappeared and the people got out alive. They were affected by the loss of their belongings and cell phones, and had to walk for days along the riverbank to return to their territory and their community. The above example shows the lack of communication networks, electricity, internet, and formal transportation affecting the right to move freely through the territory, and the integrity, health and life of the population.

In relation to the dynamics of production, they are dissatisfied with the economic system of the market in relation to agriculture; for example, the research identified that they are not satisfied with how the products they harvest are being valued. Specifically, bananas require a long process in terms of time and care, which implies an investment of economic resources; however, when they go to Santa María de Nieva to make the sale, they cannot compete in price with the products there and their products remain unsold. This has caused them to abandon agriculture as a means of subsistence, becoming involved in other activities, such as illegal logging.

Image 63. First meeting with leaders of the Alto Pajakus Community.

Source: César Ruiz, 2022.

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[15] Land where the soil is cultivated for harvesting purposes.

Although officials from the Ministry of Housing, Construction and Sanitation (MVCS) were present - which can be considered an external actor - this dynamic is still very weak because it does not discuss the underlying social problems, since there is no clear presence of the State in Peru, particularly in border areas with high State Density Indices (IDE).[16]

Various organizations have denounced the neglect of the authorities in these areas, as it has caused the proliferation of illegal actors who carry out the following criminal activities: human trafficking, drug trafficking, mining, and illegal logging. This situation of institutional neglect has made the presence of these actors preponderant, because they have changed the dynamics of the border zones and have put at risk the lives of actors trying to stop this situation.

Although the case of Alto Pajakus has meant a symbiosis between the community, the lack of state presence and illegal actors, these dynamics should be thought of as a form of response to the need and absence of state or public institutions. However, it was clear that, in order to make these decisions, the community had to discuss them in its assembly, which governs the spaces of response in the public sphere, and marks a clear awareness of the repercussions of actions and non-actions.

As in Papag Entsa, the absence of any state or private sector actor has meant that the community is the one who has been responsible for the important changes required. In other words, in the absence of institutional channels of political representation, the communities have been the ones to carry their own agendas and try to insert them at a local, regional or national level. As described above, although this community was established in 1977, it was not until 2022 that work began on the water and sewage network. One of the inhabitants of the area said that it took years of community organization, trips to Nieva and Bagua, a process of approximately five years, and at the community's request, it finally came to fruition.

Image 64. MVCS construction site sign in Alto Pajakus.

Source: Rosa Arévalo, 2022.

One of the positive impacts of the project, in addition to the construction itself, is that the Ministry has initiated an educational program to raise awareness about the use of cleaning devices (sinks and toilets). Until the last visit to the community during the investigation, the inhabitants only had latrines and silos located in different areas of the community. It is also important to note that it is as yet unknown if this water and sewage system will be charged for.

As Escalona Guerra (2014) refers, the constant unsupervised use and lack of waste management can cause damage and disease, where the most affected are women, given the care required for menstrual cycles or during gestation. The community mentioned that the latrines are for temporary use while the water and sewer system is being installed. However, according to a study by Cooperacción (2021) of the Awajún and Wampis peoples of Amazonas and Loreto, it was found that 95 % indicated that silos were the predominant sanitation system. Likewise, 16% do not treat the water they consume. These characteristics are common in

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[16] Concept developed by UNDP in the framework of the measurement of human development, and which indicates the presence of the Peruvian State in its jurisdiction.

almost all of the Awajún territory, and are one of the main obstacles to the development of their productive capacity. Alto Pajakus is no exception.

Regarding the financial capital component, it should be noted that the community subsists based on its activities in agriculture, commerce and timber. Unlike Papag Entsa, Alto Pajakus only has labor activities that require leaving the community. Both trade and the acquisition of products or services are usually carried out outside of the community.

Although electricity was available free of charge up until the close of the research, the community is still concerned about the fact that there are blackouts more than once a day. This is repeated in Santa María de Nieva, which causes damage to household appliances and electrical equipment.

In terms of organization, they share the idea of a hierarchical structure where the person in charge as Apu is the representative of the community for the outside; however, the Assembly continues to predominate as the axis of community discussion. As was identified in the Papag Entsa community, women have a less open role than men in terms of political participation; this same situation was even more evident in Alto Pajakus. Although the Federation of Aguaruna Women of the Upper Marañón (FEMAAM) has existed in Amazonas since 2002, this organization is still weak and has not been able to have an impact on the entire Awajún territory. As IDEHPUCP (2018) points out, the effective participation in these spaces for the congregation and promotion of indigenous women's rights still presents a great challenge.

In the community organization spaces and during the research, no cases were found where there are women Apus. As Norma Fuller (2009) points out, although the dynamics of community management are giving way to the entry of women as the main actors in development projects, they still do not occupy official positions. Nevertheless, in Papag Entsa a strong role for women is visible, although in differentiated spaces in relation to men:

> However, their participation in communal and federative spheres is subject to the opinion -favorable or unfavorable- of their husbands. Men are very reluctant to share their power with women, as this represents not only the loss of political status, but also of the funds for these projects (Fuller, 2009, p. 40).

This testimony shows that women are seen in the community as not being capable of taking on roles or projects at the same level as men, which creates a great gap that depends on the approval of the men in the communities.

In the case of Alto Pajakus, women do not have as visible a role as men, either in public or private spaces. Although during the call for the workshops, it was requested that there be parity, the arrival of more men predominated. Also, unlike Papag Entsa, where listening sessions were identified where the female role was predominant, in Alto Pajakus, everything revolved around the board of directors and the community promoter. The opportunity to have a woman as a community promoter in the first community also helped to make visible problems that, without the gender perspective, were invisible. These events helped to measure these variables in Alto Pajakus, where it became evident that women are uninformed about their rights, and there is a need to promote spaces where this inequality gap can be evened out.

Although an attempt was made to delve into the practices of suicide, as a differentiating element of the relations and tensions between genders, based on great humiliations that mainly affect the male gender in relation to what could "have been done" to the female gender, no evidence was found in any of the Awajún cases. However, the same cannot be said in the case of women, since while these practices were identified in men, they were never visible in women. Regarding this specifically, Fuller points out that: "The situation of Awajún women has been precarious since time immemorial and it seems that one of the ways they found to protest, threaten or flee was - and is - to take their own lives" (2009, p. 39).

4.2.3 Cantagallo

The situation in Cantagallo is much more complex, given that in addition to being an indigenous community in an urban area, it is composed of the four associations already mentioned, which have direct relations and tensions among themselves.

In relation to territory and human mobility, the Amazonian population increasingly has a clear tendency to move towards cities (Espinoza, 2019). The Shipibo-Konibo community, unlike the previous cases, has not had an attempt at urbanization in the sense that they are trying to acquire services or proximity to urban centers to energize their economies and practices. In contrast, this community has decided to migrate to large cities.

Although the challenges of migration bring with it a possible detachment from the culture of origin, the Shipibo community in Lima has been very clear that they must prioritize proximity with their own community. Now the dynamics of return mobility continue. The main reason for leaving is the better offer of services, goods and guarantee of rights in general. According to the capabilities approach related to Nusbaum's concept of Human Development (2002), the possibility of choosing the type of life one wants to develop is based on the options one can have to develop fully and freely. Considering this aspect, the communities that migrate try to fulfill this objective, given that, in many cases, in their places of origin these aspects cannot be guaranteed, resulting in cycles of multidimensional poverty and other types of precariousness.

The choice to locate in Cantagallo is linked to the proximity to two important elements in their worldview: the Apu San Cristobal (in this case, translated as hill) and the Rimac River. Edgard Escalante -representative of the NGO Comunidad,[17] which has been working in Cantagallo for five years - commented on the strategic location of the community, as it brings them closer to their roots, taking into consideration that the community is located in the center of the capital and it is unlikely that these elements could converge.

