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The protection of cultural diversity: reflexions on its origins and implications*

La protección de la diversidad cultural: reflexiones sobre sus fundamentos e implicaciones

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Abstract

The first part of this paper presents a historical outline of how racial and cultural alterity (particularly indigeneity) has been imagined and represented by elites in Colombia since the nineteenth century. The evolution of these ideas takes us to the contemporary category of “ethnic groups” and its representation in positive terms, a process that signifies a substantial change compared to past discourses in favour of cultural homogeneity. The second part of this text reflects on the ways in which ethnic policies are legitimized –today more than ever– through the principle of “the protection of cultural boundaries”, a principle which is widely praised and uncontested, but which has become totally dependent on problematic concepts such as “cultural damage”, “authenticity” or “preservation”. Furthermore, the institutional actions based on that principle are actually uncertain, ambiguous and inefficient, a situation that invites us to question the “policies for diversity”.

Resumen

La primera parte de este artículo presenta una perspectiva histórica sobre la manera en que la alteridad racial y cultural (particularmente la indigenidad) ha sido imaginada por las élites en Colombia desde el siglo XIX. La evolución de estas ideas nos lleva a la actual categoría de “grupos étnicos” y su representación en términos positivos actualmente. En la segunda parte del artículo se reflexiona sobre la manera en que las políticas étnicas se legitiman hoy más que nunca a través del principio de “protección de la diversidad cultural”, el cual goza de un elogio generalizado, pero que en el fondo depende totalmente de conceptos muy problemáticos tales como “daño cultural”, “autenticidad” o “preservación”. Así, se observa que muchas de las acciones institucionales que se han tomado en nombre de dicha protección son en realidad, inciertas, ambiguas e ineficaces, lo cual evidencia la necesidad de reevaluar las “políticas para la diversidad”.

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INTRODUCTION

The “policies for diversity” –referred to hereafter– are Colombia’s national policies created for ethnic groups. Although “diversity” can also include other categories such as gays and lesbians, handicapped people or Jews, we will not refer to them directly in this text. Today, ethnic groups –mainly indigenous peoples and afro-colombians¹– are the most visible social categories of what is now widely and too uncritically called “cultural diversity” in Colombian media and official discourses.

In this article we will be analysing some of the historical grounds of today’s praise of “cultural diversity”, as well as the workings and implications of contemporary policies in favour of ethnic “diversity”. Without disregarding the political struggles of some ethnic groups, or ignoring the fact that those populations are the descendants of social groups which have been systematically marginalised and excluded in the country since colonial times, it is important to clarify from the beginning of this paper that it is not a revision of the extensive literature on multiculturalism or on ethnic movements and their struggle for empowerment and recognition. Instead, we will be focusing on the evolution of some hegemonic ideas about ethnicity and cultural diversity by non-ethnic elites, and we will be critiquing some of the policies based on the

principle of the protection of cultural diversity, supposedly in favour of ethnic populations.

This implies a critical analysis of “cultural diversity”, not as an objective reality, but as a concept invented mainly by “white” intellectual elites. Several authors have indeed shown how “cultural diversity” is a concept praised unanimously in different countries and within different ideologies, left-wing or right-wing alike, in academia, private companies, governmental and non- governmental organizations see for instance (Ribeiro, 2007; Sarrazin, 2011 and Wood, 2003). We must now try to understand how this concept came to be so widely praised, and what are some of the consequences of its use in Colombia’s social-political context.

The first part of this article describes some of the main positive ideas manifested by the elites about ethnicity and particularly about indignity as they have evolved in the history of the country, since it became an independent nation in the first decades of the nineteenth century. We will provide a very brief overview of the period stretching from independence until the end of the 1960s. From 1970 on, the analysis will become more detailed, as this was the beginning of a period directly influenced by the multiculturalists political Constitution written in 1991.

After that historical outline, this article develops a critical reflection on some of the policies, laws, decrees, official norms, and judicial cases where ethnic groups are involved and/or are opposed to other types of actors, such as peasant communities, the State, or private com-

¹ According to the latest census of the national population (DANE, 2007, 2008), there are three main categories of ethnic groups in Colombia. Indigenous peoples (3.4 % of the national population), Afro-Colombians (10.6 %) and Romani people (0.01 %). Indigenous peoples are themselves divided into approximately 84 ethnic groups or “cultures”.

panies. A revision of those cases² is what led us to notice that the principle of the protection of cultural diversity is frequently brought up in defence of social groups marked as “ethnic” –a category which is in itself problematic, as we will also argue.

