

THE LATIN AMERICAN PROGRAM



Number 214

"ETHNIC CONFLICT AND GOVERNANCE  
IN COMPARATIVE PERSPECTIVE"  
NOVEMBER 15, 1994

A Workshop Report

WORKING PAPER SERIES



WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS  
WASHINGTON, DC 20560



Number 214

**"ETHNIC CONFLICT AND GOVERNANCE  
IN COMPARATIVE PERSPECTIVE"  
NOVEMBER 15, 1994**

A Workshop Report

by Eric Rice and  
Kamran Ali

Copyright August, 1995

This publication is one of a series of Working Papers of the Latin American Program of the Woodrow Wilson International Center for Scholars. The series includes papers in the humanities and social sciences from Program fellows, guest scholars, workshops, colloquia, and conferences. The series aims to extend the Program's discussions to a wider community throughout the Americas, to help authors obtain timely criticism of work in progress, and to provide, directly or indirectly, scholarly and intellectual context for contemporary policy concerns.

Single copies of Working Papers may be obtained without charge by writing to:

Latin American Program Working Papers  
The Woodrow Wilson Center  
1000 Jefferson Drive, S.W.  
Washington, D.C. 20560

The Woodrow Wilson International Center for Scholars was created by Congress in 1968 as a "living institution expressing the ideals and concerns of Woodrow Wilson, symbolizing and strengthening the fruitful relations between the world of learning and the world of public affairs." The Center's Latin American Program was established in 1977.

#### LATIN AMERICAN PROGRAM STAFF

Joseph S. Tulchin, Program Director  
Cynthia Arnson, Senior Program Associate  
Allison M. Garland, Program Associate  
Ralph Espach, Research Assistant  
Michelle McCallum, Program Assistant

## INTRODUCTION

This working paper is a rapporteur's report on the conference "Ethnic Conflict and Governance in Comparative Perspective," held at the Woodrow Wilson Center on November 15, 1994. The conference and this report were made possible by a generous grant from Pew Charitable Trusts. This grant enabled the Center to mount a series of six workshops on the general topic "Ethnic Conflict in the Post-Cold War Era." These workshops took a comparative approach to issues of ethnic conflict in countries around the globe: in Europe, Asia, Africa, and Latin America; in advanced industrial economies; in countries undergoing the transition to market economies; in secular societies where religion is resurgent. Two were held abroad, in the Czech Republic and in Sri Lanka, to assure that scholars, journalists, and policymakers from other parts of the world might contribute their views to the discussion.

This report was prepared by Eric Rice and Kamran Ali, graduate students at Johns Hopkins University. The conference was prepared by Bernice Romero, former Program Associate of the Latin America Program of the Woodrow Wilson Center, with invaluable assistance from the staff of the Latin America Program, including Program Assistant Michelle McCallum and Program Associate Allison Garland.

We also wish to thank all of the conference participants, whose openness and seriousness of purpose made for a frank and enriching exchange.

This report will be followed in September of 1995 by the publication of the collected working papers presented at the conference.

Joseph S. Tulchin  
Program Director



## EXECUTIVE SUMMARY

On November 15, 1994, a number of scholars representing many disciplines and a variety of geographical expertise met for a conference entitled "Ethnic Conflict and Governance in Comparative Perspective" at the Woodrow Wilson Center. The conference included four panels:

(1) Ethnic Conflict in Global Perspective with presentations by *John Bowen* (Southeast Asia: Washington University), *Paul Shoup* (Eastern Europe: University of Virginia), *Richard Adams* (Latin America: University of Texas), and *Sidney Mintz* (the Caribbean: Johns Hopkins University);

(2) Ethnic Accommodation: Constitutional Reforms and Political Representation, with presentations by *A.E. Dick Howard* (University of Virginia), *Susan Woodward* (Croatia: The Brookings Institution), *Granville Austin* (India), and *Andrew Reynolds* (South Africa: University of California at San Diego);

(3) Ethnic Self-Determination and Governance in Latin America, with presentations by *Rudolfo Stavenhagen* (Mexico: Colegio de México), *H.E. Manuel José Cepeda* (Colombia), *Guillermo A. Padilla* (Colombia), and *Francisco Campbell* (Nicaragua: Autonomous University of the Atlantic Coast Region); and

(4) Ethnic Self-Determination and Development in Latin America, with presentations by *Simon Brascoupé* (Carleton University), *Shelton Davis* (World Bank), *George Collier* (Mexico: Stanford University), and *Judith Kimerling* (Ecuador).

The conference raised important theoretical issues and examined a host of detailed regional case studies from the global perspective of the participants.