Espinoza points out that when settling in urban areas, indigenous communities want to go unnoticed (2019), which was confirmed during the research when observing that women went out to the market to shop wearing the most "common" clothing possible. They tried to hide physical features that would identify them as non-Limeña, for fear of being discriminated against; however, the accent always identified them as "from outside". These situations in certain contexts expose them to violence and discrimination.

The images representing the Shipibo people are often used as a form of empowerment, but others as a reflection of exoticization, such as when the women appear at fairs and public events with their typical clothing,[18] so as to promote their designs based on Kené art, their main form of subsistence.

On the other hand, Espinoza considers that the Peruvian State does not recognize the indigenous communities in urban areas (2019). This is the permanent struggle and tension of Cantagallo, to be recognized as such, in addition to the fact that they do not have legitimate ownership of the territory. Unlike the other communities, Cantagallo was a space occupied by the indigenous population where to date there are no property titles.

In the listening sessions, the idea prevailed that the ownership of property would give autonomy in the management of internal issues of the community to solve the lack of basic services such as: water, drainage, electricity, waste collection. All of this is directly linked to the lack of property titles, which causes tension with the authorities and the provisions related to the holding of property titles in Lima. In this sense, the idea of "native/indigenous community" implies a recognition by the State and, in this precise case, this does not happen. Therefore, the forms of political and social representation and organization are not being recognized.

The Cantagallo community has several particularities: four different presidents or chiefs, as it is composed of four associations, with different demands, interests and claims. In this sense, Peru differs from what happens in other parts of Latin America. Espinoza

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[17] The NGO Comunidad was the first actor to express its interest in the research, as it identified Encuentros as a potential ally in improving the quality of life of the population. Its work is based on a volunteer network mainly with children and adolescents (NNA).

[18] Although they come from a very hot area, the clothes have been adapted to the climate in Lima, which is usually cold most of the year.

pointed out that Colombia already recognizes indigenous cabildos in cities (2019).

Cantagallo was organized on three levels: on the first level was located the Las Malvinas Market -trade, food; on the second level, the Shipibo and mestizo families, as well as the little school and, finally, on the third level were located the Shipibo families, including the artisan mothers (Espinoza, 2019, p. 163). The dynamics of their territory changed in 2016, with the fire that destroyed the entire community.
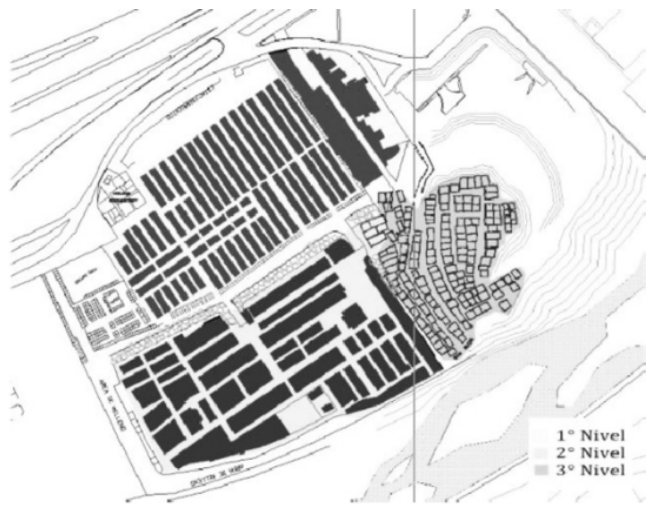
Map 23. Sketch of the Cantagallo Community in 2014.

Source: Lazarte en Espinoza, 2019.

As already mentioned, tensions worsened in 2016. In the listening sessions, it was found that several members of the associations directly blamed the then municipal authorities and pointed out that the fire was arson, since they refused to leave the land for the construction of the Vía Parque Rímac project.

It is important to note two key points prior to the fire; the first occurred in the 2011 consultation, when the community wanted to have its collective property title, in order to maintain its dynamics, including the intercultural bilingual school and a recreational space. The premise of indigenous autonomy made the *collective* component prevail in the request. The *Shipibo* are recognized for organizing themselves outside of their communities of origin, and maintaining their traditions, so the concept of *collective* in their property title emphasizes their culture, and taking care of it.

The second moment was the change of municipal management in 2015, which caused the dynamics to take a radical turn regarding the ways in which relations between the community and the authorities would be established. Again, they moved away from intercultural dialogue and, this time, reached agreements contrary to the idea of collectivity, since, despite the fact that it had been determined that only 226 families would be relocated, the actual project intended for it to be a smaller group (Espinoza, 2019). Subsequently, the new mayor's administration ignored the previous agreements, and denied that the community would be relocated.

In addition to the tensions, the community suffered flooding of the sewage system, so that the sewage affected them, aggravating the situation generated by being in a sanitary landfill, which affected the health of several residents. The children were also affected by the location of the bilingual school, which the Ombudsman's Office made a pronouncement about without success, because the Metropolitan Municipality of Lima (MML) ignored the situation.

According to the Shipibo, the fire was only a tactic to eliminate the community and the following year a worse crisis was generated. In the listening sessions, several people expressed that this was the response of the national government[19] and that those who supported the community were the organized civil society and the Lima community,[20] indignant about what was happening.

The national government, with the direct responsibility of the Ministry of Housing, Construction and

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[19] Through the visits of the then Ministers of Education and Housing, they assured that the school had to function so that the children would not miss classes. Likewise, the president at the time, Pedro Pablo Kuczynski, assured that the basic needs of the community had to be covered in the face of the fire.

[20] The support of society was felt by sending donations immediately after the disaster. Various initiatives ensured that the Shipibo groups were taken care of, most of whom had lost everything, including their livelihoods.

Sanitation, in 2017 committed to the relocation; but they told them that first it was necessary for them to leave the land where they were located. They had to consider the seasonal displacements that the Shipibos make to Ucayali, either for planting, harvesting, or visiting their relatives.

During the investigation, it was reported that 500 soles were given as a voucher to find a temporary home or house until the land could be reopened. Unlike the initial relocation project, this one did not include the same space or the relocation of the bilingual school. The response they were given to organize themselves was to stop calling themselves a native community and become an association; however, aware of this change, the community self-managed in order to rebuild itself. .

In the listening sessions, a member of ACUSHIKOLM pointed out that during the fire many families lost the loom machines that were part of their Kené weaving workshops. They said that they had to build everything from scratch, considering the absence of the central government and the MML. The territory, then, within the community, has become an axis, but also a

dispute for the recognition of the State. The shortcomings of the territory make visible the economic, political and socio-cultural dynamics that have been built behind its back.

In terms of knowledge systems, despite being located in the capital, they shares the same as the other two communities. It is down to their own ability to take action or to non-governmental initiatives that have served as spaces that offer support on specific issues. In this sense, although after the fire there was an opening and visibility of the community, the actors that intervened at the beginning disappeared afterwards and are no longer present in the community.

One of the main obstacles related to financial capital has to do with the fire, which together with the indifference of the institutions caused the production dynamics to change. Artisan mothers - who are the main breadwinners of the Shipibo families - were totally affected. As mentioned above, each association has its own artisan shop, where mothers work as artists making textiles, drawings, paintings, jewelry, and kené art in general.

Image 65. . Entrance to Cantagallo community.

Source: Rosa Arévalo, 2022.

Even after the fire, the community continues to be visited by tourists and art collectors; however, this dynamic stopped during the fire and reconstruction of the community. This caused considerable economic losses to the community. Internally, however, dynamics have remained that can be placed on the first level described in map 24. Informal commerce is usually related to the sale of food, including typical jungle dishes.

On the other hand, the constant displacement to the communities of origin in Ucayali makes it possible to maintain economic practices such as agriculture. Espinoza (2019) points out that the proximity to the Central Highway makes the round trip between Lima and Ucayali an easy commute, considering how feasible it is to acquire tickets that fit the economies of the families in the community.