Far from being another critique of multiculturalism see for example (Bocarejo, 2011; Chaves, 2011; Hale, 2002, 2005; Pineda, 2011; Restrepo, 2004, 2007; Segato, 2007 and Wade, 2011), this is a critique of the “policies for diversity”, a type of policies which is frequently presented as something new and free from the problems pointed on multiculturalism. Indeed, this essay specifically reflects on the logic behind the “protection of cultural diversity”, an idea which is nowadays unchallenged and considered by many as a principle for political action which would necessarily be good in the eyes of every sensible human being. In fact, we will see that those political actions suffer in many aspects from the same fundamental problems affecting multiculturalist’s policies.

Discourses about indignity from 1810 to 1970

In Colombia, the images and policies related to Native Americans have been formative of the images and policies related to other ethnic

groups, and –most importantly for this article, as it will be explained later– to what is now called “cultural diversity”. Because of this, the history of representations about the “Indians”, the “indigenous peoples” or the “native cultures”³ is crucial to understand contemporary representations about other ethnic groups. Indeed, Restrepo (2007) has shown that the dominant model for imaging indignity in the country has been extrapolated in many institutional circumstances to imagine black communities as well⁴.

In 1890, for instance, the State gives, for the first time, a particular status to the “indigenous peoples” in the juridical framework. We can thus speak of some sort of recognition which can be considered as an ancestor of today’s “positive discrimination” (Cunin, 2003, p. 31) and the policies for the protection of cultural diversity. This recognition, however, did not impede rejection and exclusion of the peoples categorized in this way by the “white” and “mestizo” majority in the country.

As it is widely known, since the nineteenth century most nationalist projects were founded on the idea of cultural homogeneity of the Nation (Smith, 2000, p. 17). Colombian nationalism was certainly not an exception to this rule: a unified country with one culture, one language, one religion, etc. Moreover, the newly-born Republic of Colombia declared the equality of all men (Political Constitution of 1821). Colombian

2 Those judicial cases were sent to the Instituto Colombiano de Antropología e History (Colombian Institute of Anthropology and History - ICANH) by the Corte Constitucional (The Constitutional Court). The facts presented in the second part of this paper are partly based on the observations and conclusions drawn by us as researchers working at the ICANH with those documents and cases. Considering the restrictions of space in an article such as this one, we cannot quote and explain each one of them.

3 The terms “Indians”, “natives” or “indigenous peoples” will be used as synonyms.

4 In colonial times, the category of “black people” was denied an institutional place in official discourses and in the works of most intellectuals (Cunin, 2003, p. 30).

elites, influenced by French republican ideas, believed that the State could only flourish under a regime based on the notion of “citizenship”.

However, indignity was kept as a symbol of autochthony and autonomy for a nation whose recently-acquired identity as a new and independent republic was based on its *distinction* from colonial powers. Indeed, since the Indians were the native peoples of the New Continent, their idealized image was taken as a symbol of a national identity separated from Spain. As an example of this, briefly after the final battle for independence in 1819, liberal elites represented the American continent as a young *indigenous* woman (Pineda, 1997, p. 112). A few decades later, under the influence of romanticism, some Colombian authors (for example, Jose Joaquin Borda or Prospero Pereira) glorified the local and traditional culture, speaking of the Indian’s “magnificent kingdoms” of the past (Langebaek, 2003). These romantic, idealized images which aspired to extol Colombia’s self-pride existed at the same time as the real Indians in flesh and bone were generally despised by the majorities (Pineda, 1997, p. 113).

If liberal regimes (associated in Colombia with left-wing ideologies) tended to propose the equality of all men, conservative regimes (right-wing) more frequently tended to discriminate the natives. For instance, in 1886, a new Constitution was written under a conservative regime; here, official discourses openly considered the Indians as “savages” or “half civilized”, and from the point of view of the legislation they were considered as “minors” (Pineda,

2002) who should be put under the tutelage of the Catholic missions.

As time went on, and no matter what type of government was in power, the measures regarding indigenous populations were a subject of intense debates. Although most of the official discourses in the first half of the twentieth century assumed that the assimilation of the Indians was the only way to achieve national integration and construct a modern country, intellectuals like Gregorio Hernandez de Alba (one of the first Colombian ethnologists), critical of the European social reality of that time, thought that indigenous cultures were admirable in many ways (Trojan, 2007). He believed that some indigenous characteristics should be integrated into the Colombian identity (Hernandez de Alba, 1944).

The 1940s was a period in which folklore studies became important in Colombia as in other Latin American countries, notably Mexico and Peru (Rueda, 2009). This was also a founding moment for the institutionalization of ethnology in the country (Langebaek, 2003). Concomitantly, the “afro” heritage began to be valued by some “white” intellectuals who recalled the important contribution of “black” folklore to the national cultural heritage⁵.

