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The Mobilisation and Political Participation of Indigenous Peoples In Costa Rica

**Increased Citizen Power or
Continued Exclusion?**

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ABSTRACT

This research sets out to explore what factors have been important for the mobilisation of indigenous peoples in Costa Rica and the extent to which they are able to influence and participate in political decision-making processes. Indigenous peoples all over the world have been socially, economically and politically marginalised and excluded. Over the past few decades, they have increasingly mobilised to fight for the recognition of their collective rights. This is also the case for Costa Rica, where indigenous peoples have not been included in the development success, are still overrepresented in the poor segments of society, have less access to basic services, and their land rights are continuously violated. While Costa Rica has ratified international conventions and has installed national laws for the protection of indigenous rights, these laws are not being implemented. Indigenous peoples have little to no citizen power, as their collective rights continue to be violated.

This research utilises a social movement lens to analyse how indigenous peoples in Costa Rica have mobilised to try to instigate social change for the recognition of their collective rights. Through a comparative literature review of indigenous mobilisation and political participation in Panama, Honduras and Costa Rica, I have sought to explore what factors have been important for mobilisation in Costa Rica, thereby focusing on those factors that come forward as the most important based on the major social movement theories: inequality, political opportunity, organisational capacity, and a collective action frame. Then, with a policy analysis I aim to analyse the laws that Costa Rica has established for the protection of indigenous rights and how these laws are being implemented. Lastly, a content analysis of three indigenous organisations - the *Frente Nacional de los Pueblos Indígenas*, the *Mesa Nacional Indígena de Costa Rica* and the *Ditsö Costa Rica* - will give a closer look into the framing capacities of indigenous organisations.

This paper shows that despite increasing mobilisation of indigenous peoples in Costa Rica, their citizen power has not actually increased. While indigenous mobilisation in Costa Rica started a bit later than in many other Latin American countries, indigenous peoples have increasingly mobilised since the late 1980s and the beginning of the 1990s, motivated by globalisation and the increasing mobilisation of indigenous peoples throughout the region. While Costa Rica has implemented some laws for the protection of indigenous rights, these laws are not being properly implemented. For indigenous peoples to acquire more citizen power, national and international systemic change is required that tackles the historic unequal power relations and socioeconomic inequalities that have been established in colonial times, consolidated in nation-building practices of the 19th and 20th century and deepened by neoliberal reforms in the 1980s and 1990s. It is essential that indigenous peoples' collective territorial rights are protected, as this is an important component in guaranteeing global sustainable development as laid out in the Sustainable Development Goals of the United Nations.

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LIST OF ABBREVIATIONS

ADI	Asociación de Desarrollo Integral Indígena
C169	Indigenous and Tribal Peoples Convention
CD	Cambio Democrático
CTs	Consejos Territoriales
CNIH	Consejo Nacional Indígena de Honduras
COIN	Congreso Indígena Nacional
CONAI	Comisión Nacional de Asuntos Indígenas
COONAPIP	Coordinadora Nacional de Pueblos Indígenas de Panama
CONPAH	Confederación de Pueblos Autóctonos de Honduras
COPINH	Consejo Cívico de Organizaciones Populares e Indígenas de Honduras
DCR	Ditsö Costa Rica
Desa	Desarrollos Energeticos SA
DINADECO	Dirección Nacional para Desarrollo Comunitario
FPIC	Free, Prior and Informed Consent
FRENAPI	Frente Nacional de Pueblos Indígenas
GNI	Gross National Income
HDI	Human Development Index
HPI	Happy Planet Index
IACHR	Inter-American Commission on Human Rights
ICE	Instituto Costarricense de Electricidad
ICTU	Indigenous Consultation Technical Unit
ILO	International Labour Organisation
INA	Instituto Agrario Nacional
INDER	Instituto de Desarrollo Rural
ITCB	Indigenous Territorial Consultative Bodies
ITCO	Instituto de Tierras y Colonización
IWGIA	International Work Group for Indigenous Affairs
MASTA	Moskitia Asla Takanka
MNICR	Mesa Nacional Indígena de Costa Rica
NGO	Non-governmental organisation

ODECO	Organización de Desarrollo Étnico Comunitario
OFRANEH	Organización Fraternal Negra Hondureña
PATH	Proyecto de Administración de Tierras de Honduras
PLH	Partido Liberal de Honduras
PLN	Partido Liberación Nacional
PNH	Partido Nacional de Honduras
PRD	Partido Revolucionario Democrático
PRN	Partido Republicano Nacional
PUSC	Partido Unidad Social Cristiana
SAP	Structural Adjustment Programme
SDGs	Sustainable Development Goals
SMO	Social Movement Organisation
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

1. INTRODUCTION

There are around 370 million indigenous people around the world that belong to more than 5,000 different peoples and represent about 5% of the world's population. Indigenous peoples can be defined as descendants of those who inhabited a region before the time when people of different cultures and origins arrived, that practice unique traditions and retain distinct social, cultural, economic and political characteristics from those of the dominant societies in which they live (United Nations). These indigenous peoples have been excluded socially, politically and economically since the colonial era, when unequal power relations were established that still affect indigenous peoples today. The assimilationist nation-building practices and the promotion of a dominant, mainstream culture after of the 19th and 20th century have worked towards eliminating cultural diversity, thereby seriously threatening indigenous peoples' cultural heritage and limiting their political participation (Power & Kishk Anaquot Health Research, 2008; Quijano, 2010; Assies, 2000). There is sufficient evidence that suggests that discrimination is a strong contributing factor to the social exclusion of indigenous peoples today (Justino & Litchfield, 2003). Atkinson and Marlier (2010) define social exclusion as "the involuntary exclusion of individuals and groups from society's political, economic and societal processes, which prevents their full participation in the society in which they live." When looking at the various factors that social exclusion entails, indigenous peoples across regions experience many issues. When looking at various factors that social exclusion entails, indigenous peoples across regions experience higher levels of poverty, higher unemployment rates, less access to basic services and infrastructure, and issues relating to land rights, conflicts, human rights violations, victimisation by the state or police, and impunity (Justino & Litchfield, 2003). In fact, while indigenous peoples make up about 5% of the world's population, they represent 15% of the world's extreme poor and one-third of the rural poor. Also, the poverty gap is closing more slowly for indigenous peoples than for non-indigenous peoples, and in some cases is even growing (Hall & Gandolfo, 2016). These issues are also visible in Latin America, where about 42 million indigenous people live that make up about 8% of the total population. However, they make up about 14% of the poor population of the region. According to the World Bank, an indigenous family is three times more likely to live in extreme poverty than a non-indigenous family (World Bank Group, 2015).

While Costa Rica is known as one of the development success stories of Latin America, renowned for its steady economic growth, progressive politics, sustainable development, nature conservation, and respect for and promotion of human rights, not everyone has been included in this success. The indigenous peoples of Costa Rica have been left behind. Indigenous peoples are overly represented in the poor segments of society, have less access to basic services like health clinics, education, sanitation, and energy, and experience higher rates of malnutrition and infectious diseases, as well as higher infant, child and general mortality rates. Furthermore, their land rights are continuously being violated and is increasingly being polluted from banana plantations and other industries (Gradín, 2016; Herforth, 2018; IWGIA, 2017; MacKay & Garro, 2014). There is a clear divide in the level of wellbeing along racial and ethnic lines, which is exacerbated by the indigenous peoples' geographical isolation, the spread-out villages and the lack of infrastructure (Gradín, 2016; Herforth, 2018). While there are state institutions that are supposed to represent indigenous peoples and there are several laws in place for the protection of indigenous peoples that establish their autonomy and land rights, there has been little to no improvement in the social exclusion that indigenous peoples face, as the institutions are not representative and the laws are not well implemented (Camacho-Nassar, 2019).

To tackle these challenges, indigenous peoples all over the world have increasingly been mobilising to instigate social change. With some success. Indigenous peoples and their struggle have become more visible and have received international attention, several working groups and

international treaties for the protection and promotion of indigenous rights have been established, in some countries indigenous peoples have become important political actors, and an increasing number of countries has set up separate institutions to represent indigenous peoples and has established laws to respond to indigenous demands for self-determination and indigenous territories (Saglie & Sullivan, 2011). This is also the case for Costa Rica, where indigenous peoples have been increasingly mobilising and becoming more visible since the 1980s and 90s. Yet, the issues that indigenous peoples have historically faced still persist today.