After recovering from the fire, the dynamics returned to normal, but it was noted that with the arrival of the pandemic, the informal economy increased, which meant that subsistence based on handicrafts was not enough, putting at risk the economy of families who live from day to day, an income that can only be obtained if they go out to work. Since state records do not recognize Cantagallo as an indigenous community, as it is located in an urban area, there are no traces of those who received some of the MEF's economic bonuses.

The political organization of Cantagallo is equitable, since it seeks to have parity in that there are two male and two female presidents; but, despite the fact that women in this case have taken on a much more predominant role, they are still assigned household chores, so they work twice as much as their male counterparts. It is worth remembering that the artisan mothers are the ones who bring home the most money, since the artisan work is constant, while the men depend on informal and occasional jobs.

At the same time, there are internal disputes that have caused the lack of agreements on basic issues of coexistence in the community. Artisan mothers have confrontations over clients, and they have disputes over economic income. This situation transcends the sphere of work, and leads to confrontation in the political sphere between associations.

At the same time, there are disputes over space in the community. The Community Association, the most recently formed, lacks the organizational and material resources that the other associations have. Thus, they depend on the resources and materials that the other associations can lend them, which has led to confrontations. Likewise, the organizations have different numbers of associates, with ACUSHIKOLM having the largest number of members, followed by ASHIREL, AVSHIL and the Community Association

As we have seen, each community has different characteristics in relation to the categories that have exposed the various obstacles. The background is the same: given the predominant absence of authorities, they have self-managed themselves. It is important to emphasize that there are clear differences in terms of gender roles and women's involvement in public and political life.

4.3 Interaction of each community with other actors

All of the information presented below is based on the GTR Monitoring Model table prepared for each community, which indicates that state, non-state and organized civil society actors have been identified, as well as informal and/or illegal groups, and the presence and interest of each is established as: High, Medium or Little and None. Likewise, in all three cases, the NGO Encuentros SJM has been considered as one of the key actors, since it is usually the only external actor identified with the improvement of the development and quality of life of the communities.

4.3.1 Papag Entsa

In the case of Papag Entsa there are three types of actors that converge in what should be the interest of the research. Although not all of them share the same degree of interest, it is important to map their existence, projecting that the community will grow more and more.

Type of actor	Name	Interest		
		High	Med to low	Null
Non-state	ODECROFROC	X		
	SAIPE		X	
	Encuentros SJM	X		
Satate	Ministry of Justice and Human Rights		X	
	Ministry of Women and Vulnerable Populations			X
	Ministry of Development and Social Inclusion			X
	Ombudsman's Office		X	
	GORE			X
Informal and/or illegal groups	Illegal Miners			X

Table 19. Summary of the type of interest held by key actors in *Papag Entsa* territory.

Source: Prepared by the authors.

4.3.1.1   Non-state actors

ODECROFROC

This organization has provided a space for coordination of the various communities along the banks of the Cenepa River, and its purpose is to ensure the protection and defense of the environment in that area. Its main activity is the defense of the community against illegal mining

ODECOFROC expressed a high level of interest in relation to this research. Although this is an organization that coincides with the community, in recent months its work has been threatened, putting the lives of indigenous leaders at risk, including its president, so it has been impossible to publish the problems in the area, and the need for allies is evident. They can be considered to have an indirect role.

Through the organization, it is possible to gain more knowledge about the reality of the community, and in addition, it allows for a broader view of all the communities along the river. It should be noted that it would only have an impact on one of the aspects that has been prioritized throughout this research, which is the defense of the environment in the face of illegal mining.

SAIPE

This is an organization that was created in response to the request that the Awajún and Wampis peoples made to the Society of Jesus. It was created mainly to defend their territory and way of life, which was threatened by the appearance of new external factors. Their interest in the project is medium, since having spoken with representatives it is clear they no longer work in the areas of impact, they now work in the province of Jaén in the Cajamarca Region (bordering the department of Amazonas).

While the organization focuses on protecting communities from external threats, it has been doing so based on its work in Nieva and nearby communities. The dynamics of the river communities are very different and the dangers, in several cases, are greater. In spite of this, its role is indirect; since it is an organization that does not work in the area, the people designated as comuneros do not identify it as a relevant institution. At the same time, it differs greatly from the religion professed in the community. Its resources should not be underestimated, since, for logistical

purposes in the Amazon area, as in Cajamarca, it is often of great help to Ecuentros SJM.

Encuentros SJM

This organization has prioritized its work with people in a situation of human mobility and with international protection needs. It provides assistance and protection to migrants in situations of social vulnerability, especially the Venezuelan population, but has recently opened the component of indigenous peoples, considering the intercultural approach. As the coordinator of research in Peru, it has a high level of interest. It has been the first non-governmental institution to reach the working areas of the Awajún people of Condorcanqui. Its role in the project is fully involved in achieving links with institutions that can continue to enable the development of the community.

4.3.1.2   State Actors

Ministry of Justice and Human Rights

One of MINJUSDH's main functions is to ensure compliance with and guarantee the human rights of citizens and promote the effective administration of justice. During the second visit of the research, we were able to dialogue with an official and advisor of MINJUSDH, who expressed an interest in learning more about the reality of the communities of the Cenepa River, thus determining a relative medium interest. Although the Ministry should have a direct role in protecting the human rights of indigenous peoples and their environmental rights that are affected by illegal mining, yet no actions and programs have been implemented in the area to comply with it.

Ministry of Development and Social Inclusion

The MDIS has as its main responsibility to ensure the improvement of the quality of life of people in situations of vulnerability and poverty. It has been working on the protection of the life cycle, considering that in the different stages of this cycle there are populations that will require more or less specific protection. Likewise, it has been working to eliminate the concept of assistance, and to take into consideration the development of their own capacities. The research identified that this institution has no interest in the community and no interest in the department. Notwithstanding, it should have a direct role in favor of the protection of

groups of children and adolescents and the elderly, by facilitating the dynamics of bond acquisition.

Ministry of Women and Vulnerable Populations

The MIMP is responsible for ensuring that policies, plans and regulations strengthen the protection of families, taking into account gender and human rights approaches. It is the body in charge of designing, promoting, coordinating, monitoring and evaluating initiatives that may intervene in this area. Likewise, it mainly assists cases of gender violence, from a prevention and eradication approach. This institution has zero interest, despite the fact that the *Awajún* people have a high rate of violence, teenage pregnancy, rape, and absent paternity, among others.

It is considered relevant that this entity has a direct role and an integral approach to gender and gender role issues, taking into consideration that in the area, specifically in *Papag Entsa*, these issues are made invisible, since those related to political and environmental dynamics prevail.

Ombudsman's Office

The Ombudsman's Office plays a fundamental role in guaranteeing, defending and promoting human rights. Its work is necessary insofar as it addresses independent issues that make human rights violations visible. Although it plays an important role in the defense of human rights of indigenous peoples, it has not been present in this area. Its interest is medium and it has spoken out against the risk of leaders defending the environment in the area; however, its actions are passive, based on communiqués due to the great distance from the Amazonas Ombudsman's Office, which is located in Chachapoyas, a great distance from the institution.

For this research, an attempt was made to contact the rapporteur of the Office of the Deputy for the Environment, Public Services and Indigenous Peoples; however, at the time of writing, no meeting had been arranged. Even so, they indicated that they do not currently analyze the variables of indigenous peoples and mobility.

Regional Government (GORE Amazonas)

This is the body whose main function is to administer and promote the region economically, socially and politically. No interest in the research was identified, and it was observed that in the meetings that take place in urban areas in the region, the presence of indigenous peoples is not guaranteed. Consequently, their voices

and demands are marginalized with no guarantee of equal conditions compared to other populations in the region. Its role should be direct, as the main government unit.

4.3.1.3 Informal and/or illegal groups

Mining on the margin of the law

Groups that have economic dynamics that go beyond the institutional framework and do not comply with national regulations and laws. They put the life, health, economy, and culture (customs and traditions) of the Awajún population of the Marañón and Cenepa River area at risk. There is no interest in the investigation. In addition, it was determined that in order to resolve or at least mitigate the impact of these groups in the territory, a complex, cross-cutting and intercultural approach should be taken that allows institutions to take the appropriate measures.