The participants began the day by addressing important conceptual issues regarding ethnicity. A general discussion of the terms "ethnicity" and "ethnic conflict" led to the conclusion that the limits and definitions of an

ethnic group are often impossible to define. Many conflicts which are understood as ethnic in fact begin as struggles over resources, or for political power. This is particularly common in situations of transition. Often elites manipulate ethnic sentiments, sometimes even creating them, in their attempt to capture state power. This fact points to the constructed nature of ethnic categories, and indicates that a correct and demythologized understanding of the history of any ethnicity and ethnic conflict is necessary in order to address any such issues realistically. As these struggles often take place over resources, participants suggested that many conflicts seen as ethnic are in fact class struggles.

The concept of community played a key role in many of the group's discussions. The diverse interpretations of the idea of "belonging to a community" were examined, as well as how they come into play at different times in conflicts generally considered ethnic.

The participants discussed a variety of political problems which face both ethnic groups and governments which attempt to deal with them constructively. One of the stickiest was how to integrate small groups into larger communities, such as state structures. This is especially difficult in reference to indigenous populations, some of which may have no interest in such integration. Detailed case studies were presented illustrating a variety of methods used to confront this problem, and examining the successes and failures of each. The distinction between collective and individual rights became a major issue in the discussion, with no clear consensus reached as to the limitations and applicability of group rights. A list of problems was presented regarding the insensitivity and impracticality of the attempts on the part of international development agencies to integrate indigenous peoples into their planning.

Many participants felt that these problems could best be addressed through prevention, and listed a variety of constitutional mechanisms to that end. They agreed that the application of international pressure can be necessary to force accommodation in ethnic conflicts, and often must be brought to bear on states in order to force them to live up to commitments made to indigenous groups. Few detailed suggestions were offered to development agencies trying to bring indigenous people into their planning, although it was suggested that funds be set up under the control of these peoples.

## I. INTRODUCTION

Conflicts that might be termed "ethnic" are found throughout the modern world. In contrast to the predictions of some social scientists, these conflicts actually seem to be on the rise. This increase is in part due to the collapse of various industrial empires, most recently that of the Soviet Union and its satellite states, but it cannot be attributed only to this development. This resurgence of ethnic conflicts has posed serious problems for both individual states and for the international community, problems that have been met with a variety of responses as nation-states attempt to deal with questions of ethnicity and governance and as the international community responds to trouble spots. Given that there is a great deal of confusion over just what an "ethnic" conflict is, and thus over how to deal with one, it becomes clear that the causes and solutions to conflicts called ethnic will both be varied.

In an attempt to place these issues in a comparative global perspective, scholars from several different disciplines, and with expertise in varying geographical areas, met at the Woodrow Wilson Center for a conference entitled "Ethnic Conflict and Governance in Comparative Perspective" on November 15, 1994. The conference included four panels: (1) Ethnic Conflict in Global Perspective; (2) Ethnic Accommodation: Constitutional Reforms and Political Representation; (3) Ethnic Self-Determination and Governance in Latin America; and (4) Ethnic Self-Determination and Development in Latin America. Each began with an introductory talk and individual presentations followed by general discussion and questions from the floor. This report attempts to summarize the major points of both agreement and disagreement. As such, it freely rearranges the order of the discussions in order to bring various speakers into dialogue with each other. It is my hope that all speakers will find their work in here somewhere, and that none will feel misrepresented.

Participants at the conference included:

- Richard N. Adams, University of Texas, Austin
- Granville Austin, Author
- John Bowen, Washington University at St. Louis

- Simon Brascoupé, Carleton University, Canada
- Francisco Campbell, University of the Autonomous Regions of the Caribbean, Nicaragua
- Manuel José Cepeda, Permanent Mission of Colombia to UNESCO
- George Collier, Stanford University
- Shelton Davis, The World Bank
- Anne Deruyttere, Inter-American Development Bank
- Ted Robert Gurr, University of Maryland
- A.E. Dick Howard, University of Virginia School of Law
- Judith Kimerling, Attorney and Author
- Sidney W. Mintz, Johns Hopkins University
- Guillermo A. Padilla, Fundación Gaia, Colombia
- Andrew Reynolds, University of California, San Diego
- Paul Shoup, University of Virginia
- Rodolfo Stavenhagen, Colegio de México, Mexico
- Susan Woodward, The Brookings Institution

## II. CONCEPTS

### A. Ethnicities and Ethnic Conflict

Many of the speakers touched on questions of definition: what is an ethnic group? What makes a particular conflict ethnic? One of the earliest definitions offered stated that ethnicity reflected the delineation of any kind of ancestry, whether based on biological or cultural attributes (or both). One participant pointed out that ethnicity is born of contrast, needing the presence of outsiders against whom the group is defined. Spaniards, for example, precluded the development of ethnicity in the early Caribbean colonies by almost totally eliminating the native populations. The Spanish were thus able to make themselves over into natives. It was only with the introduction of various African populations that ethnic categories became important in the Caribbean colonies. This process, however, also destroyed other ethnic categories. As all slaves became Africans, various African ethnicities either disappeared or were radically altered. This points to the importance of

examining the construction of ethnic categories over time, a point also made with reference to Guatemalan Maya, a category that came into use only 25 to 30 years ago. As with many ethnic groups, intellectuals have played an important role in the creation of this category.

