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The legal imaginary of "indigeneity": creating knowledge, subjects, and law

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Abstract

This article analyses how the most important Peruvian legal-political institution with jurisdiction over indigenous issues, the Ministry of Culture, has constructed "indigeneity" since its creation in 2010 and until 2020. To achieve this aim, the article uses the cultural analysis of law as its main theoretical-methodological approach, which proposes the study of contextualized spatio-temporal subjects. These subjects are created by legal categories and narratives found in the Ministry's legal documents and materials. The inductive and interpretative analysis of these documents and materials show that the Ministry of Culture constructs four types of "indigeneity": i) generic, "indigenous peoples", ii) natural, indigenous peoples in isolation or initial contact, iii) organized, community indigenous peoples, and iv) citizen, urban indigenous individuals. These findings demonstrate that the Peruvian Ministry of Culture has constructed different types of "indigeneity" and that this diverse and often discordant types of "indigeneity" create a complex relationship between the indigenous peoples and the state.

Key words

Indigeneity; indigenous peoples; Ministry of Culture; legal imaginary; interpretative anthropology; anthropology of law; cultural analysis of law

Resumen

Este artículo analiza cómo la institución jurídico-política peruana más importante con competencia en materia indígena, el Ministerio de Cultura, ha construido "indigeneidad" desde su creación en el 2010 y hasta el 2020. Para lograr este objetivo, se utiliza el análisis cultural del derecho como el principal enfoque teórico-metodológico, el cual propone el estudio de sujetos espaciotemporales contextualizados. Estos sujetos son creados a través de categorías legales y narrativas encontradas en los documentos legales y materiales del Ministerio. El análisis inductivo e interpretativo de

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estos documentos y materiales muestra que el Ministerio de Cultura construye cuatro tipos de "indigeneidad": i) genérica, "pueblos indígenas", ii) natural, pueblos indígenas en aislamiento o contacto inicial, iii) organizada, pueblos indígenas de comunidades, y iv) ciudadanos, indígenas urbanos. Estos hallazgos muestran que el Ministerio de Cultura ha construido diferentes tipos de indigeneidad y que estos diversos y, con frecuencia, discordantes tipos de "indigeneidad" crean una relación compleja entre los pueblos indígenas y el Estado.

Palabras clave

Indigeneidad; pueblos indígenas; Ministerio de Cultura; imaginario legal; antropología interpretativa; antropología jurídica; análisis cultural del derecho

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1. Introduction

What is indigeneity? Who is indigenous? How is "indigeneity" defined? What does it mean? And what does it imply in the XXI century? These are recent and relevant questions for academia, especially for the social sciences and for those conducting anthropological research. Outside academia, these are also relevant questions for organizations and social movements, states, national and international law, and the private sector. As a social category, "indigeneity" is polysemic, polyphonic, multi-situated, and contested, and there is vast interdisciplinary literature written about this topic. In socio-legal scholarship, the approaches used to understand the concept of "indigeneity" are heterogeneous (Gros 2000, Niezen 2000, Hale 2004, Comaroff and Comaroff 2009, Merlan 2009, Rodríguez-Garavito 2010, Abanto 2011, Balarin 2012). These approaches could be classified into two general approaches: i) the criteria-legalistic approach and ii) the relational-transformative approach. These two approaches contribute to understanding the complexity of "indigeneity" from an interdisciplinary view at the international, regional, and local level, and from public and private spheres.

The criteria-legalistic approach is related to the use of predetermined criteria to define "indigeneity". These criteria focus on i) specific socio economic and cultural conditions and subordinated power relationships and ii) ancestrality, originariness or first order connections to a locality (Martínez Cobo 1986, International Labour Organization 169 Convention 1989, UN Declaration on the Rights of Indigenous Peoples – UNDRIP – 2007). Its legalistic dimension, drawn from international law, is centered not only over "who is indigenous" but also over "what it implies in terms of national law development and collective rights for 'indigenous peoples'". Even though this approach on "indigeneity" has traces of relationality and reflexivity (Merlan 2009, 305), it is linked to essentialism, primordialism, primitivism, reductionism, and a codifying conceptualization of identity and culture, or innate, unchangeable profiles (Guenther *et al.* 2006, 17, 23, Merlan 2009, Balarin 2012, 6, Sarivaara *et al.* 2013, 376, Smith 1999 cited in Ludlow *et al.* 2016, 4). When this criterial definition is transferred to the state as the "ethnicity manager" (Gros 2000), it transforms into a form of "indigeneity" measurement that uses markers, categories, and indicators such as statistics, survey, census, and data management (Valdivia 2011, Merry 2012, Kukutai and Taylor 2016, Serrano 2017).

Furthermore, recognition and special rights for the "indigenous", such as collective rights, are based on the creation of the legal existence and validation of "what is" and "what is not" "indigenous" (Serrano 2017, 9). The criteria-legalistic definition of "indigeneity" produces "governance tools" for the states to create law and policy to manage indigenous peoples (Gros 2000, 40) or broader governance processes of juridification and regulation of ethnic claims (Rodríguez-Garavito 2010, 10–14). In this context, the "legal", "the authorized" or "the permitted" indigenous is an ideal kind of "indigeneity", a model created to guarantee legal recognition and rights. At the same time, this type of "indigeneity" is designed and restricted under certain normative conditions characterized by the prohibition of questioning nation-state sovereignty and the national economic model (Hale 2002, 2004, Balarin 2012, Alza and Zambrano 2014, Serrano 2017). This type of indigeneity corresponds to the mainstream contemporary "administrated multiculturalism" (Goldberg in Hale 2002) or the "liberal or

administrated interculturality" (Balarin 2012, 6). These views exalt cultural difference and diversity without a real change in citizenship or in the relationship between the state and indigenous groups.

On this first approach, in Peru, scholars from law, sociology, and political science have studied state's institutions from the inside to describe and explain processes of design, creation, decision making, and implementation of public policy on indigeneity: the "institutionality of indigeneity" (Zúñiga 2007, Paredes 2009, Abanto 2011, Balarin 2012, Alza and Zambrano 2014, Torrejón 2018). This literature also focuses on the state's agenda and role towards indigeneity, the creation of information systems for public management, as well as the history of the state institutions in charge of cultural diversity. This history is characterized by the heterogeneity of concepts, approaches, and practices, from assimilationist projects to interculturality.

The second approach to addressing "indigeneity" is the relational-transformative one. This approach is related to a definition of "indigeneity" that emphasizes the relations between indigenous peoples and their "others," and understands what is considered indigenous as contingent, interactive, and in constant reconstruction. Its transformative dimension is related to "indigenism", this is, a recent international movement that aspires to promote and protect the rights of indigenous peoples and transnational solidarity as a counterweight to the hegemonic strategies of states (Niezen 2000, 2004). In this movement, indigenous peoples have an active role and challenge the dynamics of being categorized by others and promote their own ways of self-identification: "(the indigenous peoples) analyse the changing border's politics and the epistemologies of blood and culture, time and space which define who would count or not as indigenous subject" (De la Cadena and Starn 2009, 195). As participants in the indigenous global movement, the indigenous peoples share a history of oppression and exploitation and use "identity politics" as moral claims on nation-states, policymakers, and organs of national and international governance for the recognition of collective rights (Guenther *et al.* 2006, 20, Balarin 2012, 6, 8, Ludlow *et al.* 2016, 1). But, even if poverty, discrimination, and second-class citizenship are often linked to indigenous peoples, this approach questions simplistic links between indigenous peoples, misery and marginalization, as well as any idea of liberation in a happy multicultural world (De la Cadena and Starn 2009, 193–194, 196).

Nevertheless, as a practice-centered approach that emphasizes tensions, challenges and disputes, the relational-transformative perspective is also connected to the strategic use and reproduction of "indigeneity" to pursue claims for autonomy, recognition, rights, and resources (Guenther *et al.* 2006, 19, Uddin *et al.* 2017, 2) or as "processes of commodification" for survival (Comaroff and Comaroff 2009). This strategic use of cultural identity generates expectations that influence relations with others, state, law, and the private sector, and the necessity to prove or validate "indigeneity" as "authenticity" by demonstrating an "archaic lifestyle" (Guenther *et al.* 2006, 24, Balarin 2012, 34–35, Ludlow 2016, 3, Serrano 2017, 117).

On this second approach, in Peru, there is a vast scholarship written on indigeneity as "alterity", "cultural identity" and "ethnicity", mostly from the social sciences, e.g., anthropological research in the form of socio-economic and cultural ethnographic case studies and handbooks (Degregori 2000, Degregori and Sandoval 2007). Most legal

anthropology research on indigenous peoples in Peru, however, is related to indigenous rights, transitional justice, and legal pluralism. This literature highlights law in everyday life (Merry 2012, 4) through indigenous people's own discourses and practices to make sense of their identities and make explicit the gaps between the different, and usually contrary, points of view between indigenous subjects and state agents. Peruvian legal anthropological research on indigenous peoples, developed mainly by legal scholars, is based on normative and ethnographic studies about indigenous customary law and practices, intercultural justice, and its articulation with state agents in a context of legal pluralism and interlegality (Poole 2012, León 2015, Brandt 2017, Gitlitz 2020). At the regional level, in Latin America, there is also a contemporary interdisciplinary scholarship on decolonization studies and egalitarian legal pluralism that examines customary law and pluralist constitutionalism (Quijano 2006, Yrigoyen 2011, Dussel 2014, Attard 2019).