4.3.2 Alto Pajakus

In the case of Alto Pajakus there are two types of actors that converge in what should be the interest of the project. Unlike the previous community, there are no visible actors related to illegal dynamics.

4.3.2.1 Non-state actors

Encuentros SJM

The organization has prioritized its work with people in a situation of human mobility and provides assistance and protection to socially vulnerable migrants and people in need of international protection. Initially, it was aimed at the Venezuelan population. Today it has added the component of indigenous peoples, considering the intercultural approach. As it is responsible for coordinating the research in Peru, it has a high level of interest. Its role in this is very active, in order to achieve links with institutions that can continue to enable the development of the community.

Type of Actor	Name	Interest		
		High	**Med to Low**	**Null**
Non-state	Encuentros SJM	X		
State	Ministry of Housing, Construction and Sanitation		X	
	Ministry of Women and Vulnerable Populations			X
	Ministry of Education			X
	Ombudsman's Office			X
	GORE			X

Table 20. Summary of the type of interest that key actors have in *Alto Pajakus* territory.

Source: Prepared by the authors.

4.3.2.2 State Actors

Ministry of Housing, Construction and Sanitation

The MVCS is the "governing body for urban planning, housing, construction and sanitation, responsible for designing, regulating, promoting, supervising, evaluating and executing sectoral policy, contributing to the country's competitiveness and sustainable territorial development, preferably benefiting the low-income population" (Government of Peru, n.d.). Although they have been present in the area where the community lives providing workshops, no other interest in carrying out other projects in the area was detailed, despite having the project to implement a drinkable water network in the area. In this way, its work has been very punctual and it has not articulated with other actors to make good use of the new services that will be required to make the water and sewage administration effective. However, it is considered as a medium interest, since it is influencing in some way or another on the community's way of life.

Ministry of Women and Vulnerable Populations

The MIMP is responsible for ensuring that policies, plans and regulations strengthen the protection of families, considering the gender approach and the human rights-based approach to be of paramount importance. It designs, promotes, coordinates, monitors, and evaluates all initiatives directly related to the aforementioned approaches. Likewise, it mainly assists cases of gender violence, both from a prevention and eradication approach. This institution has zero interest, despite the fact that the Awajún people have a high rate of violence, teenage pregnancy, rape, and absent paternity, among others. This entity should have a direct role with a comprehensive approach to the problems related to gender and gender roles, considering that in the area, specifically in Alto Pajakus, there are disadvantages in the inclusion of women in the public sphere, restricting their participation only to the dynamics of the household

Ministry of Education

MINEDU is the governing body for education, prioritizing basic education throughout Peru. One of its functions is to guarantee that this right is effective in all circumstances and contexts, prioritizing children and adolescents.

In spite of its objective as an entity, there was no interest, even though - in several meetings requested by the community - the authorities have ignored the current situation of the community. Although the community has a kindergarten and primary school, they are in very poor condition and in urgent need of intervention. Its action should be direct, because it contributes to the work related to the guarantee of the right to education that is required in the community.

Ombudsman's Office

The OMB plays a fundamental role in guarantee-ing, defending and promoting human rights. Its work is necessary because it addresses independent issues that lead to the visibility of problems that cause hu-man rights violations.

Although it plays an important role in the defense of the rights of indigenous peoples, it has not had an evident presence in this area. It is considered to have no interest. For the present investigation, an attempt was made to make direct contact with the rapporteur of the Office of the Environment, Public Services and Indigenous Peoples; however, at the time of writing, no meeting was possible. Despite the physical dis-tance - the Amazonas Ombudsman's Office is located in Chachapoyas - with the indigenous peoples, they do not analyze the variables of indigenous peoples and human mobility. Their intervention should be direct, but it was observed that their actions are only done through communiqués.

Regional Government (GORE Amazonas)

This is the body whose main function is to adminis-ter the region economically, socially and politically. Its purpose is to promote the social, cultural and econom-ic development of the region. However, similar to what was described with the *Papag Entsa* community, there is no detailed interest in the research, even though its participation should be direct given its status as the main government unit.

4.3.3   Cantagallo

In Cantagallo there are two types of actors that converge in the work of this research. Although they do not all share the same degree of interest, the fact that they are located in the capital city means that more forces can converge and greater visibility is guaranteed; neverthe-less, each actor shows a diffuse degree of interest.

4.3.3.1   Non-State Actors

NGO Comunidad

Non-governmental organization with a direct focus on indigenous peoples in urban areas. Its main work is in Cantagallo, and it develops action plans to over-come poverty from an intercultural perspective. It has a high interest, in the sense that it is the main NGO currently working in the territory. Its participation in the research was constant, which shows a high level of interest. Currently it is focused on work with children, formalization of work, and decent housing.

Cooperazione Internazionale (COOPI)

Non-governmental organization with a presence in 30 countries. Its projects in Peru are aimed at fighting poverty, especially in communities affected by natural disasters or conflicts. It has not expressed interest in the research, but has made an important contribution as it works to remedy the consequences of the 2016 fire in the community. In addition, it does natural disaster prevention. Its role is a priority, and it is currently com-pleting projects in the community.

Encuentros SJM

It has prioritized its work with people in situations of human mobility, and provides assistance and pro-tection to migrants in situations of social vulnerability and people in need of international protection, partic-ularly among the Venezuelan population. It has add-ed the component of indigenous peoples, considering the intercultural approach. It is responsible for coor-dinating the research in Peru, and so has a high level of interest. Its interest is fully involved, since it seeks to reach institutions that allow for the development of the community.

Type of Actor	Name	Interest		
		High	**Med to Low**	**Null**
Non-State	NGO Comunidad	X		
	COOPI - International Cooperation			X
	Encuentros SJM	X		
State	Ministry of Justice and Human Rights			X
	Ministry of Women and Vulnerable Populations			X
	Ministry of Development and Social Inclusion			X
	Ministry of Housing, Construction and Sanitation		X	
	Ministry of Education		X	
	Ministry of Culture		X	
	Ministry of Health			X
	Ombudsman's Office	X		
	Metropolitan Municipality of Lima			X

Table 21. Summary of the types of interest held by key actors in the Cantagallo territory.

Source: Prepared by the authors.[21]

4.3.3.2   State Actors

Ministry of Justice and Human Rights

MINJUSDH is the institution whose main function is to ensure compliance with and guarantee the human rights of citizens. It is also responsible for promoting the efficient administration of justice. The interest registered in the investigation is null, during the different milestones that the community has been going through, it has not taken up a position, nor has it evidenced any kind of manifestation in this regard. However, it should have a role, at least indirectly, due to the degree of human rights violations that are taking place.

Ministry of Women and Vulnerable Populations

The MIMP is responsible for ensuring that policies, plans and regulations strengthen the protection of families, taking into account the gender and human rights-based approach. It designs, promotes, coordinates, monitors, and evaluates all initiatives that may intervene in this aspect.

It mainly assists cases of gender violence, both from a prevention and eradication approach. It was determined that this institution has zero interest, despite the fact that women play an important role within the community. The MIMP could strengthen the dynamics of gender equality in order to institutionalize itself from an intercultural perspective.

Ministry of Development and Social Inclusion

The Ministry of Development and Social Inclusion has as its main responsibility to ensure the improvement of the quality of life of people in situations of vulnerability and poverty. In this way, it has been working on the protection of the life cycle, considering that in the different stages of this cycle there are populations that will require specific protection to a greater or lesser degree. It seeks to eliminate welfarism, and develop people's own capacities.

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[21] Model based on the GTR Monitoring Model developed for each community.

During the course of the research, it became clear that there was no interest. For it does not consider the intercultural approach, an aspect that is accentuated by the lack of recognition as an indigenous community by the State.