Another definition offered for ethnicity was "the systematic and enduring social production of basic classificative differences between categories of people who perceive each other as being culturally discrete." Four different types of cases were discussed, including urban minorities (such as Turkish immigrants in Western Europe), indigenous populations (including Northern Europe's Lapps), proto-nation states (the Sikhs or the Palestinians), and plural societies (such as Trinidad). While several discussants thought that these categories were inappropriate to the Caribbean, these sub-types of ethnic groups were continually invoked throughout the conference. However, these categories present other problems. How is one to draw boundaries around any given group? While many Latin American constitutions make statements about the rights and privileges of indigenous groups, none actually defines who counts as an indigenous person. This problem becomes particularly salient whenever an ethnic group is granted special privileges, a point to be taken up later in the sections on individual versus community rights and on constitutional mechanisms for ethnic accommodation. It was also suggested that attention needs to be paid to the plight of repressed groups even when they constitute a majority, as do the Maya in Guatemala.

Issues of both race and class arose in the context of definitions of ethnicity. Discussions of the relationship between the analytical categories of race and ethnicity proved especially heated. While all agreed that both were socially constructed categories of difference, one conference participant argued for the importance of distinguishing principles of stratification which have a negotiability from those that do not. He stated that members of an ethnic group have greater opportunity for passing, and thus for escaping any negative connotations attached to their group, than do members of a racial group. This led to a contentious exchange with a member of the audience who felt that the transformation of differing skin colors into race was more or less the same process as the formation of ethnicities from cultural differences. He also argued that the Holocaust was evidence enough that religious difference could also be essentialized and made inescapable. This issue



remained unresolved, as some conference participants clearly felt that while both race and ethnicity are socially constructed, they are not constructed from the same stuff or in the same way.

The relationship of ethnicity to class came up during discussions of the nature of ethnic conflicts. While some participants were most concerned with the prospects for ethnic accommodation, and were thus less interested in the causes of ethno-political violence, others traced out the histories of ethnic conflicts in order to better understand how they might be addressed. There was general agreement that many ethnic conflicts do not begin with ethnicity, but rather become ethnicized. For example, one observer of the crisis in Croatia argued that the conflicts in the former Yugoslavia began not with ethnic conflict but with the collapse of the state. The idea that ethnic conflicts often arise during competition for state power in situations of power transitions within states was a common theme throughout the presentations. Examples from all around the globe showed how conflicts over control of any kind of resources could become ethnicized. As such, many of these conflicts might be better understood as class struggle over whatever sort of resource, be it state power in Indonesia or control of forest products in South America.

How, then, do these conflicts come to be ethnic conflicts? Participants pointed to many actors who share responsibility for ethnicizing conflicts. First of all, legacies of colonialism bear much of the blame in the Philippines, Burma and Indonesia. For example, both Spanish and American administrators in the Philippines used the Muslim Moros as bogeymen, a people that Christian Filipinos had to resist. This was useful in unifying the rest of the nation. Americans also "educated" Moros in their Muslim heritage. Thus, both the Spanish and the Americans bear some responsibility for the Moro rebellion, a conflict now cast in ethnic terms. However, this conflict demonstrates the problems with characterizing any conflict as ethnic. While the leaders of the rebellion have tried to use ethnic identification as Moros as a way of overcoming divisions within their ranks, many participants in the rebellion state that their motives for participation have much more to do with control over land and resources.

While elites may often manipulate other kinds of conflicts for their own purposes, such as using ethnicity to overcome internal divisions in a rebellion, this process can escape from their control. Many participants pointed to examples in which ethnicity may have been manufactured by elite

groups, but where great numbers of people came to feel the force of these identifications. Several participants discussed the power of the fears raised by elites about such things as the survival of the nation. Elites sometimes use ethnicity to mobilize a constituency and then find themselves trapped by the force of the convictions they themselves have raised, even if the elite might be ready to negotiate a settlement of whatever sparked the original conflict.

Finally, states themselves often turn conflicts based on other issues into ethnic conflicts. Examples were cited from all over the world. The history of Russian involvement in the Baltic states shows the Russians creating ethnic conflicts as an excuse to intervene in the area. After the collapse of Yugoslavia, many people who had never before thought of themselves as Croatian were more or less informed by the state of their Croatian identity. Burmese statesman Ne Win used a major public address to distinguish between people of pure blood and Burmese heritage from "people of mixed blood who we must carefully watch." These sorts of appeals to purity are quite common in efforts to create nationalist states. In addition, the use of warnings of ethnic conflict to justify military buildups was discussed. For example, the Guatemalan state has often used appeals to the potential for ethnic war to justify huge military expenditures, even though any ethnic war in Guatemala will most likely be started by the state, not the Maya.