Artists’ organizations also played a key role in the valuing of “tribal societies”. For instance, the “*Grupo Bachue*” promoted the “recovery” and “re-interpretation” of native art, symbols and myths as sources of inspiration and as sym-

5 This contribution of “other races” was accepted by “white” elites in Bogota only if it came in a very “whitened” form (Wade, 2002, p. 13).

bols of national identity. This artistic interest for “tribal cultures” cannot be dissociated from the interest in African art by European artists in the same historical period (for example the cubist movement).

Around the 1950s there was also the ideal of creating a “Colombian race” or a “*mestizo*” society imagined as the combination of Spaniards, Afro-descendants and Indians (Gros, 2000, p. 353). This “*mestizo* race” was seen as a way to achieve social integration, unity and homogeneity in the nation.

However, the project of the “*mestizo*” nation only hid the class-racial hierarchy in the social system (Wade, 2000). We can thus see a contradictory logic in which some local elites (mainly intellectuals) praised the *mestizo-colombian* race, sometimes praising indignity in itself but, on the other hand, secretly preferred “whiteness” (of the skin and of a person’s manners, personal tastes, social acquaintances, etc.).⁶

As for the modernization of the Nation, Indians living according to their own traditions, language, etc. (as it is the ideal today) were considered to be incompatible with the construction of a modern society (Gros, 2000). Although the idea of exterminating ethnic groups had lost legitimacy by the 1960s, their assimilation into modernity *had* to be accomplished and one of the main ways to do this was through their incorporation into the modern-national education

system. This unidirectional perspective, however, was to be challenged.

The promotion of (ethnic) difference and the arrival of multiculturalism

Major cultural, economic and political changes took place in the late 1960s and 1970s. For instance, Marxist theories on economic dependence denounced unequal commercial relations between Latin America and the economic powers of the North⁷. The natives and afro-descendants were considered as the victims of a new form of colonialism. Anti-colonialist discourses began to strongly criticize those who treated indigenous peoples and their culture as “backward” (Wade, 2000, p. 94).

This came along with counter-cultural movements: criticism of “western culture” and against the ideal of the “melting pot” spread among intellectuals from the North. Cultural change and difference began to acquire a valued status in some social contexts, and the project of assimilation could even be seen as “ethnocide”. This was also a time of social movements in the western hemisphere partly influenced by the Civil Rights Movement in the USA. In Colombia, the 1970s was a key moment for the foundation and development of ethnic-social movements.

In the 1970s and 1980s, the nationalist project of cultural homogenisation was seriously criticized. The State granted new lands for the native communities and declared that education

⁶ This contradiction is still found nowadays in Colombia (Sarrazin, 2011, pp. 392-407).

⁷ The term “North” (with a capital letter) is a short way to refer to countries in Western Europe and North-America. Other authors use the expression “the North Atlantic”.

programs designed for them should be bilingual (Spanish and one of the local native languages). Official discourses began to use the concept of “interculturality”, meaning the exchange of knowledge between modern culture and indigenous cultures. “Interculturality offers the possibility to know other cultures and, thus, the possibility to enrich our own culture” (Ministry of Education National of Colombia, 1987, p. 81). This was also the time when the word “ethnic” began to be used systematically, the intellectual elites being the first to do so, followed by State officials and then by some natives and afro-descendants. A government employee in the late 1980s said that the ethno-education program “promotes cultural relativism and [...] shows that no culture is superior to another” (cited by Jackson, 1995, p. 308).

In the 1990s, the State adopted the 107 Convention of the *International Labour Organization* on the “rights of tribal minorities”. That Convention became a national law⁸ and provided legal grounds for many new decrees and institutional actions related to the protection of ethnic groups (for example, respect of their communal lands, attribution of a certain degree of autonomy for indigenous communities, the right to be consulted when development projects would affect them, etc.). It is not a random coincidence, however, that the signing of this type of convention happened at the same time as international NGOs and global institutions such as the United

Nations Organization (UN) acquired a stronger presence in the country.

Recognition, respect and preservation of ethnic traditions became important values mainly among highly-educated sectors of urban population, a tendency which was part of the globalised diffusion of anti-racist discourses and a certain praise of cultural difference in countries from the North. At the same time, anthropologists and other social scientists played an important role by inspiring and providing visibility of those minorities’ movements based on racial and cultural identity (Sarrazin, 2009)⁹.

By the 1990s, “ethnic cultures”, considered as “traditional” and “endangered”, were to be “*protected*”. Furthermore, in the context of an armed conflict which affected mainly the countryside, the State saw the need to negotiate with different political factions and to provide special assistance to some sectors of the population –such as the ethnic groups– which were considered as more vulnerable in violent circumstances. It was in this setting that a new political Constitution was born in 1991¹⁰. This happened also in the midst of other types of macro-structural changes on the national and transnational levels: increasing decentralization, neoliberalism and democratization, the larger presence of the USA in the region, and the adherence to international treaties and conventions, involving mainly the UN.