Ministry of Housing, Construction and Sanitation

The MVCS is the "governing body for urban planning, housing, construction and sanitation, responsible for designing, regulating, promoting, supervising, evaluating, and executing sectoral policy, contributing to the country's competitiveness and sustainable territorial development, preferably benefiting the low-income population" (Government of Peru, n.d.).

MVCS has not shown recent interest, despite conflicts over the disposition of the land for housing construction, sanitation and drainage. Between 2019 and 2021 there have been approaches from the ministry interested in developing the Cantagallo Community Housing Project; however, it has not been implemented to date. It has a medium interest, since in the past it has been involved and has direct responsibilities in this situation. Together with the MML, they would be responsible for the community's land use planning, from an intercultural approach.

Ministry of Education

MINEDU is the governing body for education, prioritizing basic education throughout the country. One of its functions is to guarantee that this right is effective in all circumstances and contexts, prioritizing children and adolescents. It has not shown recent interest. Its role was important after the 2016 fire, and in the years of the pandemic it should have guaranteed the right to bilingual intercultural education for the girls and boys of the community. Therefore, it is considered that it could contribute to the right to education from the field of infrastructure.

Ministry of Health

MINSA's mission includes the protection of people's dignity, which is why it is the governing body in terms of health standards and policies that promote health and disease prevention. The National Institute of Health, together with the regional health directorates, contemplate the direct and intercultural protection of the health of indigenous peoples. The research did not identify this institution as having a recent role, but its presence has been central both since the fire, and with the pandemic and the vaccination to counteract it. One of the main demands is to have decent housing that promotes disease-free spaces.

Ministry of Culture

MINCUL, the Vice-Ministry of Inter-culturality and, specifically, the Functional Area of Indigenous Peoples' Rights has as its main objective the "institutionalization of the respect and exercise of the rights of indigenous peoples" (Ministry of Culture, n.d.). As the governing body, it proposes and supervises the regulations and policies regarding the indigenous population at the national level. Its presence has been central since the 2016 fire and the years of the pandemic, including the vaccination processes, from an intercultural approach

Ombudsman's Office

The Ombudsman's Office plays a fundamental role in guaranteeing, defending and promoting human rights. Its work is necessary insofar as it addresses independent issues that make visible problems that cause human rights violations. Despite having an important role in the defense of the rights of indigenous peoples, it has not had an evident presence in this area. The Department of Environment, Public Services and Indigenous Peoples has a direct role with indigenous communities. It has collaborated since 2016 with the claim to the right to decent housing; for that reason it has a high interest. It should have a direct role, as it is one of the few public entities that has the legitimacy of the *Shipibo* people in Cantagallo.

Metropolitan Municipality of Lima

The MML is a decentralized unit of subnational government. It currently governs Lima's municipal and regional jurisdiction. The MML has had a very difficult relationship with the community, as it was part of the conflict related to housing relocation until after the fire. Its participation was related to the community's compliance with sanitary measures, but it stopped the implementation of the decent housing project. Today, together with the MVCS, they are responsible for the community's land use planning, from an intercultural approach. This entity has not had much legitimacy, since in several cases the *Shipibo* population of Cantagallo has accused them of being allegedly responsible for the fire in 2016. Currently, the MML has a different administration that has tried

to recover its legitimate presence in the community,
but the claim of property titles is still pending.

4.4 Multi-scale sense of protection

This section addresses the response of the Peruvian State based on the international, national and local frameworks.[22] Likewise, it will be linked to how the concept of protection gaps has been disaggregated based on field findings. In the fourth point, an explanation is given by community of differentiations that are worth highlighting.

4.4.1 International framework

In 2022 Peru considered the following normative framework from the universal and regional systems. All the articles presented in Table 22 have in common as a main axis the Principle of Equality and Non-discrimination. As pointed out by the Inter-American Court of Human Rights – IAHR Court (2017) the indigenous peoples and subgroups that inhabit these territories need reinforced protection from the States. In addition, the Court notes that the fact peoples tend to share aspects that place them in conditions of inequality are reason and consequence of discriminatory actions, "therefore, it is essential to take into account the intersection of all these factors" (p. 40).

The Inter-American Court of Human Rights (2019) has pointed out that the protection of indigenous peoples is a regulation *Ius Cogens*, which implies that its compliance must be mandatory for the State. As a common law of international standards, it becomes a pillar of the democratic system and the system of rights protection. In addition, with regard to indigenous peoples, other regulations were identified that seek to protect the rights of these communities, which establish that discrimination on grounds of race, sex, language, religion, political or any other opinion, national or social origin, economic position, place of birth or any other social condition is prohibited. Regarding the sex variable, the IAHR Court has already established that gender is also included.

4.4.2 National framework

In this section, both the regulations and the State's administration documents will be considered. The latter guide the State's proposal for action and, therefore, serve to ground solutions in a more direct way, responding to the problems and demands of indigenous peoples.

Since 2011, the State of Peru enacted a Prior Consultation Law, Law 29785, for Indigenous Peoples. This law modifies the way in which social conflict is addressed in territories where indigenous peoples are located, as well as redefining the concept of what is understood by indigenous people. It also opens the way for the State to begin the official study and analysis of the indigenous population.

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[22] Available at: https://cdn.www.gob.pe/uploads/document/file/2858811/COMPENDIO%20DE%2 0LEGISLACI%C3%93N%20INTERCULTURAL.pdf.pdf

System	Standard	Articles on indigenous people
Universal	UDHR	2 and 7
	International Convention on the Elimination of All Forms of Racial Discrimination	1 to 7
	ICCPR	2, 26, 27
	ICESCR	2
	ILO Convention N°169	1 to 44
	United Nations Declaration on the Rights of Indigenous Peoples	1 to 46
Regional	ACHR	1, 8, 13
	100 Brasilia rules on access to justice for people in vulnerable conditions.	Chapters 1, 2, 3 and 4

Table 22. International Normative Framework ratified by Peru.

Source: Public Prosecutor's Office, 2022. Prepared by the authors.

In the same context, the government of President Ollanta Humala created the MINCUL and, within it, the Vice-Ministry of Inter-culturality in 2011. The latter would be the governing body on Indigenous Peoples' issues for the Peruvian State, with a General Directorate of Indigenous Peoples. This Directorate, in turn, is composed of three directorate branches:

· Directorate of Prior Consultation.
· Directorate of Indigenous Languages.
· Directorate of Indigenous Peoples in Isolation and/or Initial Contact (PIACI).

Along these lines, the Indigenous Peoples Database[23] was created under the Prior Consultation Law and is the only official site that provides information related to the indigenous or native peoples of the Peruvian territory. It should be emphasized that it was the first site with public access that allowed citizens to learn about these peoples. It is based on the official statistical content of the:

INEI, the directories of native and peasant communities of the Regional Agrarian Directorates (DRA), the National Document of Native Languages of the Ministry of Education, the information produced by

the Ministry of Culture and the promoting entities in the framework of the prior consultation processes, among others (MINCUL, 2022c).

On the other hand, it is important to consider that Peru is a unitary country, meaning it is only governed by a central authority, which is the President of the Republic. However, there are subnational units that have a certain degree of autonomy and power. The latter group includes regional and local governments and municipalities. It is important to bear this point in mind, since in many cases they are responsible for administering the money allocated to each region, but also for providing the main state resources and services, such as education and health.

4.4.2.1 Regulatory framework for protection

The following are the regulations that are linked to the fulfillment of rights that include the indigenous population.