## **B. The Concept of Community**

One striking feature of both the presentations and the discussions was the use of the concept of community across disciplinary and geographic boundaries. Whether or not conflicts began as ethnic or later became ethnicized, almost all cases discussed involved the mitigation of conflict between communities. Often these conflicts involved indigenous communities, some of whom have not been fully integrated into state structures. The advantage of the concept of community is twofold: first, it allows one to examine conflicts without assuming that the root cause is ethnic violence. Many participants argued that most of the conflicts they had studied began as struggles over various sorts of resources, and that ethnicity emerged due to the conflict. Using the concept of a community allows one to see how these conflicts become ethnicized over time. The concept of community also allows one to avoid the implication that each ethnic group is

monolithic. However, it does not solve the problem of how to tell who is a member of what group. Conflicts actually become ethnic, in many cases, exactly when people are forced to choose one community as the site of their primary allegiance.

### III. PROBLEMS

#### A. Cases: Relations between Small Communities and Large Structures

##### 1. Ecuador's Warani

One of the most difficult problems to arise from the discussions involved how one deals with the integration of small groups into a large structure, such as a state. Participants disagreed even on whether integration was the desired goal. While everyone wanted to decrease ethnic conflict, many cases were discussed in which the small group seemed to have the right to determine its own cultural and political context. The most clear cut example concerned the Warani of the Ecuadorian Amazon. Traditionally hunters and gatherers in the rain forest, the Warani were first contacted by representatives of modern Western societies in the 1950s, when missionaries worked their way into the area. The 1960s brought together a coalition of missionaries and oil companies, both interested in settling the Warani on small parcels of land. After Texaco discovered commercial quantities of oil on Warani lands in 1967, efforts to move the Warani out of their traditional hunting and gathering areas intensified. Both the resettlement efforts and the environmental effects of oil drilling have drastically affected the Warani, altering their way of life and leading to the destruction of the area upon which they are dependent for their livelihood. As the Warani have expressed a desire to continue their traditional way of life, a proposal was offered to protect their traditional lands as a world ethnic reserve. The expert on the Warani pointed out that this kind of protection of cultural diversity would also help preserve biodiversity, although other conference participants were critical of the idea that indigenous peoples were always and everywhere in harmony with their environment.

## 2. Croatia

Since people as isolated as the Warani are rare, most case studies focused on groups more fully integrated into Western societies. Two main issues arose from these case studies: integration of peoples into states and their inclusion in development strategies. One participant remarked upon the challenges of balancing a commitment to government by, for and of the majority of the people with a respect for the distinctive cultures and rights of minorities. One distinction that became important in discussions of this issue was that between a nationality and citizens. An expert on the situation in Croatia pointed out that in that context ethnicity and nationality have become synonymous. At issue is who has the right to representation in which state. While the former Yugoslavia was committed to the idea of multi-ethnic citizenship, the successor states are all based on the right of each nationality to control of its own territory and state. These issues are not unique to areas experiencing radical political transformations: the United States has had its share of recent conflicts over sovereignty, ranging from debates over the rights of religious minorities, such as the Amish, to questions of control of territory, as one sees in discussions over Native American sovereignty, and of the rights of minorities to majority voting districts.

## 3. India

Discussions on India showed just how problematic the inclusion of various communities in one state structure can be. Communal identifications range over a broad range of criteria, including blood relationship, caste, region, tribe, religion, and language. No group is monolithic, and people may have identifications with several groups based on different variables. The loyalties brought into play in any situation are highly contextual. To deal with this situation, one participant proposed that we think in terms of primary and lesser allegiances. In any given situation, one must inquire as to what each actor thinks he or she is. How do conflicting interests play out in this type of a situation?

Dating back to British reforms enacted at the beginning of this century, India's constitution has included provisions for proportional representation. For example, Moslems, Sikhs, Anglo-Indians and Indian Christians all had reserved seats in the legislature, as did land holders and members of

Chambers of Commerce. These provisions were originally enacted by the British, and, while British motivations for such provisions may have had as much to do with a policy of divide and rule and a distrust of native Indians, they served to guarantee minority groups at least some voice in government. Indian states have been reorganized several times on linguistic grounds, and minorities are guaranteed the right to education in their own languages. The constitution also contains broad provisions guaranteeing freedom from discrimination based on religion, language, caste, sex, place of birth, etc.

#### 4. South Africa

While issues of minority representation come up in many geographical areas, they do become most thorny in areas undergoing drastic restructuring. A presentation on South Africa detailed the choices that were made to guarantee minority rights in rewriting the constitution. There was a great debate on the relative merits of plurality systems versus proportional representation. Proponents of plurality systems point to the advantages of stable government brought about through cross-cutting cleavages. However, plurality systems also exclude minority parties from any voice in government. Zimbabwe's plurality system, for example, led to the almost total elimination of opposition parties. Similarly, Malawi's 1994 elections show how plurality systems can actually exacerbate ethnic tensions. The three geographical regions in the country split along party lines (with ethnic connotations), leading to the creation of separate regional fiefdoms. The winners in each area were able to almost totally monopolize government power within their respective regions.