8 Cfr. Ley 21 de 1991.

9 To acknowledge the key role of “white” intellectual elites in this process is not to say that ethnic groups did not participate in it.

10 There was a turn towards multiculturalist Constitutions in several other countries in Latin-America at the time, for example in Nicaragua (1987), Brazil (1988), Mexico (1992), Peru (1993) and Bolivia (1994).

Some of the articles of the Constitution that are related to diversity and its protection include: “The State recognizes and protects the ethnic and cultural diversity of the Colombian Nation” (Art. 7). “It is the State’s and the people’s duty to protect the cultural and natural wealth of the country” (Art. 8). “The members of ethnic groups have the right to receive an education that will respect and develop their cultural identity” (Art. 68) “Culture in its various manifestations is the foundation of our nationhood. The State recognizes the equality and dignity of all [cultures] living in the country” (Art. 70).

Colombia proudly declares itself a “pluri-ethnic and multicultural” country. A new national identity was also being constructed: “diversity” (particularly ethno-cultural diversity) was more and more frequently mentioned in official discourses as a “wealth” of the Nation and as a key element of “our identity”: “Unity in Diversity”.

In order to implement the recognition of ethnic-cultural difference, the Colombian State put in place the Differential Approach (*Enfoque Diferencial*). All of the State’s institutions in Colombia (administering for example food subsidies, health, development programs, etc.) are supposed to apply the Differential Approach: every institution must actively recognize the countries “diversity”, which actually means to consider –ideally before taking any institutional action– the particular conditions, history, demands and needs of minorities or marginalized social sectors. The implementation of the Differential Approach should contribute to attain the ideal of “equality for all” in the country.

It is a fact that, after the 1991 Constitution, ethnic groups are recognized as political actors and have greater possibilities to interact with the State in favour of their own interests. Communities can profit from their recently valued identity to stand up politically (Laurent, 2005). As a consequence of these types of specific advantages, the numbers of people who have declared themselves as members of ethnic groups has increased dramatically in what has been called a re-ethnization process (Chaves, 2003).

Some of the main types of rights and privileges granted to ethnic groups are: the autonomous administration of public resources transferred to them directly from the State; freedom to enforce their own law and political autonomy within their territories (as long as they do not contradict the constitutional principles); the right to have their own representatives in the senate; the collective ownership of lands; the right to stop the execution of certain economic projects which could endanger their cultural integrity.

Despite the great advantages that multiculturalism could bring in theory, its actual implementation has been strongly criticized on several aspects which cannot be thoroughly revised here¹¹. Directly relevant to the argument of this article, as it will be developed below, is the fact that, under multiculturalism, the State’s recognition of social and cultural differences has been strongly limited to ethnicity, and more specifically, to indigenous peoples (Chaves, 2011). In

¹¹ See the compilations edited by Bocarejo (2011) or Chaves (2011), just to mention recent Colombian cases.

the same sense, Bocarejo (2011) argues that the subjects of cultural heterogeneity under multiculturalism in Colombia are now ethnic groups.

Structural and conceptual problems behind the policies for diversity

After all the criticism against multiculturalism that we have seen in recent years in this country and abroad, official discourses, laws, decrees, programs, etc., are rarely presented as multiculturalist. In what can truly be described as a “diversity turn” (cultural and political), the key word is now “diversity”, and “cultural diversity” is taken for granted as something “out there”, an objective reality easily recognizable, and as a value in itself. Moreover, many of the discourses about cultural diversity have become some kind of moral manifestos which provide the grounds for *ethnic* policies (a relationship which should not be taken for granted). For instance, a publication of the Ministry of Culture¹², prays for an “increasing awareness about diversity”, and curiously presents this concept as some kind of attitude to be exercised constantly, a value, a moral principle: “diversity should be a daily exercise”(!).

Despite its vagueness, the word “diversity” is widely used in politics and literature around the world. Herring (2009) reminds us that “generally, ‘diversity’ refers to policies and practices that seek to include people who are considered, in some way, different from traditional members.

More centrally, diversity aims to create an inclusive culture that values and uses the talents of all would-be members” (Herring, 2009, p. 209). Transnational academia is no exception of the use of the word “diversity” as a moral principle, or as something we should value. For example, according to Modood (2011, p. 5), “where ‘*difference*’ is positively valorized (or pragmatically accepted) [...] I shall call diversity”; the author adds later that “diversity” can be considered as an *ethos*: “we should value diversity”. In the same spirit, Mexican researcher Hector Diaz-Polanco (2006) talks about “diversity” as a “meta-principle”, meaning, the principle of accepting other value systems or other possible ways of thinking. Wood (2003) is then right when he affirms that “diversity” is in fact an ideal which has been constructed and diffused in good measure by social scientists.