1.1 Relevance to development studies

The social exclusion of indigenous peoples is a fundamental element that has to be taken into account in the global fight against poverty and the path to sustainable development (Justino & Litchfield, 2003). Sustainable development can be defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. As a group who has continuously been excluded and left behind, indigenous peoples are an important target group for the United Nations (UN) Sustainable Development Goals (SDGs) (see figure 1), a 2030 agenda that focuses on reducing inequalities and has promised to leave no one behind and reach the furthest behind first (United Nations). Many of the SDGs are relevant to the issues that indigenous peoples face.



Figure 1. The United Nations Sustainable Development Goals (Source: <https://ecochain.com/knowledge/sustainable-development-goals-business/>)

Goal 1 aims to end poverty in all its forms. This is especially relevant for indigenous peoples who are overly represented in the poor parts of society and have more difficulty in escaping this poverty trap (Hall & Gandolfo, 2016). Yet, it is important to note that indigenous peoples often have different conceptions of wealth and wellbeing, which are not always represented in western indicators. Therefore, it is important to not only focus on poverty in terms of monetary value, but also look at other forms of deprivation (World Bank Group, 2015). **Goal 10** – reducing inequality within and among countries – includes the empowerment and promotion of social, economic and political inclusion of all. This is important for the indigenous peoples, as they have been socially excluded since the colonial era. **Goal 3** – good health and wellbeing – is also relevant to indigenous peoples, as they generally have less access to health services, resulting in higher infant mortality rates, lower life expectancy rates, and higher prevalence of disease and malnutrition (Justino & Litchfield, 2003). **Goal 4**, that is about ensuring inclusive and equitable quality education to ensure equal opportunities for all, is important for indigenous peoples who have less access to quality education and face unequal opportunities as their indigenous languages are not represented in national education systems (Justino & Litchfield,

2003; Power & Kishk Anaquot Health Research, 2008). Next to that, indigenous peoples' limited access to water, sanitation and energy, is represented in **goal 6** – clean water and sanitation – and **goal 7** – affordable and clean energy (World Bank Group, 2015). Furthermore, indigenous peoples often do not have the same opportunities as those from mainstream society and face higher unemployment rates, casual employment contracts, discriminatory employment practices, poorer promotion prospects, and lower wages (Justino & Litchfield, 2003). Thus, **goal 8**, which aims to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all, is especially important for indigenous peoples who have been left behind in economic development. **Goal 10**, which aims to make cities inclusive, safe, resilient and sustainable, is especially important for indigenous people in Latin America, of which 50% currently lives in cities. Of this 50% of indigenous people, 36% lives in urban areas live in vulnerable neighbourhoods with safe and unhealthy conditions and have 18% less access to basic services than other Latin Americans (World Bank Group, 2015). Lastly, indigenous peoples are often affected disproportionately by climate change, pollution and other environmental issues caused by large-scale development projects, as they are dependent on natural resources for their traditional subsistence livelihoods (Power & Kishk Anaquot Health Research, 2008). Therefore, **goal 13**, climate action, **goal 14**, life below water, and **goal 15**, life on land, are important SDGs to sustain traditional indigenous livelihoods.

A focus on social inclusion that highlights major issues such as inequality, poverty, unemployment and political participation, is key to the 2030 agenda. Eradicating the multiple dimensions of poverty and tackling these issues of unequal power relations and inequitable growth is important to ensure sustainable development (Dugarova & Lavers, 2014). There is a growing consensus that ensuring indigenous peoples' collective rights to lands, territories and natural resources is not only vital to advance their wellbeing and ensure their livelihoods, but is also important to tackle problems like climate change and the loss of biodiversity (United Nations, 2018). Land rights and access to natural resources form a fundamental part of indigenous peoples' collective human rights, livelihoods, cultural tradition, and identity (Hanna & Vanclay, 2013). This means that indigenous peoples are disproportionately affected by climate change, pollution and land grabs due to large national development projects, expanding agricultural frontiers, renewable energy projects, mining, logging, and tourism development (Hanna & Vanclay, 2013; O'Faircheallaigh, 2013; Vom Hau & Wilde, 2010). Due to these developments – the dispossession of land, pollution, climate change, displacement due to conflicts and violence – indigenous peoples have increasingly moved to cities, where they continue to face issues of poverty and exclusion (Vom Hau & Wilde, 2010; World Bank Group, 2015).

1.2 Research questions and objectives

This thesis seeks to explore what factors have been important for the mobilisation of indigenous peoples in Costa Rica and the extent to which they are able to participate in society. Mobilisation is a way for a minority group to instigate social change. A way to identify if indigenous peoples are still socially and politically excluded, is examining the extent of *citizen power* that they have. Citizen power can be defined as the amount of power a certain group has in political decision-making or the extent to which indigenous peoples are able to participate in the institutionalised political system. There is a distinct difference between political participation and having the actual power to influence the political system (Arnstein, 1969). Therefore, the research question that this thesis seeks to answer is:

What explains the mobilisation of the indigenous peoples of Costa Rica and the extent to which they are able to influence political decision-making processes?

In order to answer the main research question, I have set out the following sub questions:

1. What factors determine the mobilisation of indigenous peoples and the extent to which they are able to participate in the institutionalised political system?

With this first sub question I aim to explore the factors that have been important for the mobilisation of indigenous peoples in Costa Rica. Here, I have taken social movement theory as a basis. Social movement theory explores how social movements – mobilisation of certain groups of people – emerge and are sustained. Different social movement theories emphasise different factors that are important for this: inequality, political opportunity, organisational capacity, and a collective action frame. By comparing the case of indigenous mobilisation and political participation in Costa Rica to the case of Panama and Honduras, I am to explore what factors explain the differences in this mobilisation and participation.

2. What laws are in place for the protection of indigenous rights in Costa Rica and how are they implemented?

Next, I will examine what laws are in place for the protection of indigenous rights and how they are implemented. This is a good indicator of the extent to which indigenous peoples are able to politically participate and their citizen power. Laws are a way for a government to give into public opinion and demands and instigate social change.

3. What collective action frames do indigenous organisations in Costa Rica employ?

The last research question looks more into the mobilisation of indigenous peoples in Costa Rica and refers to the framing capacities of indigenous organisations. According to social movement theory, framing is an important aspect of social movements. This will give more insight into the issues that indigenous peoples in Costa Rica identify, the solutions that they propose, and the collective identity that they reproduce to garner support.

1.3 Outline of the thesis

The outline of the thesis is structured around the three sub questions to be able to answer the overarching research question. Chapter 2 starts with the theoretical framework, starting with an analysis of the Latin American indigenous movement. This provides a basis of analysis to compare the case of indigenous mobilisation in Costa Rica to larger regional developments in indigenous mobilisation. Here, one important concept comes forward: *neoliberal multiculturalism*. This concept seeks to explain the dichotomy between the introduction of neoliberalism on the one hand, and the establishment of multicultural citizenship reforms on the other hand, which limits the citizen power of indigenous peoples in Latin American countries. Next, the theoretical framework includes an overview of the most important social movement theories to provide the theoretical basis to be able to determine the factors that have been important for the mobilisation of indigenous peoples in Costa Rica. Lastly, the theoretical framework includes Arnstein's (1969) *Ladder of Citizen Participation*, which is an important tool to analyse the extent to which indigenous peoples in Costa Rica are able to participate in political decision-making processes and the citizen power that they have. Chapter 3 is the regional thematic framework which sketches the local context of Costa Rica that is necessary to understand the background against which the research is presented. Then, chapter 4 lays out the research questions, the methodology and the operationalisation that I will employ to be able to answer the research question.

Chapter 5, 6 and 7 are methodological chapters, starting with a comparative literature review in chapter 5 that entails a historical analysis of indigenous mobilisation in three countries in Central

America – Panama, Honduras and Costa Rica – to better understand the factors that determine the differences in indigenous mobilisation and political participation between Costa Rica and the other two countries. Chapter 6 lays out the policy analysis of the most important laws in the Costa Rican Constitution for the protection of indigenous rights, especially looking at how they are implemented and what the implications are for indigenous peoples. Then, a content analysis in chapter 7 explores the framing capacities of three important indigenous organisations in Costa Rica. I will conclude the thesis with a discussion of the main results and a conclusion to answer the sub questions and overarching research question.