For these kinds of reasons, South Africa's new constitution was written so as to include proportional representation of all parties. Recent elections, if they had been conducted under a plurality system, would have given an equal number of seats to the three major parties. Proportional representation, however, also brought representatives of many minority parties into the state structure. These minority parties include radical, even para-military, parties representing both black and white extremists. Inclusion of these parties has, in a sense, co-opted them, potentially reducing terrorist violence. South African proportional representation has also forced the African National Congress to include minority parties in the writing of the new constitution, seemingly contributing to minority representation and self-definition. While



proportional representation does have its own problems, such as the tendency of multi-party cabinets to remain inactive in times of greatest need and the ability of extremist parties to de-stabilize government, South Africa has thus far avoided these problems. However, the expert on South Africa cautioned against blindly implementing proportional representation everywhere power sharing is essential for an ethnically divided society. Proportional representation cannot be dropped in on any society, but must be carefully implemented in culturally sensitive ways.

## 5. Indigenous Latin Americans

### a. General Discussion

As both afternoon sessions focused on Latin America, the majority of cases discussed came from that area, with special emphasis given to the position of indigenous peoples in Latin America. In general, Latin American indigenous peoples have some of the worst living conditions in the hemisphere, even though they constitute a majority in some countries and a significant minority in many others. Unfortunately, even those laws designed to protect indigenous peoples have often placed them at a disadvantage. The last three decades have witnessed a flourishing of indigenous organizations throughout the area, due both to the failure of traditional economic development policies to benefit indigenous peoples and to an exclusionist model of the nation-state. Indigenous peoples have traditionally had formal citizenship without effective cultural citizenship, as states have exercised policies combining political exclusion with cultural assimilation.

One participant argued that indigenous Latin Americans have been largely ignored in attempts to theorize ethnicity. He suggested two explanations for this neglect. First, modernization theory has traditionally viewed indigenous peoples with suspicion. Based on a sort of evolutionary continuum, it attempts to get rid of all traces of indigenous-ness. This has left indigenous organizations in something of a bind, however. Often they are led by intellectuals. States question the authenticity of these leaders exactly because they appear assimilated. Thus, as long as natives appear native, they are deemed unfit for political participation. As soon as they appear westernized, however, they are no longer seen as true natives. Secondly, Marxism has usually ignored indigenous issues, subsuming them under class

analyses. From this perspective, all expressions of ethnicity are seen as reactionary.

The demands of Latin American indigenous organizations can be divided into five main categories. First, they hope for legal definitions of who counts as an indigenous person. Second, they are actively pursuing land rights and trying to have land designated as their territory rather than as a productive resource common to the nation. Third, they are attempting to gain greater recognition of their own languages and cultures, particularly with regard to the right to education in their own language and culture. Fourth, they have pushed for legal recognition of traditional social organization and customary law. Finally, they have organized for more effective political representation, demanding self-determination of indigenous peoples and other oppressed minorities. This last demand has led to an increasing number of alliances between various indigenous groups and other oppressed peoples.

b. Colombia

The past few decades' history of violence in Colombia resulted in indigenous issues being given little attention. However, beginning in 1986 a constitutional reform process helped make great headway for indigenous rights in Colombia. Colombia had had an assimilationist policy similar to those found throughout Latin America. The fight against drug trafficking may have actually benefitted Colombia's indigenous population, as the government was forced to find ways to win the support of various groups within the nation. This led to the enactment of a new, liberal constitution in 1991, based on proportional representation. Minorities, including indigenous groups, were included in all phases of this process. This process has entirely reworked ideas about Colombian national identity, transforming identities based upon hierarchy and European superiority into an image of the nation as heterogeneous, pluralistic, and non-exclusionary, at least in theory. While indigenous groups have benefitted, Afro-Colombians have not fared nearly as well.

The new constitution includes a broad bill of rights applicable to all citizens as well as special statutes dealing with indigenous populations. Indigenous peoples are granted territorial autonomy, and the constitution guarantees indigenous people at least two senators. Bi-lingualism is

recognized, as are the rights of indigenous peoples to preserve their own cultures. A special court now exists where any citizen can challenge the constitutionality of new laws, and indigenous people have fared well in this court. Examples include cases reinterpreting the right to subsistence practices and allowing indigenous legal systems to sometimes take precedence over the national system. While indigenous peoples have, for the most part, favored these changes, there have been problems. Several spiritual leaders have pointed to the constant changes in the system, using this as evidence that the government cannot be trusted and raising fears that rights recently established could just as soon be taken away. There have also been negative consequences from the increased participation of indigenous people in national affairs. Indigenous dependence upon non-indigenous advisors has increased, and traditional leaders have often been replaced by more assimilated indigenous people.