If Diversity as an indefinite moral principle can hardly be contested, we think that the “policies *for* diversity”, however, can and should be critiqued, since they have become the ideological justification of concrete, institutional actions affecting social groups in Colombia. One of the problems that must be noted here is that the policies (and discourses) concerned with the protection of cultural diversity, just like the criticized multiculturalism mentioned above, constantly present cultural diversity as a series of bounded “cultures” (or what we would call “ethno-cultures”). This implies a conceptual construct which contributes to establish and institutionalize a very particular and historically located classification system that informs our ways of

¹² Dirección de etnocultura y fomento regional. Ministerio de Cultura.

seeing the social world and our ways of dealing with heterogeneity and social divisions. In this vision, ethnic groups¹³ are supposed to have different “cultures”; actually they *are* “cultures”, and furthermore, they are “different” and “traditional”. Since “different cultures” have been reified in official norms and administrative procedures, cultural boundaries¹⁴ are erroneously taken for granted as objective realities that need to be found (by “experts” such as anthropologist who have recently graduated from college) in order to implement social policies.

It is thus important to critique the presumption that the discourses and policies for diversity are the right and just recognition of an objective reality supposedly composed of ancestral “ethno-cultures”. This contemporary construction of “cultural diversity” ignores (yet again) the fact that “other cultures” and “ethnic groups” are invented categories with colonial origins; a taxonomy that is also functional to processes of domination.

Although the “protection of cultural diversity” is associated with the defense of the marginalized and the subaltern, we may ask ourselves if the praise of the concept is not another element of a global agenda for the “ethnization” of social differences (Segato, 2007) imposed by the powers from the North through the UN, the Or-

ganization of American States, the World Bank, or the Inter-American Development Bank¹⁵. It does not seem to be a coincidence that the praise of cultural diversity runs parallel to the growing influence of the UN and neo-liberalism on States like Colombia.

As we said, protection of cultural diversity (7th article of the Constitution) has become a key principle of governance. A great number of laws, decrees, official norms or litigation arguments are based on it. However, the principle translates into two types of institutional actions which are very different, and yet frequently confused: the policies whose aim is “cultural preservation” (including “traditions” and “heritage”), and the policies whose aim is to assist some social groups in order to diminish social inequalities.

One of the main arguments frequently expressed to try to explain the conflation of these two types of policies is that the cultural difference of ethnic groups has been a cause of their marginalization, discrimination and exclusion. Having recognized that traditional know-how, medicinal or production practices, as well as social alliances, etc., have been weakened, undermined, and rejected by the dominant non-ethnic majority, the State has decided to counteract that tendency by advertising a positive image of “ethnic cultures” nation-wide. We could quote many examples of such type of advertisements, but let us refer to a document by the Ministry of Education which considers that the “policies

13 To see ethnic groups in the social landscape is a particular construction which must not be taken for granted. On this subject Brubaker (2004, chapter III) has developed the concept of “ethnicity as cognition”.

14 We are taking the concept of “boundaries” in the sense that Barth (1998) proposed it. Seeing “cultures” as discreet entities in a discontinuous space is a fiction also denounced by Gupta and Ferguson (1997).

15 For more on the way these last two financial institutions have put pressure on the State to include the “ethnic” as an administrative category, Urrea (2011).

for diversity” (they literally use that expression) should contribute to “install intercultural education in every school in the country, so that boys, girls and their families understand that the afro-Colombian, indigenous and romani cultures are part of our nationality” (Ministry of Education National, 2001). In this way, “diversity” means some sort of moral recognition of ethno-cultures.

Such valorization should not only counter discrimination and exclusion of ethnic individuals, but it should also allow ethno-cultural groups to be proud of their “own identity”, and thus to prosper and attain good life standards.

“We need proper strategies and actions which will valorize and enhance the cultural riches of ethnic groups and facilitate their re-encounter with their own identity and self pride [...]. We have erroneously dismissed the real value of their own world-views and cosmologies” (DNP, 2012).

It is also announced that discrimination against ethnic cultures affects negatively the chances of ethnic individuals to prosper economically and otherwise.