Using conceptual tools from both approaches to indigeneity, this article aims to comprehend how the most important Peruvian legal-political institution with jurisdiction over indigenous issues, the Ministry of Culture, has constructed "indigeneity" since its creation in 2010 and until 2020. The Ministry of Culture[1] is the state institution responsible for national public policy on indigenous peoples.[2] The production and use of law, knowledge and "indigeneity" by the Ministry of Culture is not an isolated process but one where there is a constant and intense interaction with other state institutions, indigenous movements, civil society organizations, and international organizations. However, this article will focus on the Ministry of Culture's legal documents and materials only. Therefore, this article explores the criteria-legalist approach on "indigeneity" drawn by the Ministry of Culture from international law and highlights the relationship between state institutions and "indigeneity". This topic, that in Peru is typically studied from the institutional perspective or a multisituated fieldwork ethnography only, is examined through an alternative perspective and methodological-theoretical framework in this article: the cultural analysis of law (Geertz 1973, Kahn 1999, 2001, Rosen 2006, Bonilla 2017, 2018, 2021).

This inductive and interpretative project is based on the compilation, classification, description, analysis, and interpretation of relevant legal documents and materials produced and issued by the Ministry of Culture in a decade since its creation, to construct, use, reproduce, and spread "indigeneity". Through those documents and

[1] There are similar state institutions in the region as the Ministry of Culture and its Vice Ministry of Interculturality, in Ecuador (Ministry of Culture and Patrimony, Development and Diversity Programme), Colombia (Ministry of Culture, Populations: Indigenous Peoples), Bolivia (Ministry of Cultures, de-colonization and de-patriarchalization, Interculturality), Chile (Ministry of Cultures, Arts and Patrimony, National sub direction of original peoples), Argentina (Ministry of Justice and Human Rights, National Institute of Indigenous Affairs), Brazil (Ministry of Justice and Public Security, Indian National Foundation), Mexico (National Institute of Indigenous Peoples), among others.

[2] The Ministry of Culture was created by Law 29565 in 2010. Within the Ministry there are two Vice ministries: Vice ministry of Cultural Patrimony and Cultural Industries, in charge of archaeological and immaterial patrimony and cultural promotion, and Vice Ministry of Interculturality is in charge of national policy on interculturality and cultural diversity as indigenous people and the Afro Peruvian population. This article focuses on this Vice Ministry which consists of i) General Direction of Intercultural Citizenship, which includes indigenous and anti-discrimination policies, and ii) General Direction of Indigenous People's Rights, which includes prior consultation, indigenous languages, and *PIACI.*

materials, the Ministry creates normative views about indigenous peoples which are embodied in legal categories (Geertz 1973, 5). Law is not only a set of rules and principles but a framework to elucidate the world as "part of a distinctive way of imagining the real" (Geertz 1983, 184). Law is a totalizing culture that could give meaning to all phenomena in the world. This approach takes on cultural anthropology and philosophy and proposes a different reading of the conceptual conditions and structures, the elemental forms, of the legal imagination[3]. This article, therefore, aims to describe and analyse the symbolic structures of Peruvian "indigeneity" as created by the law.[4] More precisely, it aims to describe and analyse the legal imaginary[5] on Peruvian indigeneity (Kahn cited in Bonilla 2017, 145).

Following this interpretative approach, this article is descriptive and analytic rather than normative or transformative. It is not aimed to present statements aimed to reform, failure or efficacy evaluations, or recommendations of how the legal imaginary "should be". As a cultural form, the Ministry's legal imaginary on indigeneity is not understood as a failed imaginary nor one that stands for justice or efficiency, in this article. This legal imaginary is to be analysed on its own, rather than evaluating if it mediates conflicts adequately or develops good policy. Thus, the process of elaboration of these legal documents and the responds to them are not part of this analysis. Over a decade, the Ministry of Culture has consolidated its role as manager of cultural diversity among state institutions. This institution creates law and policy that defines indigeneity, and this legal imaginary has a real impact on indigenous peoples' lives. The Ministry's legal documents and materials are published, circulated, used, reproduced, appropriated, and interpreted all over Peru. The Ministry creates the notion of "indigeneity" for Peruvian citizens, the private sector, and other state institutions. Therefore, it has an impact on public policies about indigenous peoples – administrative measures, budget planning, human and material resources distribution, public servers' capabilities strengthening, protection of rights, and law-making– articulated by the executive power, the judiciary, Congress, and regional governments.

The Ministry of Culture uses a generic conceptual framework to describe "indigeneity", drawn from international and national law. However, these generic characteristics are interpreted and resignified by the Ministry to create specific "indigeneities": the natural, the organized, and the citizen. This article uses the cultural analysis of law to explore

[3] Kahn takes on Michel Foucault on the historically constructed structures as the history of concepts and current structure of values and beliefs, and this is his proposal of methodology: genealogy as the history of concepts and architecture as the map of the current beliefs' structure (Kahn 2001, 60). This approach does not understand concepts from a chronological cause-effect point of view or to look for the origin, but as the existence of heritage and the change of concepts (Foucault 1979, 22), and not as isolated concepts but from their relational element of meaning. After this process, Kahn goes on with the interpretation of meaning as thick description from Clifford Geertz.

[4] According to Kahn, categories of description and analysis must be wide enough to be comprehensive: i) time and space, not as objects in the natural world but as the construction of temporal and special meanings of imagination, as history and territory, ii) subject and object, individual as citizen – neutral or defined by gender and age, and collective as community, iii) representation and identity, iv) authority, who make legal arguments, answer legal obligations or criticize actions as illegal (Kahn 2001, 59, Kahn cited in Bonilla 2017, 137, 145).

[5] "The cultural analysis of law studies what we could call the elemental forms of the legal imaginary, i.e., the categories through which we organized the legal perception and arguments" (Kahn cited in Bonilla 2017, 137).

inductively the symbolic structures that constitute each "indigeneity". More precisely, it aims i) to interpret the legal documents and materials that create the webs of legal categories and narratives that construct "indigeneity", and ii) to examine the types of "subjects", "conceptual geographies", and "notions of time" created by the Ministry of Culture. These three categories, drawn from the cultural analysis of law, are useful to explore the meaning of "indigeneity". The world is always experienced by "someone", "somewhere" and in "sometime". "Indigeneity" is, thus, contextualized instead of supposedly neutral, and it is always constituted by a specific spatio-temporal subject. In this article, the subject constructed by the Ministry's legal imaginary is conditioned by the space it occupies and by where it is located in history. Space and time intersect, in the Ministry's legal imaginary, to determine the contents of the natural, organized and citizen indigenous subjects.

2. Creating legal imaginaries on indigeneity

In 1993, Peru joined the multicultural constitutionalism regional wave, which recognized cultural diversity and rights of self-determination to indigenous peoples[6]. Additionally, the Peruvian state embraced the intercultural approach as a new model of cultural diversity management that differed from segregationism, assimilationism, or integrationism (Balarin 2012, 10). Also, embedded in multiculturalist politics, ILO Convention 169 came into force in 1995, and served as the general legal framework for the Ministry to design public policy on indigenous peoples. This Convention uses a criterial generic definition of "indigeneity", which the Ministry reproduces:

> Indigenous peoples are those human groups that have descendants from societies whose origin (or settlement) predates the establishment of the Colony or the state's borders. Likewise, these groups retain part or all of their institutions, distinguishing them from the larger or national society. At the same time, it is considered that the self-identification of these peoples is a crucial criterion to determine the human groups that will be considered indigenous. (Law Decree 1489)

This generic definition of "indigeneity" is reproduced in most of the legal documents and materials of the Ministry, and it has four main elements: historical continuity, territorial connection, distinctive institutions, and self-identification. The first one, historical continuity, focuses on the existence of these human groups before the Spanish conquest and colonization of Peru, and the creation of the Peruvian state. The second one, territorial connection, highlights the ancestral settlement of indigenous peoples in certain geographical territories or regions, as well as their use of land and resources in particular ways. The third one, distinctive institutions, refers to the preservation of some or all of indigenous peoples own social, economic, cultural, and political institutions. The fourth one, self-identification, refers to indigenous peoples' conscience of possessing an indigenous identity (ILO Convention 169 [1989], article 1). In its decade of existence, the Ministry of Culture has followed these four criteria for constituting "indigeneity". Still, the Ministry of Culture has created different types of "indigeneities" within this conceptual grid. These "indigeneities" embody the four criteria differentially: natural indigeneity ("indigenous peoples in isolation or initially contacted", from now on

[6] Peruvian Constitution of 1920 was the first one to introduce the official term of "indigenous community" and recognize their legal existence.

PIACI);[7] organized indigeneity (indigenous peoples from "peasant communities" mostly in the Andean region; "native communities"[8] in the Amazonian region, and indigenous localities without an identified type, from now on "community indigenous peoples"); and citizen indigeneity (indigenous peoples in urban areas or non-indigenous localities, from now on "urban indigenous individuals").

The analysis of the Ministry's legal documents and materials, which is presented in the following sections, shows that the complex meaning of the natural, organized, and citizen indigeneities is articulated through i) the category of space, i.e., a set of conceptual geographies; ii) the category of subject, i.e., the creation of individual and collective identities; and iii) the category of time, i.e., the construction of different notions of history. Thus, the legal imaginary of "indigeneity" is constituted by heterogenous spaces and ways of imagining history that generate the diverse subjects who inhabit and experience them. Additionally, the Ministry's ways of imagining "indigeneity" are conceived through two transversal perspectives: i) the indigenous "self", i.e., how the indigenous subject who inhabits certain space in a certain time exists and acts, and ii) the "other" of that indigenous "self", i.e., how the non-indigenous subject, in this case, the Ministry of Culture, understands the existence of that indigenous subject, and how it reacts or responds to it.