Much of the debate on the new constitution has focused on questions of assimilation versus preservation of cultural difference. While the new constitution has increased indigenous representation, it has also brought conflicting traditions into contact. For example, indigenous legal systems have no traditions of individualism, democracy, nor of human rights. Indigenous inclusion in state structures has forced indigenous peoples to adapt to certain organizational forms. This has led to fears among some indigenous leaders that the new reforms will result in a loss of their cultural distinctiveness and autonomy.

c. Nicaragua

In 1987 Nicaragua, under the Sandinista government, adopted what is known as the autonomy law for the coastal areas. This law recognized Nicaragua as a multi-ethnic and multi-cultural country, whereas prior to this time European-derived mestizo culture was seen as the only source of legitimacy, and blacks and indigenous people were expected to participate in their own cultural destruction through assimilation. The autonomy law, which went into effect in 1990, created two regional autonomous governments along the Caribbean coast, one in the north and one in the south. All residents of these zones, whether indigenous people or not, are granted special rights only while resident in the zones. The law also seeks to protect and preserve indigenous cultures, languages and customs, and it

allowed for a kind of protected industrial development to take place that made Mexico into a model of stability for the rest of Latin America. The success of the whole arrangement depended upon the state's ability to use agrarian and other reforms to redistribute wealth so that no segment of society felt overly exploited. The 1982 debt crisis ended the Mexican state's ability to maintain this arrangement. The oil boom caused the Mexican currency to become overvalued, making it difficult for Mexican exporters to find markets. This in turn forced the government to borrow money, leading to the 1982 debt crisis.

The oil boom had profound effects upon the people of Chiapas. The government encouraged people to leave their traditionally agricultural areas and move into industry, especially three hydroelectric projects in the area. Many indigenous people left farming and went to work as construction workers, drivers, or traders. People left the central highlands for both newly industrialized and frontier areas throughout the 1970s. When industrial and energy development came to a halt in 1982, many people returned to agriculture, but they did so in transformed ways. Old-style swidden agriculture was replaced by capital- and chemical-intensive methods. Indigenous farmers thus needed access to cash, which led to more intensive economic stratification. The state has also decided that indigenous peasants are not a necessary part of the economy it hopes to build. These structural changes created the conditions for indigenous rebellion in Chiapas.

## 6. Indonesia

The Indonesian government has dealt with the problem of integrating ethnic groups into the state structure by recently attempting to compartmentalize legal systems. Religious courts have been given greater jurisdiction over such issues as marriage, divorce and inheritance. These courts are open only to Muslims. While such attempts are usually seen in the United States as an undesirable mixing of church and state, characteristic of radical Islam, one participant argued that it gave Muslims a sense of control over some aspects of their own lives. This in turn may lead to greater tolerance among ethnic groups. However, it also raises serious questions about who should be subject to religious courts. Should a person born into a Muslim family but now an unbeliever be subject to the rulings of a religious court?

guarantees all residents the right to court proceedings in their mother tongue. Each autonomous government has been granted important privileges. For example, economic development plans must include the participation of the autonomous governments.

The autonomous zones have dealt with questions of ethnicity and governance in a unique manner. The various ethnic communities have the right to identify and define their own ethnic group. Individuals can also choose which ethnic group they identify with, with no restrictions based on ancestry. Each autonomous government is divided into forty-five electoral districts, each of which elects one representative to the regional government. Every political party must put up a member of the majority ethnic group for election, thus guaranteeing representation for that ethnic group. However, the regional autonomous governments have run into difficulties. The central government in Managua, for example, has failed to promulgate the bylaws necessary to fully implement the autonomy law. The regional governments themselves must also share some responsibility for the slow progress of the autonomy laws, as they have allowed national politics to distract themselves from regional issues and have not managed to train sufficient numbers of people in the complexities of the new law to most fully take advantage of the opportunities it offers.

#### d. Mexico

The presentation on Mexico began by distinguishing between three tiers of Mexican society: penthouse Mexico at the top, made up of state functionaries and businessmen; lower Mexico, including tradesmen, housewives, small businessmen, farmers and peasants; and, finally, basement Mexico, made up of the indigenous population. From this perspective, the current Zapatista rebellion in Chiapas can be understood as an alliance between the lower two tiers of Mexican society forged as a critique of current structural adjustments occurring in Mexico. These readjustments are primarily a response to the oil-led energy development and the subsequent debt crisis.