2. THEORETICAL FRAMEWORK

2.1 Major Theories

This section will look into the major theories that are relevant for this thesis. First of all, I will look into the history and development of the Latin American indigenous movement, which will give more insight into the common challenges that indigenous peoples face and the general trends in indigenous mobilisation in Latin America. This way, the mobilisation of indigenous peoples in Costa Rica can be compared to general developments in indigenous mobilisation in other Latin American countries. Here, I will especially look into the last three decades of the 20th century, a period where indigenous organisation really took off and the indigenous movement became an increasingly visible actor in the political arena of many Latin American countries (Assies, 2000; Wolff, 2007). Another important concept that I will look into, is the concept of *neoliberal multiculturalism*, a concept first introduced by Hale (2002) and which has been important in the analysis of political opportunities for indigenous peoples. Then, the *Ladder of Citizen Participation* by Arnstein (1969) will provide a good framework to be able to analyse to what extent indigenous peoples are able to participate in a given country's political system and how much citizen power they actually have. Lastly, this literature review will look into the major social movement theories, which will provide the theoretical basis of the research to be able to analyse the factors that have been important for Indigenous mobilisation in Costa Rica.

2.1.1 The Latin American indigenous movement

Latin America has a rich history of social and political mobilisation of indigenous groups. To better understand the history of indigenous peoples in Latin America, it is important to first provide a definition of *indigenous*. It is difficult to give one official definition of *indigenous peoples* as they are not one unique group but exist of many different peoples all over the world, with different histories, cultures and identities. For example, the UN has not adopted an official definition of indigenous, but they describe indigenous peoples as "inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live" (United Nations, sd). The UN has established some main points by which indigenous peoples can be identified, as seen in box 1. In Latin America, there are about 50 million people that are labelled as indigenous, that belong to 500 different ethnic groups. This accounts for about 8% of the total Latin American population (De Dios, 2020).

Box 1. Commonalities of indigenous peoples

- Self-identification as indigenous peoples at the individual level and accepted by the community as their member.
- Historical continuity with pre-colonial and/or pre-settler societies
- Strong link to territories and surrounding natural resources.
- Distinct social, economic or political systems
- Distinct language, culture and beliefs
- Form non-dominant groups of society.
- Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.

(United Nations)

Next to the commonalities as expressed in box 1, indigenous peoples all over the world face similar issues, as they have been marginalised economically, politically and socially (Herforth, 2018). In the colonial era an unequal system of power was established, and although there has been some improvement, these power relations and powerful elites still play a role in a lot of Latin American

societies today (Quijano, 2010). In the first half of the 19th century almost all countries in Latin America became independent from either Spain or Portugal (Kittleson, Bushnell, & Lockhart, 2019). After gaining independence, the new nation-states, under the leadership of mostly European descendants, started their nation-building processes which led to the deepening of the hegemony of Eurocentrism and consolidated a new system of control by political elites centred around the idea of "race" (Quijano, 2010; Doyle, 2015). The new modern nation states, under the leadership of the white elite, wanted to portray themselves as a strong, unified, "white" nation, in which groups like indigenous peoples and Afro-descendants did not fit. To solve this "indigenous problem", nation states implemented a policy of cultural and political assimilationism, which intended to assimilate indigenous peoples into the culture of the national culture, or in other words, the culture of the most powerful group. Indigenous peoples were simply not recognised, ignored or repressed by the state, and were excluded from the political arena (Quijano, 2010; Vom Hau & Wilde, 2010; Hale, 2005). This discourse of discrimination and the uneven power distribution have become institutionalised with the nation-building practices of the 19th and 20th century and still affect indigenous peoples today (Mosse, 2010).

This only started to change in most countries in the second half of the 20th century, when indigenous mobilisation first started to form. In the 1960s and 70s, however, indigenous peoples did not yet mobilise under their collective indigenous identity, as they were not yet recognised as an independent group and were forced to join the peasant struggle for land reform. Yet, this paved the way for further indigenous mobilisation. The peasant movement led to the implementation of land reforms, like the end of the hacienda system¹, the formation of new state institutions for social services in rural areas, and extended agricultural credits and subsidies, which redefined relations between the state and the rural population. Even though indigenous peoples had to identify themselves as peasants to be able to gain access to state resources, these reforms were an important first step in creating more local autonomy. Furthermore, by taking part in the peasant struggle, indigenous peoples gained experience to be able to later develop their own organisations (Korovkin, 2006; Yashar, 1998; Assies, 2000).

It was not until the late 1980s and 90s that the indigenous movement distanced itself from the peasant movement and mobilisation accelerated (Wolff, 2007). This happened in the context of globalisation, democratisation, the adoption of multicultural citizenship reforms, and neoliberal reforms, which posed both opportunities and challenges for indigenous peoples. First of all, globalisation led to the forming of transcommunity networks that provided the organisational infrastructure through which indigenous organisations could mobilise and take over the increased political space that was created by democratisation processes (Bowen, 2007). Globalisation and technological development brought new possibilities for the creation of a new network of communication, reaching the most remote areas and connecting different communities and international actors. To find international allies, a social movement needs to align its frame with a broader international discourse, something the indigenous movement has been very successful in. The indigenous movement has strategically jumped scale through aligning themselves with different global discourses, like the peasant and workers' rights movements in the 1960s, the human rights discourse in the 1970s and 80s, and by adopting an environmentalist discourse from around the 1990s (Pieck, 2006; Bustamante, 2015; Assies, 2000). However, aligning the discourse with a global discourse is not always a conscious move of social movements. The transnational networks gave indigenous peoples the five Cs: cash, courage, contacts, consciousness and campaigns (Martí i Puig, 2010). By forming alliances with international actors, indigenous peoples gained greater capacity for applying pressure

¹ A hacienda was a large, landed estate originating in the colonial era, where labourers, usually indigenous peoples, worked for landowners. In theory, these labourers were free wage employees, but in practice they were bound to the land by keeping them indebted to the landowner (Cleveland & Cunningham, 2014).

on their government. When governments seem impenetrable to demands made by indigenous peoples, they can reach out to their allies who can use their resources and influence to exert pressure on the government (Martí i Puig, 2010; Wright, 2014).

Furthermore, these transnational advocacy networks created an international focus on indigenous problems, which led to the creation of several international groups concerned with these issues, like the Working Group on Indigenous Populations (WGIP) of the UN, the Permanent Forum on Indigenous Issues and the UN Special Rapporteur on the Rights of Indigenous Peoples (Wright, 2014; Martí i Puig, 2010). This, in combination with the globalisation of law, led to the creation of several international treaties on indigenous rights. In 1989, the International Labour Organisation (ILO) established Convention 169 (C169), which has become the most important legally binding international document on indigenous rights (Hanna & Vanclay, 2013). C169 holds that governments should recognise and protect indigenous communities' traditional institutions, practices and values. Importantly, C169 establishes a legal basis for Free Prior and Informed Consult (FPIC) (see box 2), stating that governments should consult indigenous peoples through appropriate procedures and through representative institutions when there are projects or policies to be implemented that would directly affect them. Also, indigenous peoples should be able to participate at all levels in the decision-making processes.

Box 2. Free Prior and Informed Consult (FPIC)

FPIC is a right that is recognized in ILO C169 and UNDRIP that establishes bottom-up consultation and participation of indigenous peoples regarding projects or measures that would affect them or their territories.

The consent should be:

1. Free: the consent is free, given voluntarily and without coercion, intimidation, or manipulation.
2. Prior: the consent should be sought before beginning any activities.
3. Informed: indigenous peoples have access to all relevant information and can make an informed decision.

The consent should be a collective decision made through traditional decision-making processes of a certain community.

(Food and Agriculture Organization, sd)

Next, the convention touches a few specific topics, like land rights; recruitment and conditions of employment; vocational training, handicrafts and rural industries, social security and health; education and means of communication; contacts and cooperation across borders; and administration (International Labour Organization [ILO], 1989). In 2007, the UN enacted another important treaty for the protection of indigenous rights. The Declaration on the Rights of Indigenous Peoples (UNDRIP), which established "a universal framework or minimum of standards for the survival, dignity and well-being of the indigenous peoples of the world and it elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of indigenous peoples" (United Nations, 2016).

In the 1980s, most Latin American states entered a democratic and neoliberal transition, which demilitarised states, decreased repression, introduced freedom of association and speech, and opened up political space for other political actors than the historical elite, like the indigenous movement (Van Cott, 2010; Yashar, 1998). The neoliberalisation of society and the instalment of Structural Adjustment Programmes (SAPs) included decentralisation processes where local governments obtained greater political autonomy. In many cases this included a recognition of local level indigenous governance (Assies, 2000). On the other hand, decentralisation meant the draw-back of the state, including the draw-back of social security programmes. Where local governments were not able to fill this gap, non-

governmental organisations (NGOs) have moved in and taken over social tasks of the government (Martí i Puig, 2010; Assies, 2000). As ethnicity gained more importance, democratisation processes often went hand in hand with constitutional and multicultural citizenship reforms, arguably due to the pressure of transnational advocacy networks (Yashar, 1998; Vom Hau & Wilde, 2010). These reforms meant the acknowledgement of cultural and ethnic diversity of Latin American states, an important shift away from the historical nation-building processes that included racial and ethnic exclusion and assimilation strategies (Horton, 2006). According to many academics, state multiculturalism did not only open up political space for indigenous peoples, but also established indigenous autonomy through the consolidation of land rights, as many Latin American states ratified ILO C169 and installed policies that created official indigenous territories (Horton, 2006; Assies, 2000). However, other academics have a more negative view of these developments, referring to the concept of *neoliberal multiculturalism*, a concept that I will explain further in the next section of the theoretical framework.