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[23] Available at: https://bdpi.cultura.gob.pe/buscador-de-localidades-de-pueblos-indigenas

Standard	Description
Political Constitution of Peru	The Peruvian constitution recognizes a body of fundamental collective rights, including: prior consultation, autonomy, special jurisdiction, territory, self-determination, ancestral knowledge systems, among others.
International Labor Organization (ILO) Convention 169	Approved by the legislative resolution, the normative provisions of the agreement are incorporated into the national system.
Organic Law of the National Registry of Identification and Civil Status	It establishes the unified citizenship registration system, its scope and mechanisms. The right to identity is guaranteed.
Vice-ministerial Resolution N° 004-2014-VMI-MC	Establishes guidelines for the collection of social information and sets criteria for its application within the framework of the identification of indigenous or native peoples.
Law 28736	Law aimed at protecting indigenous and native peoples in isolation and in initial contact.
Legislative Decree 1360	It specifies the exclusive functions of the Ministry of Culture as the governing body in the area of indigenous peoples.de pueblos indígenas u originarios.
Supreme Secret 09-2021-MC	Approves the ethno linguistic map of Peru.
Law 22175	Law of Native Communities and Agrarian Development of the Jungle and Jungle Belt.
Law 29785	Law on the Right to Prior Consultation of Indigenous or Native Peoples, recognized in Convention 169, which incorporates the obligation of inclusion in the official database of Peru.
Law 29735	Law that Regulates the Use, Preservation, Development, Recovery, Promotion and Dissemination of the Native Languages of Peru.
N° 003-2015-MC	Supreme Decree that approves the National Policy for the cross-cutting nature of the Intercultural Approach.
Regional Elections Law	Guarantees the percentage of indigenous quotas for the participation of indigenous peoples in regional election lists.
Organic Law of Regional Governments	Together with the law on the bases of decentralization, it promotes and aims to protect the rights of indigenous peoples.
Law 27972, amended by Law 28268.	Organic Law of Municipalities. The participation of indigenous authorities within the municipal institutions is guaranteed.

Table 23. Normative framework regarding the protection of indigenous peoples.

Source: Public Prosecutor's Office, 2022. Prepared by the authors.

4.4.2.2 Public policy framework

With the DS N° 029-PCM-2018, the framework for the ordering of public policy documents in Peru is established. This arrangement allowed compliance with standards that seek to respond to correctly identified public problems. In addition, the establishment of standards allows for realistic compliance goals, grounded objectives, actions and multi-sectoral responsibilities and, finally, reporting progress in the short and medium term. In the context of indigenous peoples, the following have been considered:

N°	National policy	Sector	Standard of approval	Publication in El Peruano
1	National Cultural Policy	MINCUL	D.S. N° 009-2020-MC	20/07/2020
2	National Policy on Native Languages, Oral Tradition and Inter-culturality		D.S. N° 012-2021-MC	16/07/2021
3	Educational Attention Policy for the Population of Rural Areas	MINEDU	D.S. Nº 013-2018-MINEDU	13/12/2018
4	National Youth Policy		D.S. N° 013-2019-MINEDU	23/09/2019
5	National Policy on Higher and Technical-Productive Education		D.S. N° 012-2020-MINEDU	31/08/2020
6	National Multi-sectoral Health Policy	MINSA	D.S. N° 026 – 2020 – SA	24/08/2020
7	National Gender Equality Policy	MIMP	D.S. N° 008 – 2019 - MIMP	4/04/2019
8	National Multi-sectoral Policy for the Elderly by 2030		D.S. N° 006-2021-MIMP	5/06/2021
9	National Multi-sectoral Policy on Disability for implementation by 2030		D.S. N° 007-2021-MIMP	5/06/2021
10	National Multi-sectoral Policy for Children and Adolescents by 2030		D. S N° 008-2021-MIMP	25/06/2021
11	National Policy to combat People Trafficking and the forms of exploitation	MININTER	D.S. N° 009-2021-IN	27/07/2021
12	National Environmental Policy	MINAM	D.S. N° 023-2021-MINAM	25/07/2021
13	National Agrarian Policy	MIDAGRI	D.S. N° 017-2021-MIDAGRI	23/07/2021

Table 24. Framework of Public Policies with relevance for the theme of indigenous peoples.

Source: CEPLAN 2022. Prepared by the authors.

4.4.3 Local framework

The local and regional dynamics of indigenous communities have been transformed. Espinoza (2014) points out that, although these changes may be due to issues intrinsic to the community, the agenda imposed by the State bears more weight, and the indigenous community, in many cases, ends up adapting to this. The life plans, although born in Colombia, have been replicated in other regions, such as Ecuador and, later, in Peru. Thus:

"the main intention of the life plans is to promote the planning of their own development and the construction of autonomy as culturally and ethnically differentiated peoples. Life Plans are, therefore, planning instruments appropriated by indigenous peoples that can have diverse uses, especially in relation to two very important dimensions: the development sphere and the political sphere" (Espinoza, 2014, p. 89).
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Continuing with this idea, it can be mentioned that indigenous peoples can create a more accurate plan, since, by developing life plans, their own agenda is established in a management document, prioritizing issues, customs and the vision of good living they want for their territory, allowing them to be given a space in the State's agenda at different levels. This could facilitate how institutions approach these communities directly, considering their own dynamics; however, during the research it was observed that there has been no effort to disseminate this form of organization and planning.

To date, none of the three communities worked with during the research have developed life plans. However, there are other indigenous communities in Peruvian territory that have their own life plans, among them the Awajún people in the regions of Cajamarca and San Martín.[24]

On the other hand, it is necessary to consider regional and local governments in this aspect, since they are the first instance that corresponds to the administration of the State as such, only in a different dimension. Arévalo (2014) points out that citizenship is closer to local networks than to national ones, so that municipalities or regional governments are in charge of the administration of goods and services; "in this sense, democracy would also be a local phenomenon", so it needs to be measured as such.

In spite of this and from what has been seen in the previous chapters, the district and local level does not have clear leaderships and neither formal nor informal channels were detailed to make the urgent demands of the population reach them. This, in spite of having a framework of political participation laws that, at least even out the situation so that people belonging to the country's indigenous peoples can develop a minimum of equal conditions.

Under the above logic, the organizations at the community level end up being the ones who take on the direct ability to take action of the indigenous peoples and their agendas. Although this is a way of empowering the communities, since it can involve gathering several visions of the communities that inhabit the same territory, it may happen that the demands are not channeled under the same actor or action, and as a result the authority does not end up solving the problem. In this context,

federations or organizations have responded to these perennial gaps in the Peruvian political system.

4.4.4 Regional framework

In the scenario of the inter-regional system, known as the regional system, there is a framework of state responsibility within the American system for the protection of human rights. This framework consists of the following regional instruments:

· American Declaration of Human Rights of 1948: although it is a generic declaration, its control, entrusted to the judicial bodies, has been developing a framework of interpretation and amplifying the state responsibility in the specific protection of indigenous peoples, whether at the border, bi-national, or multinational level. The same applies for specific cases.
· 2.   American Declaration on Indigenous Peoples of 2016: this instrument raises a broad group of rights, and its level of enforceability is closely related to national protection frameworks.
· 3.   Pronouncements by way of sentences, recommendations or other types of measures by the organs of the inter-American human rights system, including the mission and the Inter-American Court of Human Rights – IAHR Court. From here, a framework of rules of application based on the American Convention on Human Rights has been generated and, with it, the active responsibility, the obligations, and the duties of abstention.

4.4.5 Gaps

This research identified five dimensions of gaps related to the protection of indigenous peoples living in the Peruvian territory and, therefore, their rights must be guaranteed. It is significant that the Peruvian State has a cross-cutting approach to identify violations experienced by indigenous peoples, recognizing the diversity of each people. This means that it should stop normalizing practices that have hindered the development of rights, even among indigenous peoples. The gaps found are presented belows:

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[24] Available at: https://bit.ly/3BfRx4l

4.4.5.1 Gaps as conceptual-analytical challenges

In the Peruvian case, the indigenous communities chosen for carrying out the research have not been involved in a process of international systematic or mass migration, so that when we speak of *migration, displacement or human mobility,* we are referring to the dynamics of the communities themselves. In the Awajún case, migrations occur due to work opportunities outside the community, or, in the case of the Shipibo of Lima, when they return to their communities of origin at specific times of the year. These constitute their own forms of adaptation, with their own economic and social dynamics.