2.1. Natural Indigeneity

This section explores each of the components of the natural indigeneity and is divided into three parts to do so. The first part examines the construction of a conceptual geography, the Amazonian virgin forests; the second part analyses the subjectivities that inhabit these conceptual geographies, the PIACI; and finally, the third one studies the concept of history experienced by such subjectivities and materialized in those spaces, which revolves around the notions of originality and chronological order of existence. The PIACI are recognized in, Law 28736, Law of protection of Indigenous People in situation of isolation and/or initially contacted (2006), which stablished the Transectorial Special Regime, a protectionist legal framework.[9] The Ministry of Culture is in charge of developing the legal framework needed to guarantee the PIACI's rights from threats created by state institutions, foreign agents, and other indigenous peoples who could endanger their physical and social well-being and their selective ways of social interaction.

2.1.1. Intangible rural territory

The axis of this type of "indigeneity" is space. The Ministry's conception of geography conditions the subject that occupies it (PIACI), and how this subject experience history.

[7] PIACI is the Spanish acronym for "Indigenous peoples in isolation and/or initially contacted".

[8] The "peasant" and "native" communities have historically configurated the way of organization and legal category as groups of families related by ethnic and cultural characteristics who have collective control of their land. The labels "peasant" and "native" were given by the Military Junta in the 1960s to replace the term "Indian" which was understood as a derogatory term for indigenous peoples.

[9] Law 20653 (1974) and, its replacement, Law Decree 22175 (1978) on native communities already mentioned the PIACI as peoples in situation of "recent and sporadic contact with the other members of the national community", that "there will be a provisional territory according with their traditional ways of life and natural resources exploitation" and guaranteed land for them if they became sedentary.

This is a construction of alterity in dual spatial terms where the Ministry outlines the limits of interconnected urban and rural land and defines the intangible rural Amazonian territory. This territory is the one that structures the natural indigeneity. This territory is constructed in terms of i) richness in biodiversity, ii) high physical dependence of the subject to the territory, iii) low level of spatial integration, and iv) forbidding access to the territory.

From the geographical viewpoint, this territory is rich in biodiversity, and it is constituted by a set of areas scattered throughout various regions of the Amazonia. Furthermore, understanding how the Ministry constructs this space is to visualize the rural Amazonia divided into different legal categories with different legal regimes and forms of land use. First, the "native communities", which have collective tittles, and "indigenous communities", which are in the process of acquiring such titles; secondly, the Natural Protected Areas that are biodiverse spaces with a particular legal protection regime regulated by the Environment Ministry; lastly, the Territory Reserves and Indigenous Reserves[10] which are the official designated territories for the PIACI. However, according to the Ministry, the PIACI can occupy and use all the mentioned spaces (Law Decree 1489):

> The indigenous peoples in isolation or initial contact live in some of the most remote places of the Amazonian Forest. Most of them, tropical rainforests, minor river headwaters, or areas of difficult access. As nomads, semi-nomads, or itinerant farmers, they have movement patterns that are known for searching for resources that vary according to the time of the year (…). Some of these peoples even cross-national borders and use other's countries' territories. (Ipince *et al.* 2016, 20)

In this imaginary, there is deep connection, a physical, social, and spiritual attachment between the PIACI and the territory they inhabit. Their physical bodies are part of the ecological system, and they have the highest level of dependency on their environment. Therefore, the diminishing of biodiversity would mean a risk of physical survival for them. The forests are source of food, medicine, and shelter, and they guarantee the physical well-being of the PIACI. Likewise, the territory shapes their culture, as well as their relations with the other people, indigenous peoples, foreign or state agents. The PIACI's social organization and spirituality is somehow guarded and unknown, but deeply attached to the territory. The smallest change of their land would deeply affect them: "they (PIACI) are highly integrated into the ecosystems they inhabit and which they are part of, keeping a tight interdependence with their environment in which they develop their lives and culture" (Ipince *et al.* 2016, 18).

The territory occupied by the PIACI is created as a non-integrated space. Even if it is geographically located inside the Peruvian borders, it is the outside of what would be

[10] Territory Reserves were created for these collectivities before Law 28736, and Indigenous Reserves is the legal figure introduced by Law 28736 to replace the figure of Territory Reserves to give more legal protection and access restrictions. The aim of the Ministry is to replace Territory Reserves for Indigenous Reserves. In the process of legal creation of territories, once the Ministry recognizes the existence of the indigenous peoples the Multisectoral Commission and the Ministry form a fieldwork technical team to do the Categorization Additional Research which includes an environmental, legal, and anthropological analysis and territorial delimitation proposal. If the Categorization Additional Research is approved by the Multisectoral Commission, the Ministry issues a Supreme Decree of recognition of the Indigenous Reserve (VR Nº 004-2013-VMI-MC).

the territory of the "national society". In this type of indigeneity, to live in PIACI's territory, means not to be part of the "rest of the country" symbolically, and to be kept separate of it, isolated from it. Therefore, to get out of isolation, would mean to pass to the national society, a spatial transition that leads to social integration. Furthermore, the SD N°008-2016-MC, drafted by the Ministry, modifies the Ruling of Law 28736, and develops on the causes of extinction of the "Indigenous Reserve". This extinction would take place if/when "they (PIACI) decide to become a native community, migrate outside the reserve, or disappear". However, "integration" is not promoted by the Ministry's legal imaginary, it is only observed. The Ministry constructs "territorial integration" as a process that goes from "Indigenous Reserves" towards the historical organized indigenous "integrated" territories: the native communities.

According to the Ministry, the geographical space inhabited by the PIACI is *forbidden territory*. Its natural resources should be used by PIACI only, since they are the territory's rightful inhabitants. Anyone else is not allowed to enter this territory. The limit of this space is identified so it can be legally enclosed and protected as "intangible" territory. The Ministry of Culture is the only rightful guardian of this space and the only one allowed to access this territory, but only for monitoring and protective purposes. In some cases, the Ministry has access to this space to fulfil requests brough up by PIACI such as those related to health or social services. In some other cases, the Ministry allows "exceptional entries", issues access permits, to other state institutions to obtain "natural resources identified to be of public necessity".[11] These access permits allow the exploration and exploitation of natural resources within PIACI's territories by foreign agents.

2.1.2. Intermittent pre-colonial subject

The PIACI are located in intangible territories, and they experience history in a particular way. This is a construction of alterity revolves around: i) the chronological first order of existence of the PIACI, ii) PIACI's the experience of history as static precolonial subject, iii) a bidirectional and categorized unilinearity, and iv) an intermittent unpredictable existence for national society.

The PIACI are conditioned by their origin, their chronological order of spatial inhabitation of certain areas. In this perspective, the PIACI are recognized as descendants of the first peoples in the continent, those that lived in the region, prior to colonization and the formation of the Peruvian state. As the original inhabitants of the Amazonia, the PIACI are entitled to specific rights. Furthermore, this first people's status determines PIACI's strong link with the pre-colonial past and a radical differentiation with other indigenous peoples whose history has been influenced by colonization, the state, and the law. However, even if the PIACI are identified as isolated, this does not mean "not contacted at all"; it does not imply the PIACI have never had contact with "foreigners": "They (the PIACI) cannot be considered as 'not contacted' because a lot of them, or their ancestors have had contact that was rejected afterward. Therefore, it is not

[11] Law goes further to specify procedures and information based on denounces or communication of nearby population which should specify dates, justification, plan of action, logistics as well as compromises to follow technical guidelines and reports, as well as sanctions in case of infringement (VR N°012-2014-VMI-MC, 7.2, 7.3, 7.7).

uncommon, even if they are in isolation, to find them in possession of foreign objects as ropes, nylon, pots, machetes, knives, recipients, bottles, clothes, helmets, or rubber boots have been found in their possession" (Ipince *et al.* 2016, 14). Still, the PIACI are constructed as static and with a minimum to non-shared common history with national society.

Additionally, the Ministry creates the PIACI in a bidirectional temporal unilinearity. The Ministry constructs levels of integration by measuring duration and frequency of the interactions between the PIACI and their "others". The MR N°240-2015-VMI-MC names PIACI with "recent contact" those who "were in isolation and started contact with other members of national society"; PIACI with "intermediate links" those who "voluntarily keep intermittent relations with people who are not part of their groups"; and PIACI with "advanced contact" those who "voluntarily keep sustained contact with people who are not part of their group, they have social relations with other populations". The Ministry understands the PIACI framed within the notion of linear progression in a spectrum that goes from rejection of interaction with others, to basic, regular, or advanced interaction. Thus, in the timeline, it is possible to go forward towards interaction or backwards to isolation. Through this categorization, the Ministry creates the PIACI's history. Their history ranges from coexistence with nature to integration with the national society.

In the Ministry's view, in MR N°341-2015-MC, the PIACI do not have a permanent or constant presence, but an intermittent one, their apparitions and sightings, their interactions with others are characterized by regular irruptions and reactivations. Therefore, their presence is not necessarily persistent neither it can be predicted or expected. Thus, even if the Ministry creates a linear temporality for the PIACI, they are not always moving to the future, towards the formation of "native communities". The PIACI are free to choose the time and place to initiate, discontinue, finish, or reinitiate interaction with others. The Ministry does not force or promote their permanent presence in a territory, it only studies that nature of their presence to guarantee the protection of PIACI's freedom to choose their own ways of interaction and accompany this process if needed.