This official campaign aimed at protecting ethnic traditional culture is obviously not a very local, autochthonous idea. The UNESCO (part of the UN) is a very important reference in the country regarding the *protection of cultural diversity* and the discourses that justify it. For instance, the UNESCO has contributed to the diffusion and structuring of discourses about “intercultural dialogue and exchange”, the “promotion of cultural diversity”, “preservation of cultural heritage”, and other similar concepts. The “2003 UNESCO Convention for the Safe-

guarding of the Intangible Cultural Heritage”¹⁶ is constantly referred to by national institutions in Colombia, especially after its adoption as a Law 1037 of 2006. For example, among the cultural policies dictated by the Ministry of Culture, there is a Decree 2941 of 2009 for the “Protection of Intangible Heritage” which orders local authorities to have “inventories of their local cultural *heritage*” as “significant manifestations of their cultural *diversity*”. We can see here that “cultural diversity” is often associated to the past (“heritage”) and to ethnic groups, since they are supposed to be “traditional cultures”. UNESCO’s influence on local representations of cultural diversity can also be seen in academia and intellectual elites, and it is those local elites who translate, introduce and contribute to the diffusion and appropriation of those globalised principles and norms. An example –among many others– is a recently published book where the authors praise a local university program on “Interculturality” by quoting the UNESCO’s “Declaration for Higher Education in the twenty-first Century”¹⁷: “the teaching of pluralism should be based on respect and appreciation of other cultures [...]” (Parra and Herrera, 2005, p. 21).

What is respected and valued from our “diversity” is frequently related to what is considered as worthy “cultural heritage”. But let us

16 This convention defines “intangible cultural heritage” as “the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, arte facts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage”.

17 Véase. La declaración mundial sobre la educación superior del 9 de octubre de 1998. http://www.unesco.org/education/educprog/wche/declaration_spa.htm#declaracion

take a brief look at how this process operates. According to the international norms, cultural heritage is composed of practices, representations, expressions, beliefs, know-how, traditions, rituals, festivities, etc. [...], that the communities, groups and sometimes individuals recognize as part of their cultural heritage¹⁸. This definition is not only circular (“cultural heritage is what people consider cultural heritage”, imprecise (“beliefs”, “traditions”), but it also pretends that every person or group on earth will naturally *know* what “cultural heritage” is. Based on those definitions, the government of Colombia has established that locals should choose their “own cultural heritage” in order to participate in a kind of contest where national authorities (non-ethnic elites) will choose which cultural expressions deserve to be considered as part of the country’s “cultural heritage”. The national selection will eventually be presented in the international arena (the UN and the tourism industry, for example). In this way, to acquire the status of the country’s “cultural heritage” and part of the country’s “cultural diversity”, ethnic communities have undertaken processes of cultural transformations in order to conform to the standards of the elites, and therefore, to a large extent, to the standards of the UNESCO and the tourism industry¹⁹.

Can these measures aimed at the preservation of some kind of “culture” actually become

efficient policies for assisting marginalized sectors of the population and diminishing social inequalities?

Procedural difficulties

The vagueness and ambiguity behind the principle of “protection of diversity” cost dearly to the nation. In fact, our experience in a public institution shows that the increasing amount of long and complex litigations where this principle is involved has already become unmanageable by the State. For example, in a country where ethnic communities are in contact with the rest of the population in many different aspects of social life, countless interactions which inevitably change the social reality of any group can be considered as causes of “cultural damage” for ethnic groups. As a result, the judicial system and research institutions such as the Colombian Institute of Anthropology and History (ICANH) receive an increasing amount of demands where ethnic individuals or ethnic representatives appeal to the constitutional mandate to protect the cultural diversity: a strategic move in legal confrontations that has led to the systematic favoring of ethnic groups (or, more likely, some members of their elites) *vis-à-vis* other individuals or communities such as peasants who are not necessarily richer or less marginalized and often live in the same areas as ethnic groups.

In this context, some groups and individuals construct discourses of unity, belonging and ancestry, reproducing what is widely known (after Spivak) as “strategic essentialism”. By doing so, they often reproduce hegemonic ideas

18 Véase la página oficial de la Unesco. <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00002>

19 In the two thousand nine (2009), a similar process in Africa is described by Comaroff and Comaroff.

and ideals of what an ethnic culture is supposed to be. Those who can show a “traditional” image before the State and the dominant society are those who obtain the State’s benefits. In this way, the policies for diversity have actually contributed to the transformation of ethnic practices according to dominant standards.

Furthermore, we should notice the creation of a new type of ethnic bureaucrats (Chaves and Hoyos, 2011) who know better than others the idioms and laws of the State; they are individuals who have specialized in interacting with the State, travelling constantly to the capital city, socializing with politicians, civil servants, “experts”, and intellectual elites. As those individuals acquire new status and power, there are changes in social relations and political structures within ethnic communities, in some cases creating social divisions, tensions and rivalries; once they begin to receive the benefits from the State (usually money), their practices, alliances and cultural values are also radically transformed.