Thus, when the concept of *border* is used, it is not understood as that which delimits the country, but as the space with which the community borders. In Cantagallo, an example of this is the clear need to border the community with a wall to safeguard it from external factors. It is worth commenting that in Lima, insecurity has been the main problem in the country. From January to June 2022, 85.5% of Lima residents over 15 years of age perceived some level of insecurity in their city (INEI, 2022).

Consequently, the people who live in Lima with its diversity of social classes, have long ago carried out the practice of putting fences around their houses or neighborhoods, so that there is a feeling of protection against external agents, or risks that could harm them. Even when the gates are not closed, it could disrupt the free flow of traffic with streets that should be open to the public, since they believe that they must close the community to possible external dangers.

In the research sessions, the need to enclose the community was apparent for two reasons: insecurity and the safeguarding of its values and traditions; that is to say, this situation could be seen as if a limit or boundary was being set between what is the community and what is Lima.

This idea is interesting, because although in Cantagallo the topic of migration or borders was not directly touched upon in any of the sessions, it came up as part of the needs and urgencies of the community. It is not surprising that in the execution of the community initiatives one of the associations, ACUSHIKOLM, decided to use the money to put up a gate to enclose the community (Image 65). It is worth noting that all the people inside agreed with the choice of this initiative.

On the other hand, from what has been reported concerning the communities in Peru, the term *lack of protection* is understood in relation to deprivation. During the second visit to Alto Pajakus, an activity was carried out to brainstorm about what they thought when they heard the term "*lack of protection*". .

As mentioned, the principle of equality and non-discrimination is subject to the fulfillment of all rights and freedoms without any distinction by the State; however, when these are opposed to contexts such as the one in which indigenous peoples live, this idea could be related to a lack of something. The main forms of lack of protection identified were the lack of education, health and drinking water,[25] as well as waste management and collection, among others.

In relation to the concept of *territory*, the case that weighs most heavily is that of Cantagallo, as noted in the previous paragraphs, where the lack of recognition of the notion of native communities in urban areas has led to their invisibility before the State. This is not only the case at the central government level, but also at the local level.

4.4.5.2 Gaps as legal challenges (national level)

When reviewing a compendium of legal matters relating to indigenous peoples in Peru, it is evident that there is a wide range of legal provisions relating to indigenous peoples. Peru was even the first country in South America to enact a Law on Prior Consultation. However, the truncations do not usually occur in the laws, but in how they contrast with the reality of their design and application.

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[25] At that time, the MVCS efforts had not yet begun.

Image 66. ACUSHIKOLM Community Initiative, Cantagallo community entrance gate

Source: Jaminthon Martínez, 2022.

Thus, some of the main gaps correspond to the organic component of the State and the challenge of incorporating the international protection standards in the design of legislative measures that guarantee and restore the rights of indigenous peoples. This in accordance with prior consultation, and in protection of the right to territory, territoriality, and collective ownership of the same.

4.4.5.3 Gaps as political-institutional challenges

Given that what is happening in the case of Peru is not necessarily linked to the regulations, but rather to how they have been applied and the institutions that enforce them or not, the following should be noted:

- The lack of articulation of the institutions that may generate a dispersion of efforts, which could be focused in a single initiative.
- The inability of security agents to stop crimes that affect communities, which increases the sense of impunity.
- The lack of legitimacy of certain actors and their coexistence rules
- The lack of a cross-cultural approach.

- 5. Constant changes in public authorities, among others.

The clear example has to do with the impunity of illegal mining in politics in the Amazon region, despite the states of emergency that have been established in the area. In this context, the messages and calls from ODECOFROC regarding the threats to their leaders have not been considered, nor the communiqués from the Ombudsman's Office about the situation in the area. All this despite the presence of a council of ministers in a neighboring province during the most critical moment of the conflict with the illegal miners.

Currently, Papag Entsa is fighting against the effects on its environment and, therefore, on its health; however, the research detailed the lack of analysis by the institutions regarding the impacts that the community warns about. The dredges are large vessels where the miners live daily during gold extraction. As mentioned previously, some members of the mining groups belong to the same Awajún communities in the Cenepa area, which has affected relations between the other communities and the Papag Entsa community.

In Papag Entsa's listening sessions, it was pointed out that local and regional governments were linked to illegal mining. Although there is no direct link or proof,

this assertion stems from the lack of intervention and commitment from these authorities.

In Cantagallo, the political-institutional gaps are related to the promise of relocation to a new site, which took into account the particularities of its population. Currently, this promise no longer exists. The lack of legitimacy of the institutional actors has meant that the people of the community focus their attention on other concerns, so that currently only the presidents and heads of each association maintain this political pressure. However, it has been found that this dynamic of four associations in a community such as Cantagallo can generate more difficulties than conciliatory effects.

The Alto Pajakus case has shown that, despite the passing of time, changes of government and actors in general, there is still a structural factor that places indigenous communities at the bottom of the list of priorities. An illustration of this is that the community was formed in 1977 and only in 2022 did they begin the construction of a storage tank for drinking water. This makes visible a gap at the institutional level that

permeates structural violence. Again, this is in spite of the national and international regulations that the Peruvian State has autonomously expressed its commitment to comply with.

4.4.5.4 Gaps as social challenges (local level)

In the social context, it is important to consider the special protection groups that coexist within the indigenous population. As mentioned above, issues such as disability, homosexuality, gender, among others, continue to be taboo, since they are not made visible in the communities. A specific study of these groups should be made, since the hypothesis is that they do exist, but they have been able to camouflage or hide them. This was identified during a workshop in the *Papag Entsa* community on the inter-sectionality approach. When explaining the case of people with disabilities, one of the participants gave the example of a mother who had locked up one of her children with disabilities, due to possible shame.

Image 67. Dredges in the Cenepa River.

Source: Bryan Vives, 2022.

This section will refer directly to the situation concerning gender and children as a whole. The specific analysis starts with sexual and reproductive rights. From the point of view of indigenous women and children, these are groups whose "access to basic health and education services, food and decent and dignified employment, as well as their full participation in the public and political life of their countries, have been restricted, thus undermining their ability to fully exercise their human rights" (IACHR, 2017, p. 40).

Likewise, although these documents were written at different socio-political junctures, they also respond to the evolving principle of human rights, where new spaces that transform and improve people's quality of life are increasingly being expanded and recognized. In principle, with greater incidence of those who belong to groups of special protection, such as indigenous peoples. In this way, different approaches have been implemented at the international level that have made it possible to identify human rights violations or, as the research has called them, protection gaps. The main approaches have not only radiated into domestic legislation, but have also served as a guide for the advocacy work of this research. The approaches considered are:

· Human Rights Based Approach (HRBA).
· Capabilities approach.
· Gender approach.
· Intercultural approach.
· Intersectional approach.
· Territorial approach.

Under these premises, the research in the Amazonas region and Metropolitan Lima showed that there are similarities in the fact that indigenous children, adolescents and youth are a more vulnerable population. This is due to the situations of inequality they live in because of their age, as well as their belonging to an indigenous people. In this way, ethnicity, gender and other factors of vulnerability that intersect in this group of special protection, make it possible to visualize territorial and linguistic barriers, which limit access to justice, education, and health.

In indigenous communities, the fulfillment of caregiving duties is also related to teenage pregnancy rates, which are higher in the Amazon regions. According to the latest DHS 2020, the rate of adolescents (15-19 years old) who are already mothers or are pregnant for the first time is higher in the jungle region (14.3%), which is almost double the national rate (8.3%).

Image 68. Papag Entsa Women's Listening Session.

Source: Rosa Arévalo, 2022.

In the case of the Papag Entsa community, one of the listening spaces identified was the kitchen. This particular space has served to identify the perceptions, opinions and ideas related to the specific affectations of women in the community. What was found, initially, was that most of the women who participated in this space were in the range of 20 to 28 years of age; almost all of them were mothers of 1 to 2 children, and when averaged, most of them had begun their motherhood at the age of 18. Most of them have secondary education, but not all of them have been able to finish it.