2.1.3. The purest indigenous subject: vulnerability or violent encounters

This legal imaginary reminds us about the classical view of indigenous peoples as objects of study held by XIX century anthropology. From this perspective, PIACI are located in remote regions of the Amazonia, conditioned by their environment, and understood as direct descendants of the first inhabitants of their territories. The construction of PIACI's subjectivity revolves around: i) a notion of cultural purity, ii) adscription of a particular identity, iii) collective homogenous subjectivity, iv) self-determination, v) political tutelage, and vi) dichotomic ways of interaction with other peoples.

In this perspective, the PIACI embody cultural purity. The notion of culture is characterized as pure, taintless, and fixed. It is an unchangeable collection of elements such as objects, technologies, economic activities, a pattern of shelter and land use, clothing, kinship, and linguistic family (MR 453-2016-MC, VR 008-2013-VMI-MC). According to the Ministry, the PIACI's culture is fragile and endangered, and it could be damaged or destroyed by any interaction between them and other people, especially,

non-indigenous people. Interaction is understood as disruptive, it could cause alteration of their patterns of life and interethnic conflicts. There is a risk of losing PIACI's cultural systems or manifestations. These systems and manifestations should be protected, kept as it is, in the purest form. Following this line of argumentation, the Ministry also promotes "effective measures to discourage interactions with foreigners which could affect or influence, accidentally or intentionally, the way of living of the PIACI" (MR 240-2015-MC). At the same time, PIACI's cultural manifestations are meant to be captured and collected by the Ministry, as material evidence of their existence and way of live.[12]

Self-identification, as the conscience of belonging to an indigenous ethnicity, is not a constitutive criterion for the creation of the PIACI's subjectivity, their identity is not self-ascribed. Instead, the Ministry creates a process of identification through a designed and detailed process of measurement. This institution identifies the PIACI's subjectivity based on the type of contact, relation, interaction, or exchange they have had with the state, and foreigners, as well as with other indigenous peoples. The PIACI may share the same ethnic background, cultural practices, and territories with other indigenous peoples, but the latter have had sustained relations with foreigners and state's agents, in the Ministry's eyes. Additionally, the Ministry's defines the PIACI's identity as a collective subject, individuality does not exist for this identity. As such, the PIACI are spread out in the Amazonian region as homogenous collectives who are differentiated by their level of interaction with other – non-isolated – peoples, their geographical location, and the specific ethnicity and language.

For the Ministry, the PIACI are free to choose their ways of organizing, making contact and exchanging information with other people because they have the power to make decisions about the cultural interaction and integration. Self-determination is a principle that expresses the recognition, respect, and guarantee of PIACI's autonomy. Nevertheless, the only expressions of this autonomy that are recognized are those related to time and type of interaction with a national society, as the PIACI have no voice or power over the legislation meant to protect them. The Ministry creates the PIACI's subjectivity as one with rights, but also one who is politically unrepresented. The official recognition of this subject and the creation of Indigenous Reserves could be proposed by regional and local governments, scholarly organizations, and indigenous organizations or native communities.[13] The natural indigenous subject is created as a

[12] This evidence gathering is done through fieldwork by the monitoring systems of the Ministry who oversees highly procedural evidence collection - photos and videos, history and ethnographic sources, sighting and casual encounter reports, testimonies or nearby peoples, material evidence as human footprints, paths, campfires, remains of campsites, tools, clothes, arrows, among other signals (Ipince *et al.* 2016, 19). All this evidence is presented in the Prior Recognition Research, an anthropological study used to identify historical and linguistic references, kinship and interethnic relations, physical evidence to track them, population and settlement patterns or movements.

[13] The Ministry of Culture activates a Multisectoral Commission which oversees the process to legally recognize "indigenous peoples in isolation and/or initial contact" as such and create Indigenous Reserves. The legal creation involves a Prior Recognition Research which should be approved by the Multisectoral Commission for the Ministry to issue a Supreme Decree of creation and registration. Under this procedure, the Ministry have officially recognized the existence of 20 indigenous peoples in isolation and initial contact through Supreme Decrees N° 001-2014-MC, N°007-2016-MC, N°004-2017-MC, N°002-2018-MC and N°001-2019.

voiceless one, it does not participate in the decision-making process as a valid interlocutor.

According to the Ministry, there is a dichotomy in terms of interaction between the PIACI and other peoples. In this view, the PIACI are a vulnerable or aggressive subject. On the one hand, they are perceived as needing to be saved from harmful foreigners, they need protection for survival, and they need health and social services when or if they choose to establish interactions. The PIACI have a "high immunological vulnerability", they are affected by high risks of disease transmission. Therefore, there is also a demographical risk; they are in danger of extinction (Huertas 2012 cited in Ipince *et al.* 2016, 34). In the Ministry's legal imaginary, the PIACI needs to be protected and every possible scenario of interaction – encounter, sighting, or finding –, is carefully designed, regulated, and monitored. On the other hand, the PIACI could be dangerous; therefore, contact and interaction with them could mean harm and death for foreigners and other indigenous peoples alike. The Ministry creates an unpredictable armed subject who would not hesitate to harm or kill the "other" to get what it wants, where and when it wants it.[14]

2.1.4. The protectionist State: expanding the Transectorial Special Regime

The Ministry of Culture creates the natural indigeneity based on national and international law, and it enforces a protectionist legal imaginary. The Ministry presents itself as the guardian and tutor of the PIACI to guarantee their physical and social well-being, as well as to protect their decisions about when and how to interact with other people. Even if the Ministry inherited the tutelage of the PIACI from the former state's institution in charge of indigenous peoples, it has elaborated its own approach to expand the Transectorial Special Regimen through the modification of the Ruling of Law 28736 and by promoting Indigenous Reserves. In this legal imaginary, the PIACI are the indigenous radical other, the one that has the greatest cultural, geographical, and historical distance with non-indigenous peoples. However, even if the PIACI are indeed created as a childlike subject in terms of interaction with others – curious, vulnerable, and aggressive –, or in need of a tutor for the protection of their rights; they are not placed as inferiors in a social hierarchy by the Ministry. Thus, the natural subject is created in an opposition to an inferior radical other: "barbarian", "primitive", "savage", or the "jungle chunchos" (Peruvian derogatory term for Peruvian Amazonian indigenous peoples) – a view that was characteristic of the way in which Peruvian state institutions imagined indigeneity in the XIX and XX centuries (Espinosa 2009, Cingolani 2012).

Moreover, the Ministry highlights the self-determination and non-interaction principles in the legal documents and materials that are connected to the Ministry's position towards the integration or assimilation of the PIACI. This subject is not forced to be part of the national society or to pass from Indigenous Reserves to native communities.

[14] "It should be taken into consideration, that some (collected) evidence could be signals of warning (threat) or rejection, such as arrows, broken bows or crossed bows on a trail blocking the way, an arrow stuck in a tree, a broken pot, a drawn line in the path, snake or other dead animal pierced by stake, a set of arrows by the river (…) Procedure: (…) Activities will be suspended, and the staff should retire to a safe place, the retreat must be in an orderly quietly" (VR 005-2014-VMI-MC).

Instead, the Ministry observes and accompanies their ways of interacting with other people if and when it happens. Conversely, the Ministry takes action to avoid any interaction with, therefore, any negative consequence to the PIACI, if it is not initiated by them. Even then, there is a sense of precaution. In this legal imaginary, integration results from the social transformations and self-determination of the PIACI, and these are not presented as something to be rejected or promoted. However, there is an inherent contradiction within this legal imaginary, and it is related to the most important constitutive element it possesses: territory. The construction of this subject is based on the notions of biodiverse forests and the high level of attachment of the PIACI to their lands. Still, it also allows access and use of this supposedly virgin and untouchable land, by other states institutions and foreign agents. This leads to what Alza and Zambrano call "relative intangibility" (2014, 45): the use of supposedly protected land that is presented by the Ministry as exceptional, only in case of "natural resources of public necessity".

2.2. Organized Indigeneity

This section is structured in three parts to examine each of the components of the organized indigeneity. The first part focuses on the notion of periodized history and the vital link between the organized indigeneity and its ancestors. The second part explores the subject by this legal imaginary; the community indigenous peoples' as organized collectives with sustained relations of exchange with non-indigenous people and state agents. The last part addresses the notions of delimited geographical localities since territories are also a relevant component of this indigeneity's legal imaginary. The community indigenous peoples are recognized in Law 29785 of Prior Consultation.[15] The Ministry of Culture facilitates the relationship between the community indigenous peoples and other state institutions, as well as non-indigenous peoples. This facilitation aims to promote collective rights of the community indigenous peoples, among others, cultural identity and prior consultation.

2.2.1. Historical colonized subject

A central part of this "indigeneity" is linked to how it presents history, which structures the identity of the subject, the community indigenous peoples, and the space it inhabits. This is a construction that is structured around i) the notion of ancestrality, ii) the creation of a colonized subject, iii) a unidirectional periodized multilinearity, and iv) a historical existence of the organized subject for the national society.

The community indigenous peoples are defined by the notion of ancestrality, in the Ministry's imaginary. Thus, it is possible to trace back the ancestral or traditional ways of organization and occupation of the space of this subject. Historical continuity is traceable by gathering oral tradition, mythology, legends, or tales of origin. The community indigenous peoples are located in a point of time, both in the present and the past. This subject is conditioned by historical links of inhabitation in a particular space:

[15] In 1968, there was a land reform and laws to create "peasant communities" for those in the Andean region, Law 24656 and "native communities" for those in the Amazonian region, Law Decree 22175. Currently, there are 6682 peasant communities and 2704 native communities, according to the National Census in 2017.