Aware of the manipulation of identity markers and the use of identity strategies by ethnic individuals and groups, the State and “white” elites are constantly claiming proofs of cultural authenticity. This implies more strict criteria and more rigorous expertise looking for the “authentic cultural difference” (or “real diversity”!) to “protect”. Based on government’s experts (notably anthropologists), different institutions (notably the Ministry of the Interior) recur to definitions of “indigenous community” such as this one: a community whose members share values,

characteristics, and habits, as well as forms of government, administration, social control, or normative systems that *differentiate* them from other communities (our translation and our use of italics) (Decree 2164 of 1995. Art. 2). As anyone can notice, apart from being very ambiguous, this definition shows the importance given to the fact that “values”, “habits”, etc., must be different from those of other communities, an idea that is repeated later in the cited document and in many other official norms. There must be a cultural *boundary* that separates ethnic people from the rest, a boundary that is not necessarily clear-cut since we are talking about real people who move, interchange, and whose origins cannot be reduced to some millennial lineage or pristine ethnic “roots”. The question of defining a division line is even more problematic in some rural areas where peasant communities have a long history of intense social and cultural exchanges. Expecting to solve the problem of differentiation, official documents recur (yet again) to the notion of preservation (of traditions from the past); indeed, the cited document specifies that the only communities to be considered indigenous are “those that have *preserved* their own habits”.

The Differential Approach does not come with a set of instructions for governments employees. When they have to work with communities of real people who live in modern times, they cannot easily tell an “authentic ethnic culture” from a “non authentic” one; they do not know just which differences to look for, which traditions must be preserved or how to preserve

them (...) This lack of parameters generates confusion, conflicts, and inefficiencies in the administration of social policies aimed at the protection of cultural diversity (i.e.: cultural difference).

Supposing that we can overcome the identification issue mentioned above (and we cannot!), State institutions are also expected to design special policies for ethnic groups according to their identity, in order to preserve their “cultural integrity”. Based on that principle, ethnic organizations such as the ONIC (National Organization of Colombian Natives) argue that the State’s laws and policies do not take sufficiently into consideration their particularities. An additional measure has thus been introduced into the national legislation: the “previous consultation”, a legal principle (based on the 169 Convention of the ILO, part of the UN) ordering that ethnic groups should be consulted and asked for authorization every time a development project is likely to affect or put in danger their culture, institutions, material or symbolic goods, etc. The implementation of the “previous consultation”, however, encounters problems related to questions such as How to decide what may or may not affect a community directly?, What is “cultural integrity”?, What exactly should be done if there are cultural, social or material changes?, What type of compensations should there be depending on each case? How far should discussions and negotiations over the mentioned topics extend in time? Considering the immense complexity of causal relationships

in social processes, how can one determine what it means to “affect” a community? In practice, lawyers representing indigenous communities frequently bring up in their arguments concepts such as “damage of the ancestral culture” and “danger against cultural identity”, concepts that imply the type of vagueness and ambiguity also described above.

The “previous consultation” reminds us of another problematic issue: legitimate representation of ethnic communities. Indeed, it is not always easy to know which individuals should be representing those communities, especially considering the fact that their social and political structures are not necessarily like western-democratic organizations. In some cases it is not even sure that the representatives actually belong to the ethnic community, or if the community as such exists at all. In fact, nobody knows in Colombia exactly how many indigenous communities there are, or how many people belong to them. The processes of ethno-genesis or re-ethnization, as well as migrations and social divisions render those questions very difficult to answer. As for the *afro* communities, there is even more uncertainty regarding social cohesion and political organization (Restrepo, 2004).

As we can see, to design special policies for “cultural diversity” is a process that has to deal with the question of identification, particularly identification of ethnic groups and the potentially infinite differences within them. To be coherent with its own principles, the State should consider the cultural specificities of more than 80

indigenous groups, the different romani groups and an undefined number of *afro* communities. The State should study the cultural characteristics of each one of them, design special policies for each one, consider their changes in time, the doubts on legitimate representation in each case, the divisions within the communities, their new identities, etc. And after having solved all those questions (something unlikely to happen with a limited amount of resources), every law, every decree, every development project, every institutional action should be the object of “previous consultations” with each group.

Regarding the question of representation, some organizations, notably indigenous ones (like the ONIC²⁰ or the CRIC²¹), have been created to represent ethnic communities. This is no easy solution, however. First, because they do not necessarily represent entire ethnic communities, since there can be internal divisions, conflicts and disputes over power and resources. Second, because individuals who belong to some of those organizations have been criticized for becoming bureaucrats and/or businessmen who live in the cities and do not translate properly the opinions and needs of the rural communities. Third, while the organizations that have taken a salient role in negotiations and talks with the State may be visible and in good health, common people are rarely informed of what is happening in those negotiations, and do not necessarily receive the

resources provided by the State.²² This last point shows one of the paradoxes of the system: while in theory the goal is to help vulnerable and marginalized communities, those who benefit from the policies for diversity are usually strong ethnic organizations or crafty individuals who are less in need of support.