The latter half of the 1990s and the first decade of the 21st century saw improvements for the recognition of indigenous rights. From 1995 until 2004, the UN announced the First International Decade of the World's Indigenous Peoples, and the first decade of the 21st century was a period of economic growth for many countries in Latin America, where over 70 million people came out of poverty. Indigenous peoples also benefited from this, as they were able to strengthen their position as relevant political and social actors and many countries passed laws and regulations to protect indigenous peoples' rights. In many countries, indigenous peoples are now able to actively participate in national politics, as they have organised in political parties and have obtained positions in the government. In some countries these political parties have gained a lot of influence, or have even had an indigenous president, such as in Peru or Bolivia (World Bank Group, 2015). Yet, there is still a lot of work to be done on their social, economic, cultural, or political inclusion. They are still overly represented in the poor segments of society (in rural *and* urban areas), face issues with their access to land rights and FPIC, have less access to education, health and basic services, and face issues of discrimination on the work floor and consequently have fewer opportunities for adequate employment. Also, there is an implementation gap, as international treaties that have been ratified and laws that have been installed for the protection of indigenous rights are not properly implemented (Justino & Litchfield, 2003; World Bank Group, 2015; Hall & Gandolfo, 2016).

Martí i Puig (2010) was worried that the window of opportunity of the 1990s and early 21st century is coming to an end, as allies like the Catholic Church and NGOs are changing their position and focus, especially since 9/11. The indigenous movement had been successful in aligning itself with global discourses like the peasant and worker struggle, the increasing importance of the human rights regime, and a growing concern for environmental issues. Pieck (2006) argues that the opportunities of the 1980s and 1990s had changed by 2005, as the environmental movement – especially the rainforest movement – became increasingly polarised and gained less mass media coverage. Mass media coverage is an important tool for social movements and NGOs to exert pressure on governments, and it has been an important driver and carrier of indigenous identity. Arguably this attention to environmental issues seems to be on the rise again now, as climate change and deforestation have become major topics in national and international media and politics. Again indigenous organisations are able to align themselves with this global movement. Indigenous peoples are often disproportionately affected by climate change and deforestation and are portrayed as groups who the world can learn from when it comes to living more sustainably and using natural resources in a sensible way (Gable, n.d.; Drissi, 2020; Raygorodetsky, 2018; Sustainability Times, 2020).

2.1.2 Neoliberal multiculturalism

While some praise the democratisation and neoliberalisation of Latin American states as opening up political space for indigenous peoples and other minority groups, others are a bit more wary when it comes to these positive effects. The democratisation and neoliberalisation of Latin American societies has not solved the deeply rooted historical inequalities. As Cleary (2000) argues, the transition to democracy does not mean that minorities are suddenly treated well. Despite the opening up of the political space and the redistribution of power, the transition to democracy has not resulted in a substantial redistribution of power from the elite to other groups in society. Indigenous issues are often still not a top priority for governments. Furthermore, the introduction of neoliberal policies seems to be in contrast to the goals of the democratic transitions (Assies, 2005). The introduction of neoliberal policies has exacerbated many societal issues, deepened historic inequalities and involved economic marginalisation and disempowerment of minority groups. Furthermore, while multicultural citizenship reforms often included the official recognition of indigenous territories by law, these laws are often not well implemented. Neoliberalisation and the related commodification of land has intensified indigenous territorial struggles, affecting indigenous peoples' traditional livelihoods (Vom Hau & Wilde, 2010; Horton, 2006). They have become more reliant on salary work, remittances, or social security programmes, but the privatisation, denationalisation and the diminishing of the state has made this problematic (O'Faircheallaigh, 2013).

One term to describe this critique of multiculturalism and neoliberalism is what Hale (2002) called *neoliberal multiculturalism*. According to Hale, governments have implemented certain legal reforms and multicultural arrangements to suppress popular demands for broader social and economic reforms. The state only adopted superficial policies to make it seem like they endorsed indigenous cultural rights, when in reality they used it as a way to ignore more radical political demands for institutional change (Hale, 2002; Vom Hau & Wilde, 2010). Neoliberal multiculturalism replaces earlier nationalist and exclusionary ideologies, as the reforms do not "threaten the fundamental tenets of the capitalist economy, and actually strengthen them" (Hale, 2005). State multiculturalism is seen as a top-down project to suppress popular demand, that has been constructed by governing elites who allow a limited form of indigenous empowerment to give indigenous peoples the idea that they are included in decision-making processes, when actually their participation in formal politics is limited and symbolic (Horton, 2006). Bustamante (2015) argues that national governments have colonised the right to FPIC – as it has been established in many countries in Latin America as they ratified ILO C169 and introduced constitutional reforms – subordinating it to neoliberal projects, for example in extractive industries or the instalment of hydroelectric energy projects. Neoliberalism has not meant the drawback of the state, but a transformation of state involvement in favour of international capital and economic gains (Bowen, 2007).

However, some find this view to be very negative and highlight the more positive impacts that democratic, neoliberal and multicultural reforms have had. Multiculturalism has opened up space for indigenous voices and political participation, has recognised rights to land and consultation, and is an important turning point in the assimilationist and racist practices that Latin American states had before (Horton, 2006; Vom Hau & Wilde, 2010). Furthermore, Van Cott (2010) argues that the theory sees elites as a cohesive group that is committed to neoliberalism and is consciously exacerbating inequalities, which is giving too much credit. It might not be a consciously done process, but just happens to be a consequence of neoliberal policies.

2.1.3 Social movement theory

Social movements are groups of people organising to bring about some form of social, political, economic, or cultural change (Peoples, 2007). Bebbington et al. identify a social movement as a "process of mobilisation that is sustained across time and space, rather than a specific organisation"

(Bebbington, Mitlin, Mogaladi, Scurrah, & Bielich, 2010). This means that it is possible that organisations are part of a movement, rather than that an organisation is the movement itself. Peoples (2007) calls these Social Movement Organisations (SMOs). Movements are more than the actors; they include forms of “collective action, popular protest and networks that serve to link organised and dispersed actors in processes of social mobilisation” (Bebbington et al., 2010). A movement is a mixture of organisation and spontaneity, meaning that there are usually one or more SMOs that shape the movement’s identity, leadership and coordination, but the boundaries of a movement are never clearly defined and limited to these SMOs (Turner, Smelser, & Killian, 2020). The size of a social movement is impossible to determine exactly, as membership is not formally defined like in a formal association or political party. Membership is informal, just as authority and leadership structures are (2020). A social movement usually wants some form of social change, but they lack the resources and access to the political system that mainstream society, or the elite do have to do so (Gamson, 1990).

There are different ways or scopes on how to distinguish types of social movements. A social movement can be either *reformist* or *radical*. A reform movement wants to work more from within the system to improve existing norms or laws, while a radical movement wants to change the norms or laws. A movement can also either be *innovative* or *progressive*, as it wants to introduce new norms and values, or *conservative*, meaning that it wants to preserve existing norms and values. Next to that, a movement can also differ in scope or range, as it can be either a locally focused movement or an internationally based movement with transnational objectives (Turner, Smelser, & Killian, 2020).

Aberle (1966) distinguishes four types of social movements (see figure 2), based on the questions 1) what is the movement attempting to change?, and 2) how much change is being advocated?

1. **Alternative social movements** are limited in scope, as they are at the individual level and only seek minor change.
2. **Redemptive social movements** also relate to only a selective part of society; however, they seek radical change.
3. **Reformative social movements** occur at a larger societal level and seek limited, but significant, changes to the system. It tries to improve the conditions within the existing political system.
4. **Revolutionary social movements** also occur at a larger societal level; however, they seek radical systemic change. They often want to overthrow the government.