> Since the 13th century the apparition of diverse reigns is recognized: the kolla, located in the north of the current Peruvian highlands, in the limit with Cusco; the lupaca reign, situated in the territories around the lake in the south of the current Puno, with center in Chucuito and expanding to Yunguyo and Desaguadero; the pacajes, who are ascendants of the current Bolivian Aymara in the departments of La Paz, Oruro and Potosi. (Letamendia 2011 cited Ministerio de Cultura 2014, 31)

Furthermore, the community indigenous peoples are created in the historical processes of social transformation, in the interaction between precolonial indigenous peoples and the non-indigenous ones, in state formation. According to the Ministry's perspective, the community indigenous peoples are a colonialized subject, one created by the rupture that meant the colonization process and state formation. They have deep connections with their indigenous ancestors, they can recall their indigenous origin and how their existence dates to pre state times (Ministerio de Cultura 2014, 59).

Furthermore, the notion of history is created as discrete, in identifiable blocks of time or epochs, with relatively particular homogenous and fixed characteristics, instead of a temporal continuum. There are temporal stages such as "precolonial, colonial, republican, land reform, rubber boom, and contemporary history", according to the Ministry (Ministerio de Cultura 2014, 22). In this periodized multilinear temporality, the community indigenous peoples experience time as a collective trajectory. In this legal imaginary, it is possible to report their history in each one of the referenced temporal stages. This information determines their level of ancestrality, and therefore, their level of attachment to the territory they occupy. At the same time, community indigenous peoples are a heterogenous subject in terms of spatial distribution nationwide in different regions and particular historical processes, thus, this subject experience temporal multilinearity. Additionally, in this unidirectional timeline, the subject can only go forward to the future, and past periods of time are left behind, but they are embedded in their identity.

Moreover, the Ministry conceives the community indigenous peoples as the historical indigenous subject, one that has a permanent presence in national history. In this legal imaginary, moving forward, in temporal terms, is related to deep historical transformations towards societal complexity: i) from family to community, from Amazonian horticultural clans to native communities and from agrarian Andean "ayllus" (extended families) to peasant communities; ii) from spatial dispersion to nuclear spaces, which is related to settlement patterns and the increase of interaction, as well as the apparition of non-traditionally indigenous institutions as churches and squares; iii) from endogamic kinship to exogamy and interethnic relationships which is the expansion of social networks and territory's control; and iv) from subsistence activities of production or uses of natural resources, and non-monetary exchange to combined economic activities in the context of the market (Ministerio de Cultura 2014, 121–130).

2.2.2. The organic subject: public policies or prior consultation

This legal imaginary may remind us about the "assimilated" or "integrated" subject of the 20th century. The community indigenous peoples experience a periodical history in the specific indigenous locations they inhabit. The construction of this subjectivity revolves around: i) a notion of cultural purity levels, ii) challenged self-adscription of

identity, iii) collective rights, iv) the particularity of an heterogenous collective subject, v) social cohesion and representativeness, and vi) dual ways of interaction with other people.

The community indigenous peoples are a contemporary subject who keep "traditional elements" and who have experienced public policy on indigeneity since the formation of the Peruvian state. But, at the same time, this subjectivity is characterized by social solidarity, cohesion, and the organic element of organizational structure. For the community indigenous peoples, the notion of culture is framed as a set of characteristics that create alterity, with diverse levels of cultural purity which can be studied, catalogued, and classified, according to the Ministry. All these characteristics are constitutive of this subject's cultural identity and may be lost or misused by non-indigenous peoples. In this legal imaginary, the community indigenous peoples' cultural identity is constituted by specific elements such as language, history, social and political organization, economic activities, traditional practices to use natural resources, and cosmovision (Ministerio de Cultura 2014, 29–34).

According to the Ministry, this subject's cultural manifestations must become an object of study and managed as cultural patrimony. The organized indigenous subject's culture is thought to be in danger of extinction or damage, and if the community indigenous peoples lose some or all of these cultural manifestations, they lose their indigenous identity. Therefore, the Ministry acts mainly in three ways to prevent this from happening: i) it gathers and classifies information through registries or catalogues such as the Indigenous Peoples Official Data Base; ii) it promotes the rescue and safeguard, of such cultural manifestation with active mechanisms such as cultural recuperation and revitalization, and restrictive mechanisms such as prevention and defence of illegal uses of cultural patrimony (SD N°006-2016-MC); and iii) it promotes the pragmatical uses of cultural patrimony in public policy implementation, economy-driven activities like prior consultation, and mercantilization of traditional knowledge – in natural resources, health, and art, as well as cosmovision elements such as music, clothes, rituals, spirituality, and folklore (SD N°006-2016-MC, SD N° 005-2017-MC).

For the community indigenous peoples, self-identification is a complementary element for this subject's identity construction. The subject's self-adscription is not enough; instead, it must be combined and complemented with the other elements – historical continuity, territorial connection, and distinctive institutions – to be considered legitimate. The Ministry of Culture has specific tools for identifying indigeneity using the Indigenous Peoples Official Data Base[16] and tools for compilation of information, based on fieldwork, and social sciences research (MR N°202-2012-MC). Thus the community indigenous peoples' indigenous self-identification is in dispute, it is contrasted and read together with the other criteria to validate it. These processes of identification propel the usage of terms as "official denomination" – the one given to the subject –, and "self-denomination" the one that comes from the subject: "The yanesha were known as amuesha. This group has claimed the name yanesha, which means 'us,

[16] This Data Base is a referential tool to access information about indigenous peoples identified by the Ministry, it is referential, and it does not constitute rights. The Data Base contains information about official and self-denominations, geographical references, ethnolinguistic map, representative organizations, etc.

the people'. The amahuaca recognize an inclusive category of 'people' which they identify with and which they denominate as yora" (Ministerio de Cultura 2014, 30).

The community indigenous peoples are a collective subject, which is related to the legal frame of collective rights. Even though there are mentions of individuality related to participation in decision making and self-identification, or in the reference of heads of indigenous organizations, the community indigenous peoples' identity is the social group: "in cities, the land is individual and can be sold through negotiation between the landowner and a potential buyer, that is, between individuals. In communities, these lands belong to a collective and cannot be sold through negotiation between individuals. In this case, the land belongs to the collective and not to an individual" (Ministerio de Cultura 2014, 16). There is a legal void outside the collective sphere for the community indigenous peoples, and it restricts the collective rights' claim, exercise, or protection. Additionally, the community indigenous peoples are heterogeneous in their legal status – peasant or native community, or indigenous locality – and in characteristics such as ethnolinguistic family, specific language, and ethnic variety, cosmovision, patterns, and relations with territory and history.

According to the Ministry, the subject is highly cohesive and organized in identifiable social structures, organizations, and institutions.[17] On the one hand, the community indigenous peoples have complex organic decision-making ways based on their own customs and norms, meaning they constitute an active subject with a voice to express its will within and towards or in dialogue with other subjects, a self-sufficient interlocutor. On the other hand, they have representativeness in the form of indigenous authorities, organizations, and institutions, which are organized vertically, in terms of scope representativeness – local, regional, national, and horizontally, and in terms of interests' representativeness – as agriculture, women, justice. These representatives are legally recognized by the state, and they have the role of interlocutors, to express the community indigenous peoples' voice (VR N°010-2013-VMI-MC).

In this legal imaginary, the Ministry creates a dual interaction between the community indigenous peoples and other people: i) the positive one related to public policy and the improvement of the social, economic, environmental, civic, and political life, and wellbeing, (VR N°013-2016-VMI-MC)and ii) the negative one which is the harm, influence or alteration of their legal situations, life conditions, integrity, cultural identity, land use, development – as its decision of how to live, and collective rights (SD N°001-2012-MC). Both positive and negative interactions are considered a change or something that affects the community indigenous people; therefore, is framed by a relevant legal mechanism elaborated on by this Ministry: prior consultation, which the Ministry facilitates through coordination, tools development, and technical advice.[18]

[17] According to MR N°202-2012-MC, the representation could be national, regional o local/communal, depending on the number of indigenous peoples and their location.

[18] Framed in the implementation of prior consultation the Ministry of Culture has created a Registry of interpreters in indigenous languages, a Registry of facilitators and a Registry of Results of Prior Consultation (VR N°025-2015-VMI-MC, MR N°375-2012-MC, SD N°001-2012-VMI-MC, SD N°002-2015MC).

2.2.3. Tangible rural delimited land

In this legal imaginary, the periodized experience of history creates a colonialized subject, the community indigenous peoples and the geographical spaces they occupy. Thus, territory constitutes the third pillar of the organized indigeneity, and it is constructed by notions on i) potentiality of productivity and land categorization ii) high social dependence of the subject to the land, iii) high level of integration, and iv) regulation in the access to the land.

According to the Ministry, the community indigenous peoples' territories are regulated by laws and procedures related to land titles, with a notably recognized regime of collective use of the land. There is a geographical delimitation that is related to the identifiable scope of the inhabited territory. The community indigenous peoples are geographically locked in a circumscribed setting with specific borders and particular uses of the natural resources of the territory they inhabit. This geographical area is traditionally occupied and used by the community indigenous peoples, in dispersed or gathered settlements, with varied movement patterns. In this perspective, the geographical space is rich in natural products for agricultural activities in the Andean region or direct gathering and consumption of plants and animals in the Amazonian region. Even though territory is supposedly not legally restricted but owned by traditional use (Ministerio de Cultura 2014, 33), there are distinct legal categories to describe this territory as a labeled delimitated space such as "indigenous communities", "peasant communities", "native communities" among other terms to identify the variety of territories inhabited by the community indigenous peoples.