Since the 1930s the Mexican government had created a kind of corporatist pact among all sectors of society. Indigenous people were responsible for producing the cheap foodstuffs that allowed the rest of the nation to engage in import substitution and limited industrialization. This



## **B. Individual versus Group Rights**

Many of the case studies detailed above involve conflicting claims about rights. For example, the provisions of the Nicaraguan autonomous zones that require each party to put forward a candidate of a particular ethnicity are based on the idea of a group's collective right to representation. Similarly, the Indonesian religious courts represent an attempt to recognize a group's right to its own traditions. However, often these group rights come into conflict with individual rights. In addition, the Western tradition of liberal democracy is based on a notion of individual rights, not collective ones, and one conference participant argued that very few countries in the world actually grant collective rights. This has presented serious problems for many ethnic groups, especially indigenous groups, whose claims to land and territory are based on an idea of group rights. Most nation states have resisted any incorporation of collective rights, and an attempt to introduce collective rights into the Vienna conference was unsuccessful.

One participant pointed out, however, that individual and collective rights must really be understood as the two endpoints of a continuum. Many of what are normally understood as individual rights can only be exercised by a group. For instance, the right to freedom of religion is normally only exercised by a group of religious practitioners, even though the right itself refers to an individual's freedom to believe as he or she sees fit. In a kind of reverse example, affirmative action is meant to make reparations for group discrimination, but it is exercised with reference to particular individuals. Thus collective and individual rights should not be understood as always in opposition. Even a country such as the United States, based as it is on the notion of individualism, has instituted some things similar to collective rights, such as affirmative action and freedom of religious practice, as well as (sometimes) recognizing limited sovereignty of Native Americans.

Perhaps the most problematic of group rights is the right to territory. While many presentations focused on the collective rights of indigenous peoples to territory, one presentation showed the negative side of instituting such rights. In the former Yugoslavia, what had been a question of constitutional rights and the integration of peoples was transformed into an

issue of the right of each ethnicity to have territorial autonomy. This has led to many of the present problems in the area, as each group attempts to consolidate what they see as their ethnic homeland, often eliminating other ethnic groups from such an area. As long as each group there continues these efforts, the situation will remain unresolved. Unfortunately, the expert on Croatia saw no real hope for reversing the process that has led from concerns with constitutional rights to territory and bringing it back to issues of individual rights. As long as the accent remains on the right of a nationality to its own territory and not on the rights of citizens, the problems will remain.

### **C. Development**

The sessions on development focused on Latin America, paying special attention to the plight of indigenous peoples. Indigenous peoples in Latin America are among the poorest in the world, and traditional development projects have not only not benefited them, but have often hurt them by removing land from their control or degrading their environments. However, many indigenous groups do support development because they need access to the capital it can bring them. They want to be involved in all phases of the planning and execution of this development, though. Control over development projects would bring not only cash, but also the well-being that results from participating in the decisions that affect one's life. Several proposals were offered in this vein, such as the suggestion that indigenous organizations and development agencies develop funds under the control of indigenous peoples. In fact, the Indigenous Peoples' Fund, already in existence, has tried to do just this. An indigenous peoples' free trade agreement was also proposed for all of the Americas.

Many problems have arisen in the attempt to involve indigenous people in development, however. First of all, traditional development agencies have had a difficult time managing the transition from reactive to proactive development, in which they need to actively seek out indigenous advice and appropriate projects. Second, the criteria for project eligibility are often too rigid to allow for the kind of creative development necessary to help indigenous peoples. Third, the financing mechanisms currently in place are

often inappropriate for the sorts of small-scale projects needed by many indigenous peoples. Finally, there is a great deal of confusion as to just what indigenous development might be. What is development with identity? This engages the question of what it means to be an indigenous person, and of whether assimilation or preservation of difference is to be the goal of policies designed to deal with ethnic groups, questions that remain unanswered.

Other issues were raised about indigenous development having to do with indigenous control of their own territory. Throughout South America indigenous peoples have been ceded large tracts of territory. However, they have lacked effective control over this territory. Often the land has been neither demarcated nor registered. International pressure is needed to force Latin American countries to live up to their promises to indigenous peoples. In many cases, even if the land has been registered, indigenous peoples still lack control of their land. In Brazil, for example, the majority of land designated for environmental protection is indigenous land. While it is important to protect biodiversity, indigenous peoples must then be compensated with land which they can use as they see fit. In a similar example, indigenous Bolivians have suffered from the debt-for-nature swaps that took place in 1987. Almost all the land that the Bolivian government agreed to protect in return for forgiven debt is indigenous land. The effected indigenous people see this land as their territory, and they argue that control of this territory is linked not only to their economic survival but to their cultural reproduction. While the government promised to respect their territorial rights and to cancel timber concessions in the area, the settlement remains unratified. This clearly points to the need for alternative development models that allow indigenous peoples to participate in the benefits of development on their own terms and without sacrificing their own way of life.