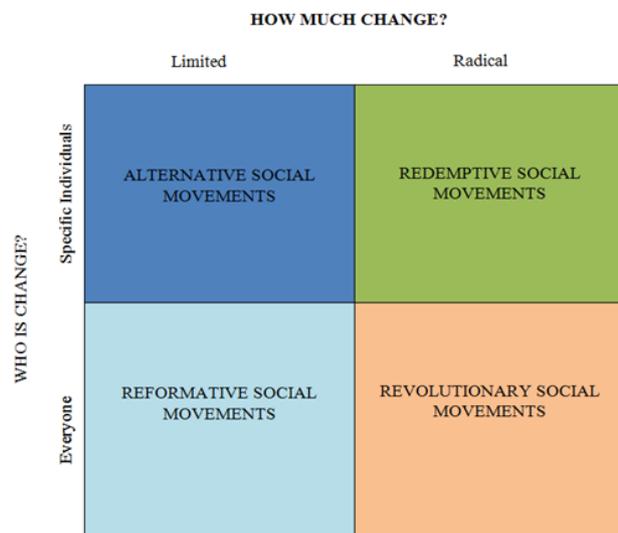


Figure 2. Aberle's four types of social movements (Source: http://150.107.117.36/NPTEL_DISK4/NPTEL_Contents/Web_courses/Phase2_web/109103023/module6/lec2/1.html)

A social movement can adopt different strategies or tactics to instigate social change. According to Coglianese (2001), social movements, law, and society interact in a dynamic, multidimensional way, that can lead to this social change. First of all, social movements seek to achieve social change through altering public opinion, mobilizing supporters and voters, or creating a shift in public values and non-legal norms. Secondly, changes in the values and public opinion of a given society can feed back into the legal system, which could enhance the implementation of already existing legislation and could lead to law reform or the creation of new laws. Lastly, these law reforms may alter public opinion itself.

There are a few major theories in social movement research that seek to explain how movements emerge and what factors are important in sustaining a movement.

Relative deprivation theory

One of the first major theories in social movement research is the relative deprivation theory, which argues that social inequality is a primary cause of the emergence of social movements. It involves the perception that one's in-group is disadvantaged compared to the out-group, mostly the mainstream, dominant, or elite group in a given society. This experience creates feelings of anger and resentment (Smith & Pettigrew, 2015). The sense of inequality gives us an insight into the reasons *why* people mobilise and the things that they want to see changed. Social movements often emerge in response to structures that create and re-product poverty, instead of tackling poverty directly. They seek to challenge social exclusion, injustice, and inequality. Social movements exist because marginalised groups often lack the resources, social networks, or bureaucratic authority that is available to the elite or people in power. Therefore, these people have to find other ways to exert power and demand changes (Bebbington et al., 2010). Berberoglu (2007) mentions several conditions that have historically led to the rise of social movements that have challenged the dominant powers. These conditions can be divided into objective and subjective conditions. Objective conditions include the political structure of the state, the class structure of society, and the prevailing socioeconomic conditions. Subjective conditions include the class consciousness of the oppressed classes, the emergence of leading figures, organisations and political parties of the oppressed, the response of the people in power, and mass mobilisation.

However, critics argue that social inequality might be a necessary condition for social movements to arise, but not a sufficient condition by itself to bring about successful mobilisation. Other theories have tried to explain what other factors are important for a social movement to emerge and be sustained (Peoples, 2007).

Resource mobilisation theory

The resource mobilisation theory, which emerged in the 1970s in the context of changing economic structures, argues that one condition for the emergence and successfulness of social movements is the ability to acquire resources and using them in the right way (Jenkins, 2001). Originally, the theory mainly referred to economic resources. However, in the development of the theory over the years, researchers point towards the whole organisational capacity of an SMO or movement (Peoples, 2007). It can include financial and material resources, such as money and facilities; human resources, such as strong leadership, internal agreement, and the knowledge or experience that members have; and moral resources, like legitimacy, solidarity and support from actors outside of the movement (Edwards & McCarthy, 2004; Ondetti, 2010). The organisational capacity also includes the specific strategies that movements decide to use. This perspective shows that social movements are not only influenced by external structural forces that are beyond the movement's power to control, but that it is also affected by the strategic choices that they make. Movements engage in political processes in different ways. A movement can either use more reformist strategies, meaning that it prefers to work within the system, or revolutionary, when a movement seeks large-scale structural changes and moves outside of the system in place (Berberoglu, 2007). Reformist strategies are, for example, negotiating with political actors or going through the justice system. More radical approaches can include organising mass protests or setting up roadblocks. The choice of strategy can depend on the political context (Bebbington et al., 2010).

Yet, resource mobilisation theory cannot explain why in some cases social movements do not occur when all these conditions are present and can also not explain why in other cases social movements do occur even though not all conditions are met (Nowak, 2019).

Political opportunity theory

Political opportunity theory is considered one of the core theories of social movements, which became prominent in the 1970s and 80s with research on the American Civil Rights Movement. This theory first recognised social movement actors as political actors, instead of irrational deviants (Crossman, 2019). Building on relative deprivation theory and resource mobilisation theory, political opportunity theory argues that it is important that a movement has *insurgent consciousness*, meaning that a certain group in society feels a collective sense of injustice, motivating them to organise themselves; organisational capacity, in the form of strong leadership and sufficient resources; and political opportunity (Buechler, 2004). Political opportunity means that the successfulness of a movement depends largely on the external factors in which it emerges. SMOs move within a certain structure of potential opportunities in the state, cultural or economic structures, meaning that SMOs can be especially effective when the political system is vulnerable or receptive to change (McAdam, McCarthy, & Zald, 1996; Meyer & Minkoff, 2004; Giugni, 2011; Wählstrom & Peterson, 2006). One of the main political opportunity theorists, McAdam (1996), mentions four aspects of political opportunity:

1. **The relative openness or closure of the institutionalised political system.** This looks into the formal structure of government and access to the political system. This also includes the existence of policies and the implementation thereof.
2. **The stability of that broad set of elite alignments that typically undergird a policy.** Political opportunities often emerge when there are divisions among previously stable political elites or when there is political turmoil.
3. **The presence of elite allies.** When a movement has the support of organised opposition by elites or gains new allies within a previously impenetrable political system, political opportunities arise.
4. **The state's capacity and propensity for repression.** This relates to the state's (excessive) use of power and repressive measures, as well as impunity and an unfair justice system.

Collective identity theory

In the 1970s, the humanities and social sciences went through a cognitive or linguistic turn, which also influenced the studies of social movement in the 1980s (Lindekilde, 2014). This new cognitive turn criticised the paradigm of the resource mobilisation theory, which had put too much emphasis on rational incentives – like the access to resources – in explaining social movements and did not pay enough attention to the role of injustice or ideology. Next to that, some emerging movements, like the LGBT and American Civil Rights movement, had less to do with inequality – as the relative deprivation theory argues – but more to do with the societal recognition of certain identities (Peoples, 2007). Scholars started investigating how collective identities were established by interpreting and giving direction to grievances (Lindekilde, 2014). Collective action frames are “cognitive structures regulating the perception, reflection and reinterpretation of reality” (Schapper, Unrau, & Killoh, 2019). Movements are more likely to emerge and be effective when they develop a cohesive collective identity which resonates with the target group or with the larger public (Peoples, 2007). Movements should identify the issue they want to address and who is responsible for this issue, find solutions and larger goals and strategies, attract new members, and find a way to keep members of the movement engaged. A social movement then functions as a *signifying agent* that produces and maintains meaning to relevant events and conditions so that they can mobilise support (Snow, 2004; Peoples, 2007). Some social movements are even based on shared social identities like gender, ethnicity or race. This identity-based group often experiences disadvantages and discrimination by more powerful groups (Berberoglu, 2007).

Wright (2014) identifies three clear perspectives on the issue of identity in relation to collective action:

1. Identity as a **cause** of collective action, when a group feels its identity is at risk.

2. Identity as a **resource** of collective action, when a social movement chooses certain shared cultural elements when designing their political identity.
3. Identity as an unexpected **consequence** of collective action, when a social movement develops its own culture.

Frame theory

Frame theory argues that framing is an important task for social movements. It is linked to collective identity theory as it sees a movement as an active signifying agent that designs a “schema of interpretation”, meaning that it creates a filter through which the target group perceives the world. Researchers have identified three core frames that social movements can employ (Snow & Benford, 1988; Peoples, 2007; Goffman, 1974):

1. **Diagnostic framing:** With a diagnostic frame, social movements identify an issue or social condition that is important to the target group and that they aim to change. It also identifies the actor that they find responsible for this issue, creating an “us” versus “them” dichotomy.
2. **Prognostic framing:** With a prognostic frame, social movements find solutions to the identified problem. Here, social movements identify larger goals – like policy change – and the strategies – like protests – to reach those goals.
3. **Motivational framing:** Motivational framing processes aim to engage the target group of the social movement, attract new members and incite action. Members and participation of members is an important aspect of social movements; therefore, it is important that a movement keeps inspiring and exciting its members.