For the community indigenous peoples, there is a social, cultural, and economic meaning of the territory related to the symbolic and material value of the land. On the one hand, this means that they reproduce and transmit traditional cultural patterns, social institutions, social organization, and the sacred and spiritual sphere, cosmovision and beliefs, based on the territory. The territory that the community indigenous peoples occupy is considered sacred or associated with mythological significance, as well as kinship and inheritance social norms linked to the uses of this space. On the other hand, the territory of the community indigenous peoples is a collective one and it serves for their own economic activities, according to the Ministry. In this legal imaginary, there is a deep attachment between the community indigenous peoples and their environment. They use ancestral tools, practices and technologies, for a variety of activities such as hunting, fishing, forestry extraction, agriculture, cattle raising, mining, among others: "For the kandozi, after the house, backyard, and ranch, space extends to the forest divided in circles. The closest one is for gathering, and the further one is for hunting" (Ministerio de Cultura 2014, 33).

In relation to national territory, the community indigenous peoples' territory is conceived as an integrated space, not separated, enclosed or outside the national territory. The territory of the community indigenous peoples are rural areas considered as part of the state administration, which is divided into "populated centers", "districts", "provinces" and "departments" borders (MR 202-2012-MC). The spatial integration of such lands is rooted in the historical transformations and increase of exchanges between indigenous and non-indigenous peoples in time. These territories are where the

community indigenous peoples exercise their collective rights, without them, they cannot exist.

Nevertheless, in the view of non-indigenous people, the value of the territory of the community indigenous peoples is understood mainly as a commodity which includes non-renewable natural resources for mining concessions and hydrocarbyl, renewable natural resources, production forest, and forestall concessions (MR 202-2012-MC). There is a different economic value given to this territory. This territory is an accessible tangible land and is divided into lots for exploration and exploitation. Such land has private property value for transnational and national companies of extractive industries. In this legal imaginary, community indigenous peoples should participate in prior consultations following the specific requirement drafted by Law 29785, and its Ruling which was issued by the Ministry (SD N°001-2012-MC). In the processes of prior consultation, the Ministry facilitates technical support, translators, and cultural mediators, to guarantee the collective rights of the community indigenous peoples.

2.2.4. The mediator State: facilitating Prior Consultation and public policies

The Ministry of Culture creates the organized indigeneity based on national and international law and focuses on a role of mediation in the interaction between the community indigenous peoples and others in the context of the current economic model and collective rights legal framework. Even if the Ministry inherited the role of mediation in interactions, it has elaborated its own approach to expand Law 29785 of Prior Consultation, creating tools for its implementation such as the Indigenous Peoples Official Data Base, the Registry of Interpreters and translators, and Registry of cultural mediators, among others. At the same time, there is an expansion in the production of materials for the community indigenous peoples on prior consultation information, especially procedures and experiences. In this legal imaginary, the community indigenous peoples are the indigenous historical other, the one that is a product of the colonial past, of the interaction and the tension of keeping traditional elements and incorporating foreign elements.

In this legal imaginary, there are two ways of interacting with the community indigenous peoples. On the one hand, they are subjects of public policy and services, they are part of the rural Amazonian and Andean population to be administered by the Peruvian state. On the other hand, they occupy ancestral territory and have a strong attachment to their territory, which happens to be problematic for the current model economy of extraction industries. In this legal imaginary, this contradiction is solved, not in political terms, but through legal and technical frame of the prior consultation. Thus, the organized subject is created as a depoliticized subject, a contrast with the community indigenous peoples in a "political indigeneity" which is understood transformative towards the increase of political participation of indigenous peoples in the Peruvian government – a view that was characteristic of the way in which Peruvian institutions imagined indigeneity in last decades of the 20th century and first decade of the 21st century (Balarin 2012, Alza and Zambrano 2014). The prior consultation is introduced as a democratic process of dialogue with the community indigenous peoples to reach consensus over the uses of indigenous land and collective rights that may be affected by the intrusion of foreign agents. Moreover, the Ministry creates valid and accredited interlocutors, in this legal imaginary, and highly regulated procedures to

identify community indigenous peoples for prior consultation. This identification process includes the validation of the community indigenous peoples' indigenous identity with predetermined criteria, and the persuasion of the community indigenous peoples to accept the proposed project or measure concerning their territories.

2.3. Citizen Indigeneity

This section elaborates on each of the components of the citizen indigeneity and is divided into three parts. The first one addresses the construction of the subjectivity of the urban indigenous individuals as citizens who have an identity consciousness of their indigenous cultural inheritance by their ancestors, customs, or life trajectory; the second one is about the space this subject inhabits, which are urban areas nationwide, instead of typically "indigenous localities"; and the third one focuses on the notions for time for this subject, the common history of oppression, social exclusion, and discrimination towards their ancestors created by the lack of positive recognition of cultural diversity. The most relevant legal document by the Ministry of Culture, regarding this legal imaginary is the National Policy of Cross-cutting of the Intercultural Approach (MR N°003-2015-MC). In this legal imaginary, the Ministry of Culture promotes the intercultural approach which implies cultural diversity recognition, dialogue, the value of cultural particularities, and public services that are adequate to the specific needs of the urban indigenous individuals.

2.3.1. The ethnic-cultural self-identified subject

The core of this "indigeneity" is the identity of the subject, the urban indigenous individuals. This legal imaginary could remind us about the cultural turn of the sixties, the post-modern anthropological indigenous subject, and the eighties' multicultural politics. The Ministry's notions of this subject determine how it creates certain conceptions of space where it is located and its experience of history. The construction of alterity revolves around i) a notion of the living culture, ii) ethnic self-identification, iii) an heterogenous and diverse individual subject, iv) citizen rights, v) political anonymity, and vi) the intercultural approach as the way of interaction between the urban indigenous individuals and other people.

According to the Ministry's perspective, for the urban indigenous individuals, there is a rejection of the reified notion of culture and the static dimension of the "ancestral", and a focus on the value of change and creative capacity. Culture is constituted by dynamic reproduction processes and resignification of social life and historical realities in adequation and change in time (Ministerio de Cultura 2013, 11). The creation of the urban indigenous individuals is based on the notion of the existence of "cultures" instead of "a culture" as a particular essential quality that comes from natural, physical or environmental premises. Furthermore, "culture" is illustrated as "learned ways to think, feel and do, as their manifestations and productions, the result of the relationship between human beings and nature shared by a social group, based on values, knowledge, traditions, customs, symbols, among others. Culture is constructed; it changes and/or I reshaped in dialogue with other cultures" (SD N° 003-2015-MC). According to the Ministry, the urban indigenous individuals' culture is understood as "living culture": all practices, knowledge, cosmovision, and languages in everyday life, as this subject value, uses, reproduces, and recreates it. Therefore, culture is not observed

or studied, or reified, it only exists when it manifests in contexts of dialogue or interaction. In this legal imaginary, cultural manifestations and practices are not meant to be unknown, enclosed, safeguarded, or protected but exposed, used in public, in everyday life.

For the creation of the urban indigenous individuals' subjectivity, there is a process of de-racialization based on the rejection of the variable of "race" as a term to identify indigeneity. In this legal imaginary, "race" is a term that attributes "natural", "physical" or "racial" origins to socio-cultural characteristics. "Race" is not a neutral term, it has a specific social meaning related to racial naturalization of social inequity, which gives racial origins to what comes from the historical, socio-economical processes (Ministerio de Cultura 2013, 37). Therefore, according to the Ministry, conceiving the "indigenous" as a "race" hides a cultural domination system and hierarchical structure associated to language practices, geographical origins, social status, educative level, economic conditions, among other characteristics. Moreover, the base for this subject's identity is to make evident this social imaginary of discrimination and social hierarchies, and its consequences on exclusion, centralism, and restriction of rights and access to services for the urban indigenous individuals. The Ministry recognizes their history as unfair and the social imaginary of indifference towards that history as obstructive to eradicate discrimination practices and social inequity among all citizens.

Conversely, the Ministry proposes "ethnicity" to define "indigeneity". In the main legal frame of this indigenous subject, the National Policy of Cross-cutting of the Intercultural Approach, the Ministry introduces the term "cultural-ethnic group" to describe a "group of people who share a culture as a set of beliefs and ways of thinking, feeling, and doing. These beliefs and actions are expressed in their lifestyles, practices, values and ways to shape their notions of wellbeing" (VR N°001-2015-VMI-MC). Ethnicity, in this sense, is related to cultural practices and characteristics that create cultural distance among groups of people, highlighting the criteria of self-identification and distinctive institutions of the generic concept of indigeneity.

Furthermore, the self-identification[19] criterion is constitutive of this subject, and it is related to the individual process of self-adscription based on the existence of cultural belonging and inheritance. This means that, identity is not given to this subject; instead, it is the subject, the urban indigenous individuals who self-identify as indigenous. According to the Ministry, "skin color, way of talking or dressing, or place of origin does not necessarily determine a person's belonging in a cultural-ethnic group," (Ministerio de Cultura 2017, 7). In other words, the indigenous identity still exists without living in an indigenous community or locality or speaking an indigenous language. Also, cultural identity is related to how the urban indigenous peoples perceive themselves in relation to customs, traditions, festivities, or spirituality, among other expressions of cultural

[19] The question for self-identification has been included in Homes National Census since 2000, but it was in 2017 when it was first included in the National Census. The Ministry of Culture has produced material to support the implementation of this variable and the promotion of its use in administrative registries in public service institutions. To operationalize the intercultural approach in state institutions, the Ministry of Culture has developed the "ethnic variable" for the administrative registries which includes questions of cultural-ethnic self-identification and native language. The aim is to identify cultural diversity and create evidence for public policy design in health, education, justice, social programs, economy, as well as the reduction of gaps in the basic services access (SD N°005-2020-MC).

inheritance from ascendants, parents, grandparents, or family. Likewise, the Ministry argues that, even if individual identities are multidimensional, there is a need for reflection on the self and the alterity. Moreover, it is possible for the individual to identify the cultural – ethnic group to which it belongs or if it wants to revalue or vindicate "indigenous roots", family history or live trajectory (Ministerio de Cultura 2017, 14).