CONCLUSIONS

In the past, cultural differences were commonly associated with racial differences, and “other races” were imagined as “inferior”, “savages” or “primitives”. As time went on, the concept of race was used less and less in academic and official discourses, and was replaced by other labels such as “indigenous peoples” or “afro-descendants”. Later, the concept of “ethnic groups” was institutionalized, and nowadays the concept of “cultural diversity” is supposed to include those “ethnic groups”.

In the past, many people from academia and State institutions thought that cultural differences had to disappear through Christianization and the civilizing process; later, they were to disappear in the “melting pot” of a “*mestizo*” country through education and Progress. Today, under the banner of “a diverse country” (“*un país diverso*”), some categories –notably the “ethnic”–, are to be respected, recognized, and considered as a wealth for the Nation. This re-

20 Organización Nacional de Indígenas de Colombia (National Organization of Colombian Natives).

21 Consejo Regional de Indígenas del Cauca (Cauca’s Regional Council of Indigenous Groups).

22 These points come from the notes taken during our participation at the “*II Mesa de Trabajo sobre Enfoque Diferencial*” (Second Discussion Meeting on the Differential Approach) organized by the ICANH on the 26th of November 2012. We would like to thank Juan Felipe Hoyos for sharing his views on the previous meetings regarding this matter.

spect and recognition, however, relies heavily on imagined boundaries and idealized images of cultural Otherness, something that could be found –*mutatis mutandis*– centuries ago. What is quite new, however, is the larger diffusion of such idealized images and the countless institutional actions based on the unquestioned principle of the “protection of diversity”.

That principle is part the cultural paradigm that reigns today, a paradigm whose keyword is identity. Much effort is actually put into the construction, definition or detection of identities by all sorts of actors, but their action is highly depoliticized (although in their speeches words like “political” and “empowerment” are very common) in the sense that it has had very little effect on the real power structures. Just as multiculturalism, the protection of cultural diversity, as it is used in real institutional discourses and programs, implies processes of identification and *differentiation*, recurring persistently to the idea of different “cultures”, imagined as traditional (static and “archaeological” in many aspects), distinct, and separated from a “white” majority which has the power to name the Others as “diversity”, a process of differentiation which is similar in many ways to the colonial and racial divisions imagined in the past centuries. Thus, concrete actions directed at protecting cultural diversity will continue to be negatively affected by problems similar to those which have been found in multiculturalism, such as tending to return to fixed categories that disregard social transformations and other forms of difference, naturalizing those categories, or imposing hege-

monic views on the value of some cultural forms or stereotypical identities.

Perhaps unexpectedly for many, the policies for the protection of diversity have become dependent on dominant definitions of what a real or authentic ethno-culture really is and *should* be. To point out the importance of *cultural authenticity* in the policies for diversity, is to point out the very arbitrary ways in which such policies are actually implemented, because “authenticity” is always a cultural invention influenced by personal interests and subject to power relations. The set of policies meant to protect cultural difference and provide benefits for disadvantaged groups has actually become a “structuring structure” (paraphrasing Pierre Bourdieu), a mould of “authenticity” that ethnic individuals and groups are supposed to fit into in order to be recognized by the state and be respected by dominant populations.

This implies not only the reproduction of dominant concepts and values, but also the exclusion of large numbers of individuals who do not fit into the mould. Those who do not correspond to the “authentic ethnic”, those who have become “contaminated”, who have “lost their culture”, “their traditions”, “their identity”, they do not belong to “diversity” and they deserve no recognition, let alone the praise of being part of the “cultural wealth” or the “cultural heritage” of the national society they live in.

The ambiguous character of what really is “diversity”, what or who is a part of it, and what should be done to protect it, weighs heavily on the public budget: endless studies, debates, judi-

cial cases, etc. Those efforts, however, have not proved to be very useful for society as a whole. Although some types of cultural difference are cherished and protected, usually the most prominent and cunning actors are the ones who benefit the most, so marginalization, intolerance and socio-economic disparities remain high. We must ask if other communities, not ethnic, not “marked”, should not be assisted on an equivalent basis. Why is the argument of “losing one’s culture” not a valid one for peasants or the working class? Can we not explain the marginalization of non-marked (non-ethnic) groups in terms of the rejection and dismissal of their “cultural capital” (Bourdieu, 1979), even though they are not classified as “other cultures”? The protection of cultural diversity is falsely being sold as the protection of marginalized sectors of the population, but the fact is that, while some cultural forms and small groups or well-positioned individuals identified as “ethnic” or as part of “cultural diversity” receive immense amounts of attention by the State, or by the media and intellectual elites of the country, other forms of sociocultural differences (not necessarily identified through fashionable categories) generate today’s large-scale poverty, exclusion and intolerance, in one word, inequality, which is arguably Colombia’s biggest problem.

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