2.1.3 Arnstein’s Ladder of Citizen Participation

Arnstein’s (1969) *Ladder of Citizen Participation* provides a tool to measure how citizens, especially minority groups, participate in the political and economic sphere and the real power that they have in the decision-making processes. Arnstein argues that there is a critical difference between participating in politics and having real power. She distinguishes different forms of citizen participation that are ranked according to differences in citizen power in political decision-making, focusing on minority groups, which she calls *have-nots*. Arnstein classifies *citizen participation* as a redistribution of power, that would enable politically and economically excluded groups to be included in political and economic processes. It would include far-reaching social reform that would make sure that the *have-nots* share in the benefits of modern society. An important point that Arnstein makes, is that there is a difference between symbolic participation and having real power in decision-making processes. Participation without redistribution of power would be meaningless and would maintain the status quo.

Arnstein (1969) distinguishes eight steps on the *Ladder of Citizen participation* (see figure 3):

1. **Manipulation:** people are “educated”, manipulated into supporting the power holders. This is an illusory form of participation.
2. **Therapy:** those in power subject citizens into “clinical group therapy”, under the pretence of involving them in the decision-making process.
3. **Informing:** citizens are informed by *powerholders*, an important step toward legitimate citizen participation. However, too often there is a one-way flow of information with no

channel for negotiation, so, little opportunity for people to have an influence in the decision-making process.

4. **Consultation:** citizens are consulted with, but they lack the power to ensure that their views will be needed by those in power. There is no assurance of changing the status quo, it is mostly window dressing.
5. **Placation:** citizens can advise and have more influence, but the powerholders still have the power to decide.
6. **Partnership:** power is redistributed through negotiation between citizens and powerholders. They agree to share planning and decision-making responsibilities through structures like planning committees and joint policy boards.
7. **Delegated power:** citizens achieve dominant decision-making authority over a particular plan or program.
8. **Citizen control:** citizens obtain the majority of decision-making seats, or full managerial power.

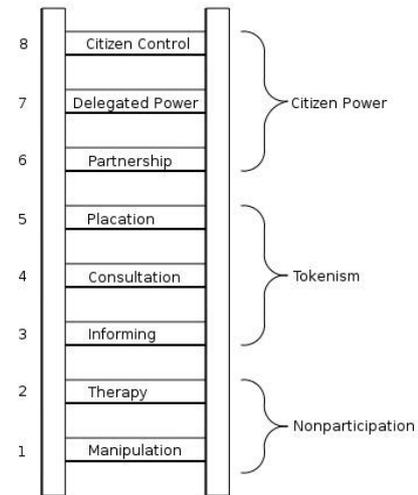


Figure 3. Arnstein's Ladder of Citizen Participation (Source: <https://www.citizenshandbook.org/arnsteinsladder.html>)

Furthermore, the steps in the ladder are divided into three degrees of participation. The bottom two, *therapy* and *manipulation*, are forms of *nonparticipation*, which completely excludes the have-nots from participation. The next three steps are forms of *tokenism*, meaning that the have-nots in some cases are heard, but there is no assurance that the powerholders will follow through on their demands. The status quo is not changed, and the have-nots still do not have real power in decision-making processes. Step six until eight are forms of *citizen power*, meaning that the have-nots are obtaining a real say in policymaking; the status quo is changed. Arnstein (1969) does recognise that there are some limitations to these typologies. The *Ladder* is a simplification of reality, meaning that in reality there could be a lot more than eight levels of participation. The *Ladder* classifies minority groups and powerholders as homogenous blocs, when in reality there can be different views, cleavages, interests and subgroups within these blocs. However, have-nots often see the powerholders as a unified bloc, as "the system", while powerholders often also class the have-nots as a unified bloc. Next to that, the theory does not include an analysis of the causes of these different levels of participation, like racism, paternalism, or a lack of representative citizen groups. Also, there might be some overlap between the different levels.

2.2 Conceptual framework

The conceptual framework (see figure 4) shows what factors can influence the process of mobilisation and the results that a movement can achieve, based on the theories examined in the theoretical framework. There are a few major theories in social movement research that determine the factors that are important in the forming and sustaining of a social movement. First of all, relative deprivation theory argues that a certain group has to experience a collective sense of injustice. Research on the Latin American indigenous movement and the situation of indigenous peoples in Costa Rica shows that the main three issues that they identify is discrimination based on their indigenous identity, the lack of right to self-determination, and the lack of implementation of land rights. Next, political opportunity theory mentions the importance of external factors in the successfulness of a social movement. A social movement is most likely to achieve results when the system is susceptible to change. According to McAdam (1996), the four factors as shown in the conceptual model are important: the openness of

the political system, political stability, elite allies, and repression by the state. Resource mobilisation theory then argues that a social movement has to have resources to sustain itself. This can be in the form of human resources (e.g., leadership, knowledge, technical know-how, network) or financial resources, that make up the organisational capacity of the movement. Lastly, it is important that a social movement creates a sense of collective identity. Framing plays an important role in this, meaning that a social movement should identify diagnostic frames, in which it identifies collective issues and a common “enemy”, prognostic frames, in which it identifies a common goal and strategies and solutions to reach that goal, and motivational frames, in which it motivates its members, acquires new members and calls the target group to action. The Latin American indigenous movement commonly aligns itself with a larger collective identity and global social movements like the human rights and environmental movement. Next to that, the indigenous movement is an identity-based movement, in that the indigenous identity is a *cause* of collective action – discrimination based on their identity or ethnicity is one of the most important issues they face – and a *resource* of collective action – as the indigenous movement chooses to highlight certain features of their identity, like its coexistence with nature and protectors of biodiversity, when designing their political identity.

This thesis will look into the abovementioned factors to identify the factors that have played a role in the mobilisation of indigenous peoples in Costa Rica. A social movement usually forms to instigate some form of political or systemic change. An indicator of this is the adoption of new policies by the government that adhere to indigenous demands or the implementation of new and existing policies. Ultimately, this can lead to increased participation and influence in decision-making processes – *citizen power* – of indigenous peoples in Costa Rican society when power is redistributed, as explained by Arnstein’s (1969) *Ladder of Citizen Participation*.

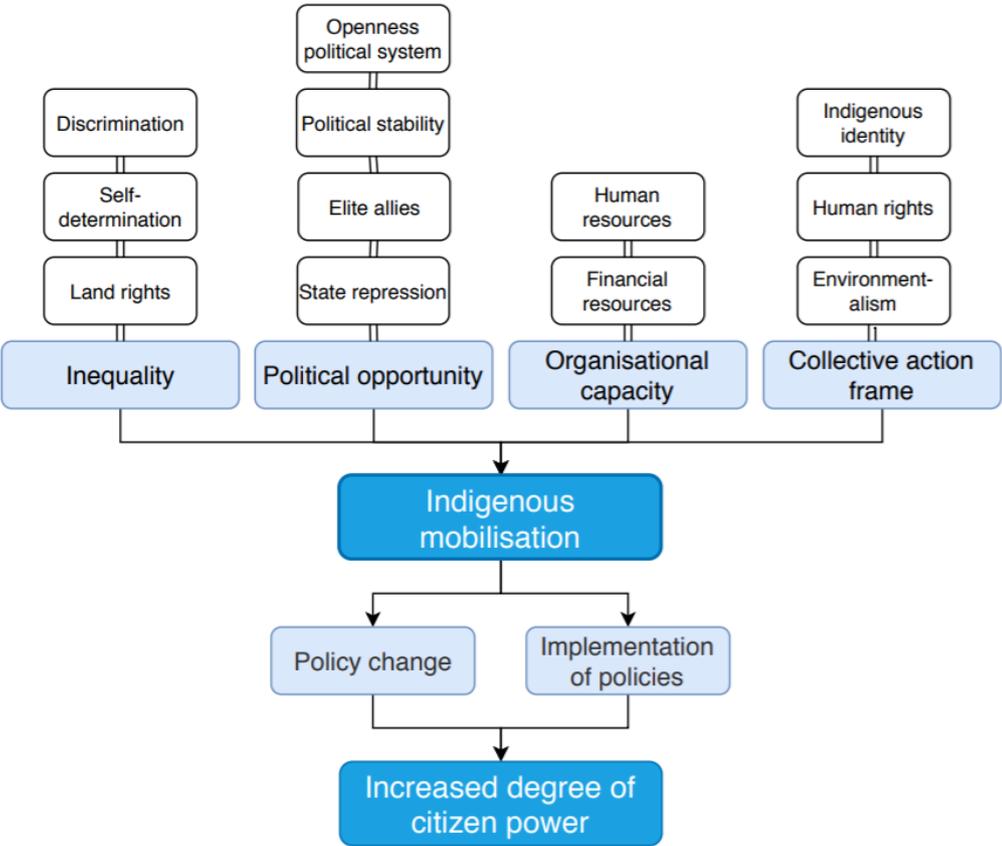


Figure 4. Conceptual framework

3. REGIONAL THEMATIC FRAMEWORK

3.1 General country info

Costa Rica is a country in Central America, which is seen as a development success story in many ways. Costa Rica was under colonial domination from Spain from the mid-16th century until 1821, after which it gained independence following the Mexican War of Independence. Costa Rica established its democratic government in 1869. In a region that has been marked by political turmoil and autocratic military governments, Costa Rica has had a relatively peaceful history, with only two brief periods of violence since the establishment of its democracy in 1869, like the Costa Rican Civil War in 1948. After this war, Costa Rica drafted a new Constitution and abolished its military, something that