In this legal imaginary, the constitutive identity of self-identification is individual and heterogenous within. This subject is not a faceless mass of people, it exists as it self-identifies as an individual subject, as an aged and gendered individual, with varied and unfixed characteristics. The Ministry creates urban indigenous individuals as conditioned by a set of multiple identities such as ethnicity, gender, and age, among others.[20] Additionally, the urban indigenous individuals lack political representation, they are anonymous among other citizens, and they experience public services not as group of people or "indigenous peoples", but as individual citizens with varied specific necessities, which must be identified to adequate public services, according to the Ministry.

The urban indigenous individuals' identity is based on their constant interaction with their "others. However, this interaction is only possible if there is the recognition of cultural diversity and the identification of the different needs accordingly to these identities. The Ministry develops the "interculturality approach"[21] to promote this type of interaction which implies an "appreciation and inclusion of different cultural visions, wellbeing and development notions of the diverse cultural-ethnic groups for the generation of services with cultural appropriateness, promotion of intercultural citizenship based in dialogue and differentiated attention to indigenous peoples and the Afro-Peruvian population" (MR N°003-2015-MC). The Ministry highlights the nature of the interaction as one with conditions of equality of the subjects who take part and promotes these interactions. Moreover, in this legal imaginary, the Ministry creates a national identity based on cultural diversity as the constitutive element of the Peruvian cultural identity, rejecting any idea of a culturally homogenous national identity.

[20] For example, in the "Guidelines to include the intercultural approach in the prevention, attention, and protection to confront sexual assault against indigenous children, teenagers and women" (SD N° 009-2019-MC), the Ministry highlights the intersectionality approach, as the existence of multiple identities that increase the level of vulnerability of gender violence. Indigenous children, teenagers, and women are individuals, who may share the same experience of violence and even a double or triple restriction to prevention, attention, protection, and justice. Even though, there are other legal documents that include the "gender approach", this document is the only one whose indigenous subject is explicitly gendered and aged in a decade of existence of the Ministry.

[21] The intercultural approach considers cultural diversity to adequate the state agencies services. This pragmatic and utilitarian practice, however, was institutionalized by the Ministry of Culture since 2015 with the aim of generalizing in all public institutions. This document focuses on cultural diversity promotion, cultural rights guarantee, and the promotions of spaces of dialogue and exchange. On the one hand, it introduces strategies for statistical visibility of indigenous peoples, stablishes evidence-based public policy and permanent generation of information. On the other hand, it promotes the elimination of discrimination and positive recognition of cultural identities, collective memory and practices of dialogue and cultural exchange (MR N°003-2015-MC). Likewise, there are various training materials for public servers (VR N° 016-2014-VMI-MC).

2.3.2. Diffused spatial continuum

The urban indigenous individuals' identities constructed by the Ministry revolve around notions of geographical space where they are located, which also has to do with their experience of history. In this legal imaginary, the spatial notions of the urban indigenous individuals are constructed as i) spatial dispersion, ii) spatial diffusion, and iii) unattachment to the physical space.

The Ministry identifies the historical processes of migration in XX century from the countryside to the capital, Lima: "between the years 1940 to 1970, Peru ceased to be a predominantly rural country and became more urban. In 1940, 70% were rural, and in 1970, 70% were cities" (Ministerio de Cultura 2013, 33). According to the Ministry, there was a process of socio-cultural "modernization" of mostly peasant population who had migrated in this process of urbanization which is called "cholificación". "Cholification" implies the transition from "Indians" (indio), a derogatory term to call indigenous peoples related to poverty, lack of education, and servitude, to "mixed" (cholos), which would be the term to describe someone with indigenous roots or mixed, but who has adopted urban customs or that lives in the city (Ministerio de Cultura 2013). This term could be used in a derogatory manner, but it is also related to someone that embodies characteristics of both indigenous and non-indigenous subjects, mixed (mestizo) by blood or customs, and it could be related to vindication and pride of having indigenous roots. In the spatial dimension, the subject's location has a meaning of "social ascension" (Ministerio de Cultura 2013), and since there was an urbanized dispersion, the urban indigenous individuals are not locally locked. They could be located in non-indigenous localities.

Furthermore, the urban indigenous individuals' spatial awareness is understood in terms of diffusion, which is related to the lack of clarity or precision as to where they are located, extending its presence nationwide and even outside the country. The urban indigenous individuals are world citizens. In this legal imaginary, geographical space is not a constitutive element for constructing this subject, as the urban indigenous individuals could live in varied geographical areas since space becomes a continuum with blurred borders. In this legal imaginary, the urban indigenous individuals are free to move without risking its identification as such. They can mobilize freely in these spaces without being questioned on their cultural identity, there is not attachment to a specific territory.

According to the Ministry's perspective, the citizen indigenous subject's space is imagined as a community, people with a collective identity belonging to the same group due to shared cultural particularities and belonging (VR N°001-2015-VMI-MC). This "cultural community" or "community of rerference" (Ministerio de Cultura 2013, 14–17) is not geographically located but it is an imagined one (Anderson 1993). The communitarian dimension is also related to the organization of citizens in civil society through organizations and associations, in this case, related to indigenous cultural belonging, where the urban indigenous individuals reproduce cultural manifestations, give new meanings to them, or creates new ones. This is related to the cosmopolitan indigeneity in globalization and the rejection of geographical space as an inherent, innate element of indigeneity. The urban indigenous individuals are not geographically locked,

reduced, and attached to a specific geographical space, they are not defined by the space where they are located.

2.3.3. Projected post-colonial subject

The construction of the urban indigenous individuals' identity conditions not only the nature of geographical spaces they inhabit, but also how they are framed in particular ways of experiencing history in the Ministry's legal imaginary. The construction of the temporal notions revolves around i) common memory of oppression, ii) the construction of a post-colonial subject, iii) unidirectional multilinearity, and iv) the citizen subject as a projected existence for national society.

In this legal imaginary, there is creation of a collective national memory of "the indigenous" with a history of oppression in a common indigenous history where there has been a continuum of violence towards the indigenous peoples, servitude and land expropriation in the Andean region, or slavery, land invasion, and natural resources extraction in the Amazonian region. The urban indigenous individuals share experiences of the complex historical process of conflict, exchange, and transformation. There is a recognition of "indigenous peoples," "people with indigenous ancestors" or "people with indigenous roots". Furthermore, in terms of the experience of history, the urban indigenous individuals are a post-colonial subject, who shared a history of past oppression. The process of miscegenation, coexistence, and socialization that was characterized by power relations: "the richness and originality of the cultural expressions surged during three colonial centuries, were not the result of simple exchange and interaction between cultures, but they also were a manifestation of divisiveness, resistance and cultural domination imposed by colonization (Ministerio de Cultura 2013, 31). According to the Ministry, the history of negation of the indigenous cultural diversity is related to social exclusion and structural discrimination processes and current economic, social, and rights gaps among citizens.

Furthermore, the urban indigenous individuals are framed in unidirectional developmental multilinearity, which is created as an opposition of the notion of progression in an evolutionary unilinear process – from primitive to civilized. The recognition of autonomy in the active identity of the urban indigenous individuals is also related to the Ministry's notions about "development". In this legal imaginary, there is a recognition and positive value to indigenous "visions of the world" and "wellbeing versions" that distances from a foreign-imposed notion of development. Taking on the UNDP notion of "human development," the Ministry references the guarantee of necessary conditions for individuals and collectivities to develop their potentialities according to their own needs and interests. Rather than impose notions, expectations, and projects of development, as civilizer-western projects. In other words, it provides the urban indigenous peoples with the option to live according to what it values the most, to be free to choose and participate in decisions that affect them. (VR N° 001-2015-VMI-MC). According to this notion of development, the urban indigenous individuals are not defined by essential characteristics that prove their originality, their autochthonous self or ancestrality.

As far as the Ministry of Culture is concerned, the urban indigenous individuals are omnipresent, they have a contemporary permanent presence. They are often associated

with the recognition of cultural diversity as a transversal national value. Furthermore, the urban indigenous individuals are created as an ideal or projection, as a subject with potentiality. Therefore, the Ministry promotes "intercultural citizenship" as a general value for all citizens which does not only concerns the urban indigenous individuals, but all citizens. The Ministry introduces a new re-conceptualization of citizenship as intercultural, which includes "respect, tolerance, positive valuation of diversity, exchange and construction of common spaces and dynamic consensus" (VR N°001-2015-VMI-MC). This new re-conceptualization occurs through horizontal dialogue. To guarantee this, the Ministry acts through normative, administrative, and organizational changes as well as public policy and procedures transformation for its operationalization in the public institutions at all levels and areas of government.[22]

2.3.4. The promoter State: spreading National Policy of Cross-cutting of the Intercultural Approach

In this legal imaginary, the "intercultural approach" is mainly introduced as the more relevant legal framework to re-conceptualize the relationship between the indigenous other, non-indigenous other and the state. This approach promotes the recognition of cultural diversity and intercultural citizenship as a capacity of all citizens to value cultural differences and be able to keep horizontal dialogue. These cultural exchanges are based on recognizing the history of state formation and management of indigenous cultural diversity characterized by the hierarchical structures of power and discrimination. In this legal imaginary, there is a constant effort to take distance of classical notions of culture as a fixed set of practices almost stuck in time and the vision of a homogenous "universal culture" towards the focus on cultural practices and the vision of cultural plurality. The urban indigenous individuals are created as a projection of a national value that highlights a culturally diverse Peruvian identity, instead of a "culturally homogenous Peruvian identity" which characterizes the state formation of patriotic values, mainly, in the 19th century.