## IV. SOLUTIONS

### A. Constitutional Arrangements

There are a great number of constitutional means for dealing with issues of ethnicity and governance. While many of these have already been alluded to in the case studies, it is worth listing the available mechanisms. Any constitutional government must face the challenge of balancing majority rule with the protection of minorities. One almost universal mechanism is an anti-discrimination principle similar to the United States' fourteenth amendment's equal protection clause. These sorts of mechanisms traditionally forbid discrimination based on such things as race, ethnicity, nationality, and religion.

Most constitutions also include some sort of bill of rights, based on the classical individual rights. These include prohibitions on torture, freedom of religion, freedom of speech, and so forth. Similar in nature to these rights, and often found in the same section of a constitution, are prohibitions and limitations on government actions. Closer in nature to collective rights are affirmative action principles. These generally go beyond bans on discrimination to state that membership in some group entitles one to special treatment based on historic discrimination. Constitutions may also guarantee rights to the preservation of one's own language, or even to the right to be educated in one's first language.

Constitution can also include rights that are clearly collective in nature. These can include reserving a specific number of legislative seats for a minority group. For example, the 1968 Czechoslovakian constitution guaranteed an equal number of seats for Czechs and Slovaks, even though Slovaks made up only one third of the total population. Other government posts can also be reserved for minorities of whatever sort, such as requiring a certain number of Supreme Court justices to be from a particular region. Finally, the electoral process itself can be designed to ensure representation of minority groups, either by designing voting districts that guarantee a minority representative or by using means such as proportional representation. Alternatively, decision-making can be decentralized so that many policies are decided on a regional basis. This works particularly well

when ethnic groups are also regional groups, such as the Walloons and the Flemish in Belgium.

Several issues were raised by discussions of constitutional means for preventing ethnic conflict. First of all, a distinction was drawn between positive and negative rights. Traditional European political philosophy generally conceived as rights as prohibitions on government action, or as freedoms from something. The twentieth century has witnessed a move towards positive rights, often conceptualized as the government's actual obligation to do something. This is related in turn to a move from individual to collective notions of rights. Positions on collective rights were varied among participants at the conference, with some arguing that collective rights rested on shaky philosophical ground. In addition, notions of rights flow out of particular theories of the state. Viewing the state from an individualistic and atomistic point of view leads one to individual rights. Alternatively, the idea of the corporatist state as made up of the groups who exist in it, can lead to collective rights for these groups.

## **B. Conclusions for Policy and Development**

Many of the participants pointed out that the time to get involved in ethnic conflicts is before they start, leading to a focus on prevention rather than amelioration. The general consensus was that constitutional means could be found for preventing ethnic conflict, although there was some disagreement on the appropriateness of such measures as the institutionalization of collective rights and the use of special courts for ethnic minorities. Several speakers cautioned that what works in one place may not work in others, and that decisions about such things as pluralistic systems versus proportional representation must be made while keeping in mind the traditions of the people who will be affected. This is especially important when attempting to incorporate indigenous groups who had existed outside of state structures. Constitution writing allows one the opportunity to rewrite the rules of the game, but it also imposes a new set of rules on peoples who have been living according to their own rules for sometimes hundreds of years. In the process, indigenous peoples are often finding the rules by which they have lived violated.



Once ethnic conflict has already begun, the consensus was that the international community must exert pressure on all the various parties to resolve their differences. This is especially true when elites have manipulated ethnic settlements in a play for power. In these cases, pressure on said elites can force them to resolve the conflicts, which often have no basis in ethnic rivalries at all. Similarly, international pressure is necessary to force various governments to live up to the commitments they have made to the indigenous peoples within their borders. As was often pointed out, it is one thing to sign a treaty, but quite a different thing to have it enforced. The same holds true for constitutional provisions designed to protect minorities, which are sometimes more honored in the breach than in observance. It is the responsibility of relatively stable and powerful states to exert the necessary pressure to ensure that other parties live up to their own constitutions and treaties.

Unfortunately, there were few detailed recommendations for how development agencies can better incorporate indigenous needs into their planning. It is clear that development will continue to change the rules of the game for indigenous people, and that these people thus need to be included in all phases of development. There is no doubt that development agencies have learned a great deal in the past twenty years about how to do this, but there is also a long way to go. Agencies like The World Bank and the Inter-American Development Bank have great difficulties dealing sensitively and effectively at the level necessary for the small-scale projects desired by many indigenous groups. Provisions also need to be enacted to deal with groups like the Warani, who wish to continue their traditional way of life free of western influence. With these cautions in mind, though, it does seem possible that development agencies can establish funds controlled by indigenous people for themselves.

While perhaps more questions were raised than answered, the conference provided a forum for an airing of the important issues related to ethnic conflict and issues of governance. Its global perspective allowed for fruitful comparisons across both regional and disciplinary lines. While further work remains to be done, the conference both laid out where we have come from and suggested several possible roads we might take as we all attempt to deal with the difficult issues raised by ethnic conflict throughout the world.