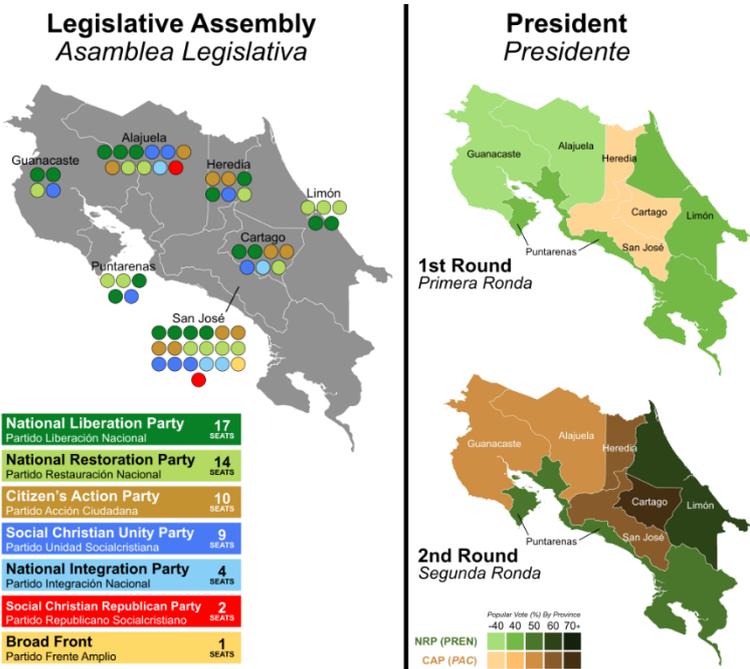


Figure 5. Results of the 2018 national elections (Source: https://commons.wikimedia.org/wiki/File:Costa_Rica_general_election_2018_-_Legislative_%26_Presidential_Election_Results.svg)

distinguishes the country from many others in the region that have been under military rule at some point in the 20th century (Central Intelligence Agency, 2020). Costa Rica is a democratic republic that is ruled by an Executive Power, Legislative Power and Judicial Power. The country also has an independent Supreme Elections Tribunal that is in charge of organising, directing and supervising elections. The President of the Republic, two Vice Presidents and a Cabinet of Government chosen by the president form the Executive Power. The president is also Head of Government and Head of State (Embassy of Costa Rica, sd). Costa Rica used to have a two-party system, existing out of the two major parties the *Partido Unidad Social Cristiana* [Christian Social Unity Party] (PUSC), a centre-right political party, and the centre-left *Partido Liberación Nacional* [National Liberation Party] (PLN). However, since the 21st century, several other political parties have become more prominent, and the dominance of the PLN and PUSC has ended as other parties have won seats in the Legislative Assembly. Costa Rica is now a multi-party system, where the power regularly alternates (Booth, 2007; Freedom House, 2020a). Every four years the country holds elections to elect the president and the Legislative Assembly. Representing its 5.1 million people, deputies are elected by proportional representation and are not allowed to run for two consecutive terms (Freedom House, 2020a). Figure 5 shows the results of the latest elections held in 2018 and the political parties that hold seats in the Legislative Assembly. The current president is Carlos Alvarado Quesada from the *Partido Acción Ciudadana* [Citizen's Action Party] who will be in office until 2022. Costa Rica is divided into seven provinces, which are divided into 83 cantons, which are again divided into 463 districts. The cantons are a sort of municipality that is governed by a mayor and a council that are elected in general elections (Embassy of Costa Rica, sd).

Costa Rica has tried to position itself internationally as a country that promotes “peace, neutrality, sustainable development, the preservation of nature, and respect for and promotion of human rights” (Vega, 2019). The World Bank (2019) considers Costa Rica a middle-income country,

and it has experienced a steady economic growth over the past decades. According to the World Bank, this is due to its outward-oriented strategy, openness to foreign investment and trade liberalisation (neoliberalisation). Next to its gradual economic growth, Costa Rica has one of the lowest poverty rates in Latin America and the Caribbean, arguably due to its political stability, social contract and steady growth (2019). Something that distinguishes Costa Rica, is its successful conservationist and reforestation policies and “pura vida” [pure life] lifestyle². In the 1970s and 80s, Costa Rica had one of the highest deforestation rates in Latin America. Since the 1940s, when about 75% of Costa Rica was forest, between a half and a third of forest cover had been destroyed. In response, the government made it illegal to cut down forests without government approval in 1996. Alongside this, Costa Rica established payments for ecosystem services, which pays farmers to protect water, forests and biodiversity, making it profitable for them to conserve the forest. As a result, almost 60% of the land in Costa Rica is covered by forest again. This has led to a huge increase in eco-tourism, which is an important source of employment and revenue for the country (Lewis, 2020).

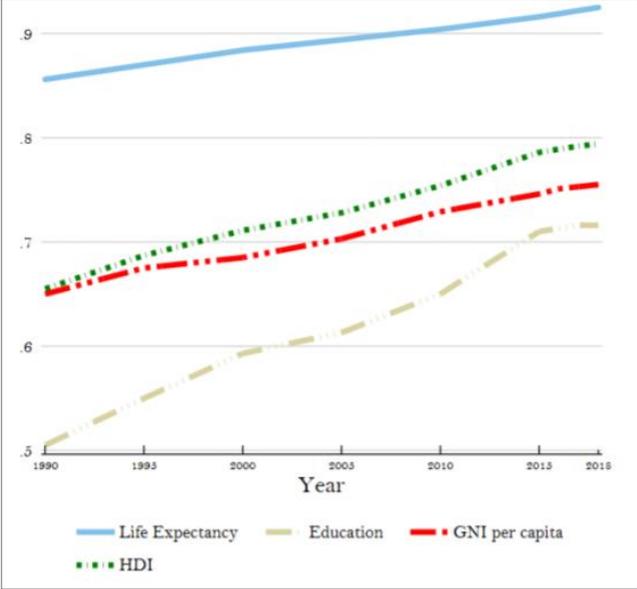


Figure 6. Trends in Costa Rica's HDI component indices 1990-2018 (UNDP, 2019)

Costa Rica also scores high on the Human Development Index (HDI) – 0.794 in 2018 – which put Costa Rica in place 68 out of all 189 countries. This is an increase in HDI of 21.2% between 1990 and Costa Rica (United Nations Development Programme, 2019). Figure 6 shows the development of the HDI indicators in Costa Rica, including life expectancy, education, and Gross National Income (GNI) per capita. Costa Rica even ranks first on the Happy Planet Index (HPI), which can tell us a little bit about the wellbeing of Costa Rican citizens. This index includes many different indicators like life expectancy, wellbeing, ecological footprint, and inequality (Happy Planet Index, 2019). The index mentions a few things that determine that Costa Rica is doing so well. First of all, Costa Rica abolished its army in 1949, and has reallocated military funds to education, health and pensions. Secondly, Costa Rica has a culture with solid social networks of friends, families and neighbourhoods. And thirdly, Costa Rica is a global leader when it comes to environmental protection, using taxes on the sale of fossil fuels to pay for forest protection. Also, most of the energy that is used comes from renewable sources (Happy Planet Index, 2019). However, these indicators of the HPI are always to be viewed with caution as measurement is difficult and therefore it is hard to make any conclusions based on them.