Furthermore, the Ministry takes an active role to promote interactions between individuals with different cultures. Those interactions are always positive and enriching instead of threatens for the cultural identity of the urban indigenous individuals. In this legal imaginary, the Ministry focuses on the conditions of those interactions, which must allow for a positive recognition of cultural differences and equality. Nevertheless, this indigenous identity is recognized when self-identification occurs in the interaction with state institution. Therefore, citizen indigeneity, is only possible in the interaction with state institutions; it does not exist outside them. At the same time, the urban indigenous

[22] The Ministry develops, in SD N° 003-2015-MC the notion of "intercultural competence" as the "set of capabilities, knowledges and attitudes that enable someone to communicate and interact appropriately with people from different cultures. It implies learning of new patterns of behavior, learn to look themselves and the others with respect and to acquire capacities to apply them in interactions"; "intercultural dialogue" as communicational process of respectful and equative exchange in search of understanding and concertation as it "contributes to social, cultural economic and political integration as well as cohesion in cultural diverse societies", and "cultural appropriateness" in the public institutions which take into consideration the citizens particularities to design policy and provide services accordingly, and the production of information and knowledge about cultural diversity. These mechanisms are related to the pragmatic dimension interculturality in public policy as a strategy to diminish or mediate social conflicts in contexts of cultural diversity.

individuals are constructed based on cultural inheritance centered in cultural expressions such a traditional knowledge, indigenous languages, customs, and folklore. There is no political representation or social cohesion in this legal imaginary, only individuals who share a collective memory and an individual consciousness of indigenous alterity. Even though there is an effort, on behalf of the Ministry, to avoid any type of cultural homogenization, the lack of representativeness also creates a voiceless subject. Conditioned by urbanized dispersion, the urban indigenous individuals may become anonymous generic citizens, closer to other generic categories such as socio-economic groups, instead of ethnicities, dissolving "indigeneity".

3. "Indigeneity", law, and the Peruvian State

Up until now, this article has presented an inductive analysis of "indigeneity" constructed by the legal imaginaries of the Ministry of Culture and found in its legal documents and materials. This analysis has been structured in the broader categories of space, time, and subject drawn from approach of the cultural analysis of law. Furthermore, each of these categories consists of subcategories that come from the inductive process. Firstly, the **space** category is composed of four subcategories: i) the geographic notion of the physical space, ii) indigenous value of the land, iii) level of integration with a national society, and iv) accessibility restrictions of territory. The second category**, time,** is also composed of four subcategories: i) the chronological order of the existence of a subject, ii) experience of the history of the subject, iii) temporal direction in a timeline, and iv) notion of existence of the subject for national society. Lastly, the **subject** category is composed of six subcategories: i) the notion of culture, ii) particularity of the subject, iii) identity adscription, iv) rights guarantee, v) political representation, and vi) interaction with non-indigenous others.

Based on the interpretative exercise on the previous sections, the nature, and conceptual notions, expressed in the referenced categories and subcategories, create spatio-temporal subjects. There are four types of indigeneity created by the Ministry of culture: generic, natural, organized and citizen. First, the "**generic indigeneity"**– indigenous peoples– drawn from international law, and four identification criteria: historical continuity, territorial connection, distinctive institutions, and self-identification; second, the **"natural indigeneity"** – PIACI– who are considered to be the most autochthonous inhabitants of the remote Amazonian regions; third, the **"organized indigeneity"** – community indigenous peoples – who embody the tensions of keeping traditional culture and ancestral territories, in a context of sustained interactions with non-indigenous peoples; and fourth, the "**citizen indigeneity"** – urban indigenous individuals – who have cultural inheritance and collective memory of oppression towards their indigenous ancestors, but are not geographically located in typical indigenous territories.

Furthermore, these four types of "indigeneity" are framed in multiculturalism. The Ministry of Culture aims to promote a positive recognition of indigenous cultural diversity. This entails a rupture in Peruvian institutionality of indigeneity about the notion of "indigeneity" for the State as: i) **an inferior other**, in racist and assimilationist-integrationist politics, which is the rejection of cultural diversity; and ii) **an equal other**, in interculturality politics, which is the recognition and promotion of cultural diversity and dialogue. Moreover, there is a special interest from the Ministry to: first, register

cultural manifestations in a taxonomic endeavor; and second, revalue those cultural manifestations not only as belonging to the indigenous peoples but as belonging to all Peruvians. Nevertheless, the meaning of that cultural dimension is often reduced to a selection of indigenous manifestations such as indigenous languages, traditional medicine, traditional technologies, music and dances, typical clothes and fabrics', mythology, rituality. Still, this cultural dimension of "indigeneity" is omnipresent and created as the Peruvian brand, a constitutive of the national identity construction by the State.

Conversely, the referenced positive recognition of indigenous cultural diversity is reconciled with the sustainability the economic model. This supposes a rupture about the implications for Peruvian institutionality of indigeneity about the focus of public policies on i) indigenous territory and natural resources administration, related to **national economic interests**, and ii) socio-economic development and public policy, related to **indigenous socio-economic demands.** Moreover, there is an obligatory task for the Ministry of Culture to, first, determine the value of indigenous territories; and second, to manage the relationship and interactions between the indigenous peoples, other state institutions and private sector. There are opposed views on the spaces that indigenous peoples inhabit, as a profitable commodity to exploit from a non-indigenous view, and as an invaluable exchangeable territory from the indigenous view. The economic-political dimension of "indigeneity" is a contested issue. In this context, the Ministry mediates potential conflict through highly regulated exceptional entry passes, for the PIACI's territory and facilitation of prior consultation, for the community indigenous peoples. In both cases, even if the Ministry's creates regulations, the priority is to guarantee access to natural resources for the national economic interests.

The coexistence of the multiculturalist politics and the maintenance of the national economic model is also related to the position of the Ministry of Culture on the sustainability of the nation-state project in Peru and the national sovereignty in the rule of law. This implies a rupture about how the Ministry of Culture operates in relation to its agenda on the institutionality of indigeneity as: i) **political "indigeneity" institutionality**, that implies power redistribution and political participation, ii) **technical "indigeneity" institutionality** that implies the state's unidirectional administration. The creation of the Ministry of Culture implies not only technical, administrative, and financial autonomy given by the ministerial rank, but it also includes the expansion of scope, diversification, and specialization on the different types of "indigeneity". Before the Ministry, there were only two types of indigeneity: i) the natural indigeneity – PIACI – and ii) the "organized indigeneity" – community indigenous peoples. The former is the passive indigenous subject in need of protection, and the latter, the active indigenous subject ready to negotiate. By introducing the "generic indigeneity", the Ministry of Culture creates a supposedly neutral, descriptive category that highlights four criteria related to time, space, social institutions, and individual consciousness, which aims to be an umbrella "indigeneity". Likewise, the Ministry gives new meaning to community indigenous peoples as "organized indigeneity" framed in prior consultation, rather than "political indigeneity". Conversely, the "citizen indigeneity" is the original creation of the Ministry of Culture and, through the intercultural approach, it aims to address the lack of homogeneity among State's institutions towards indigenous public policies.

Those different types of legal imaginaries on "indigeneity" created by the Ministry are not introduced in a chronological order in a sequential timeline. The legal imaginaries are constructions that emerged contingently at some point in history and became legacy, inheritance for Peruvian "indigeneity" institutionality. Likewise, these constructions are not structured as complementary nor exclusive, and they are not created to be inherently coherent or harmonious between them or within themselves. Just as narratives, languages, and words allow us to access the world and to interact with it, the law offers us categories that create subjectivities. There is not "indigeneity" outside the legal imaginary of the Ministry of Culture, in this case. Therefore, "indigeneity" is not something to be found "out there" in the material world; it only exists through legal categories, terms, principles, and rulings about "indigeneity". Like science or art, law is a totalizing culture, a framework to give meaning to all phenomena; it looms over the material world to create "indigeneity".

Finally, it is worth to reference the theoretical-methodological approach applied in this research: the cultural analysis of law. As the field develops, legal anthropology experiments with new conceptual tools and methodologies. The cultural analysis of law provides a functional, alternative approach to revisiting classical theoretical-methodological approaches such as "interpretative anthropology", and recurrent topics such as "indigeneity" in the anthropological scholarship. Further, the cultural analysis of law is also useful to re-examine heavily researched agents such as "state institutions" in the context of legal and socio-legal field. This approach proposes an interesting exercise to re-evaluate the relationship of law and culture, and it enriches the field of anthropology of law in the ongoing dialogue of socio-legal scholarship.

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Appendix – Acronyms

MC Ministry of Culture

PIACI Indigenous Peoples in isolation or initially contacted

UNDRIP United Nations Declaration on the Rights of Indigenous Peoples

UNDP United Nations Development Programme

ILO International Labor Organization

SD Supreme Decree

MR Ministerial Resolution

VR Vice-Ministerial Resolution

VMI Vice-Ministry of Interculturality