Likewise, the marked gender roles were identified, in which the prevailing models consider the formation of a family and motherhood as part of a woman's life. According to the last national census (INEI, 2017), the Awajún indigenous people are the third highest in presenting pregnancies between 15 and 19 years old, with 27%. The same census recognizes that Amazonas ranks

first, where women in this group belong to the economically inactive population, with 84% (INEI, 2017).

EThis can be directly related to the marked gender roles that have an impact on hegemonic masculinities, where it is the man who is in charge of the household economy and who, at the same time, occupies more spaces in the public sphere. However, as previously mentioned, there were also several cases where absent fathers were mentioned, and it is in these spaces, such as the kitchen, where support networks have been created for women who do not have a male counterpart. On many occasions, whether due to abandonment or because the family was separated due to work, in cases of migration to another community or region, women are the ones who assume more of the burden, since they must not only provide economic support for their children, but also fulfill their role within the home.

According to INEI it was reported that, in the rural areas of Amazonas where this community is located, 59% of households have women as their head; and it is also in this territory that the highest levels of teenage pregnancies are reported (2017). In addition, the listening session revealed that most did not know their sexual and reproductive rights, which may affect the degree of autonomy over their bodies; most knew of some contraceptive methods, but reported not having used them.

It should be noted that the CEDAW Committee, in its Concluding Observations to Peru in 2002, stated that it was concerned by the following issues: the absence of policies to promote a gender perspective in the various sectors of government and gender equality; the lack of poverty eradication programs aimed specifically at the female population; the lack of a centralized registry on sexual crimes; the continued gender discrimination in the labor market; the sexual health situation of women (in relation to the high maternal mortality rate, specifically in cases resulting from clandestine abortions); the scarce information available on trafficking of women and girls; and the persistence of traditional stereotypes related to the roles and responsibilities of women and men in the family (CEDAW Committee, 2002).

During the debate at the 13th session of the United Nations Permanent Forum on Indigenous Issues on May 12, 2014, the topic of sexual health and reproductive rights of indigenous peoples was addressed. There, it was agreed that there was a need to follow up on issues related to living conditions, and the fulfillment of the rights of indigenous children and adolescents.

In this regard, it should be reiterated that there is insufficient information available to show how sexual and reproductive health rights are exercised and protected among women and indigenous peoples. The figures provided by the ENDES distinguish categories such as rural-urban region, use of a native language-Spanish language and department, which provides a reference of the situation at the national level, but even so, it is insufficient. Additionally, there are problems related to maternal mortality, access to family planning and contraceptive methods, and access to health care for the population living with HIV/AIDS.

On this last topic it is worth noting that in the Cenepa area, in the province of Condorcanqui, there are high rates of HIV/AIDS; thus "up until 2015, in the entire Amazonas region, 747 cases of HIV and 183 of AIDS were reported, with more than 86% in Condorcanqui - a mostly indigenous area - and in Bagua" (Chávez, 2019, p. 136).

In this regard, it is important that the States, when developing public policies, incorporate the intercultural approach to health practices. MINSA has considered that health sector policies should prioritize access to social services to deal with family and sexual violence, family planning, contraception and prophylactics; prevention of teenage pregnancy, among others (Ministry of Health, 2017). These rights are found in the area for sexual and reproductive health.

On the other hand, with regard to the Cantagallo community, the new coexistence relations in the territory could bring new challenges, such as the recognition of foreigners as indigenous people in the community. Although this situation is recent, it could continue in the medium or long term, so it is necessary to foresee actions in this regard.

4.4.5.5 Gaps as humanitarian challenges

In the Papag Entsa community, Encuentros SJM has a leading role, given that there is no other public organization or institution that can address the issues discussed in this document. ODECOFROC is another central actor that can instigate changes, not only in Papag Entsa, but in other communities in the area that are similar in composition, and in their decision regarding the illegal mining activities. In addition, linking the work with public institutions could be easier to channel through this organization. This articulation of actions could lead

to consolidated work, with a leading organization that channels the various initiatives.

On the other hand, the Alto Pajakus community, being closer to the city than other Awajún communities in the area, could lead a proposal for what could become a life plan. Likewise, it could link its work with public institutions, since it has the advantage of being closer to an urban area. However, in both cases, several concerns were shared, among which the following prevailed::

Protection initiatives	Alto Pajakus	Papag Entsa
Lack of basic services that allow for the development and guarantee of rights (right to education and health).	X	X
Illegal logging.	X	
Illegal mining.		X
Lack of water, sewage and sanitation systems[26]	X	X
There is no proper waste management.	X	X
Lack of services and communication networks to connect them with other communities and the city.		X
Lack of economic resources to sustain territorial defense processes.		X
Lack of knowledge of national and international instruments for the protection of indigenous rights.		X

Table 25. Common protection initiatives among *Awajún* communities.

Source: elaboración propia.

Finally, in the community of Cantagallo, in addition to running the risk of not having the land where they live recognized as theirs, the internal dynamics of their organization may end up undermining any joint attempt at a recognition initiative. In addition, in the urban area of Lima changes can occur, such as the imminent entry of Venezuelan or other migrants into Lima society, despite the fact that until now it has been a hermetic community.

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[26] This is considering that *Alto Pajakus* already started work after the third visit.

4.5 Diverse abilities to take action shown by the community to face their mobility situation in relation to the obstacles for the production and reproduction of their life in community

As highlighted in section 2, in the case of the Awajún, kinship ties are the basis of the constitution of their communities. Thus, the *Papag Entsa* community is conformed of direct and indirect family; that is, nuclear and extended families function as support for the social structure and positively influence individuals (Cornejo, 2015). In the case of female household heads, support networks are key. As noted in one of the listening sessions, the women support each other in sharing the care of the home, children, and work outside the community.

Papag Entsa's ability to take action is directly manifested in two situations, firstly in external community relations, such as the direct relation with ODECOFROC, and secondly in its opposition to illegal mining. On the other hand, the community ability to take action is a way of understanding subsistence, given that the variable of financial capital indicates that the forms of income mean opportunities for dynamization, the obstacles that appear not only hinder the possibility of acquiring a good or service, but also the social relations themselves.

On the other hand, Alto Pajakus has demonstrated its ability to take action by insisting on getting water and sewage management approved. However, it should be remembered that it lacks gender plurality. By presenting its sole ability to take action to the male group, it may jeopardize the future of the organization, since it does not involve women, causing the increase of gender inequalities.

For its part, the community of Cantagallo produces Kené handicrafts as its main livelihood, where gender roles do not predominate; that is, there are also male artisans. However, the dynamics of the four associations are related to the four stores of the so-called artisan mothers. Although this mode of organization may be an incentive, it may also put them at a disadvantage when it comes to decision-making or reconciliation.

4.6 Conclusions and recommendations

One of the conclusions of the research is that there is a similarity between the communities in terms of the absence of actors representing the Peruvian State, where there is no authority committed to improving this situation. However, considering that each community is geographically better positioned in relation to the others, the State may have an easier time approaching some than others. However, this does not ensure an improved relationship between the State and indigenous communities, as is demonstrated by the situation in Alto Pajakus with water services, and in Cantagallo with the recognition of the space they currently inhabit as part of their territory.

Regarding the recommendations based on the cases in Peru, the following proposals are made:

- It is necessary to create a system for measuring variables with an intercultural and gender perspective that is adapted to the profile of the indigenous communities, and that allows for recognizing the complexity and diversity of needs and protection gaps found in each territory. This can facilitate the construction of actions, programs, projects and policies that are more aligned, relevant, effective, and efficient to protect the rights of the communities.
- It is important to strengthen spaces for dialogue, and meetings between indigenous communities, the State, and international cooperation, in order to generate coordinated actions for the complex problems faced by each community.
- In order to implement cooperation projects or programs, it is important that the concepts to be worked on with the communities are jointly constructed with them, since external concepts that are distanced from their culture, worldview, and language can make understanding between the two actors more difficult.

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