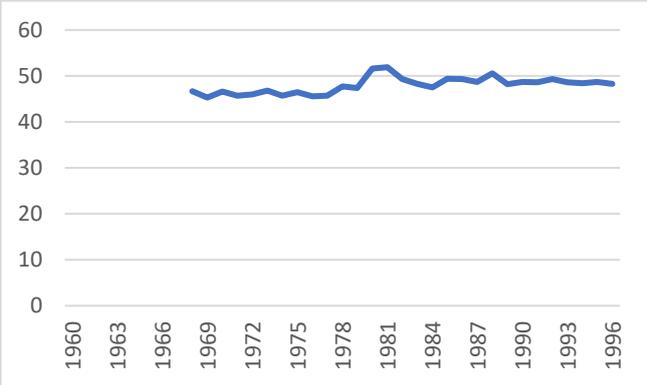


Figure 7. Gini index Costa Rica (Source: <https://data.worldbank.org/indicator/SI.POV.GINI?locations=CR>)

² *Pura vida* is a common phrase in Costa Rica that reflects the stressless and relaxed way of life of living in peace with the environment.

Yet, Costa Rica still leaves room for improvement on some other indicators. For example, the Gini index which indicates income inequality (see figure 7), where a score of zero represents perfect equality and a score of 1 (or 100 if it is expressed in percentages) represents complete inequality. Costa Rica has continually scored around 50% since the 1960s and has not been able to improve it since then. Costa Rica’s tax system does not effectively redistribute wealth across the population, keeping in place inequalities. Furthermore, the poverty rate is still about 21.0% and has not decreased since the first data on the poverty rate in 2011 (World Bank, 2020a). Next to that, the unemployment has steadily increased since 1990, from 4.5% in 1990 to 11.5% in 2019 (World Bank, 2020).

3.2 Costa Rica’s indigenous peoples

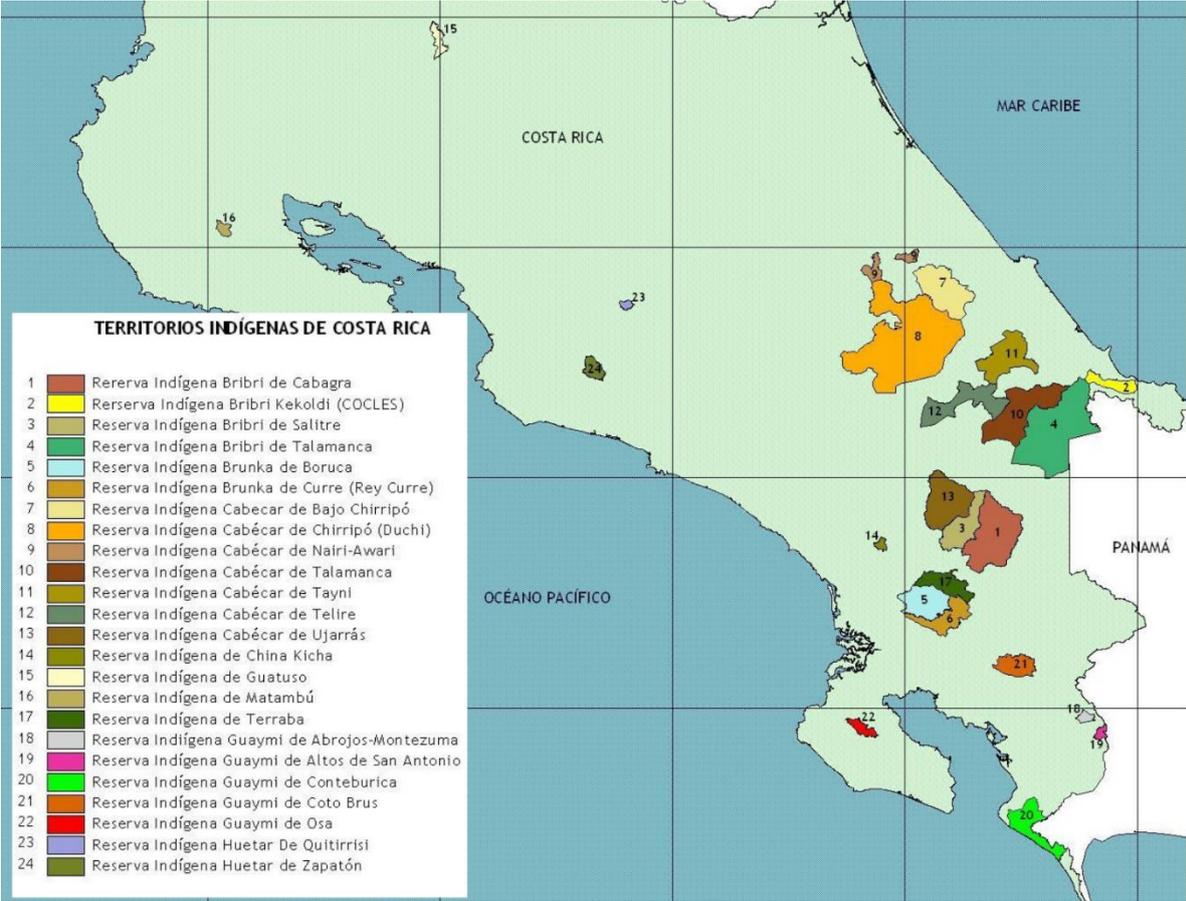


Figure 8. Indigenous territories in Costa Rica (Source: <http://www.dinadeco.go.cr/indigenas.html>)

Costa Rica has 24 indigenous territories, which are inhabited by eight different peoples: the Huetar, the Maleku, the Bribri, the Cabécar, the Brunca, the Ngäbe, the Teribe, and the Chorotega. The Bribri and the Cabécar are the two largest groups. As shown in figure 8, most of them live in the South part of the country, close to the Panamanian border. The 24 indigenous territories comprise 6.7% of the country’s territory, and according to a National Population Census of 2010, about 100,000 people self-recognise as indigenous, which constitutes about 3% of the total population (Camacho-Nassar, 2019). About 41% of indigenous peoples in Costa Rica live in rural areas, which means that about 59% lives in urban areas (World Bank Group, 2015).

Legal Framework

There are several institutions that handle indigenous peoples in Costa Rica, as well as several laws for the protection of their rights. The Costa Rican Constitution was adopted in 1949, and at first did not make any references to indigenous peoples. In 1945, however, Costa Rica had created the first institution that dealt with indigenous peoples: The *Junta Protectora de las Razas Aborígenes* [Board

for the Protection of the Aboriginal Races]. In 1956, Costa Rica created its first indigenous reserves: the Ujarrás-Salitre-Cabagra, China Kichá and Boruca-Térraba (Hunter, Jenkins, & Orton, 2010). Then, it created the *Instituto de Tierras y Colonización* [Institute of Lands and Colonization] (ITCO), which was tasked with the demarcation of indigenous reserves in 1961, and the *Dirección Nacional para Desarrollo Comunitario* [National Directorate for Community Development] (DINADECO), which had the role of promoting self-government in indigenous communities (2010). Yet, progress on indigenous rights remained marginal until the 1970s. In 1973, Costa Rica created the *Comisión Nacional de Asuntos Indígenas* [National Commission for Indigenous Affairs] (CONAI), which became the official state institution to represent indigenous peoples (2010). The CONAI is divided into *Asociaciones de Desarrollo Integral* [Integral Development Associations] (ADIs), of which each represents an indigenous reserve or community in the CONAI and acts as a sort of local government. In 1977, Costa Rica established its first official law for the recognition of the rights of indigenous peoples, the *Ley Indígena* [Indigenous Law], that established the framework for the recognition of indigenous territorial rights. After this, 24 indigenous territories have been officially recognised, in which, by law, only indigenous peoples are allowed to hold titles over land (Camacho-Nassar, 2019). Next to that, Costa Rica ratified ILO C169 in 1993 and UNDRIP in 2007, which established indigenous rights to FPIC (ILO, sd). After the ratification of ILO C169, a process was started in consultation with indigenous peoples to draft a law that would put the regulations of the convention into practice, the *Ley de Desarrollo Autónomo de los Pueblos Indígenas* [Autonomous Development Act]. However, this law has never been adopted by the state (Camacho-Nassar, 2019). In fact, Costa Rica did not adopt any new laws on indigenous rights until 2018: The *Carta de Derechos sobre Acceso a la Justicia de los Pueblos Indígenas Expediente* [Charter of Rights on Access to Justice for Indigenous Peoples], and the *Mecanismo General de Consulta a Pueblos Indígenas* [General Mechanism for Consultation of Indigenous Peoples] (2019). An extensive historical analysis of the political system with regard to indigenous peoples can be found in chapter five, the comparative literature review, and an analysis of the policies for the protection of indigenous rights can be found in chapter six.

Issues that affect indigenous peoples

Indigenous peoples in Costa Rica face many challenges, especially related to socioeconomic inequality, discrimination, land rights, the right to self-determination. Indigenous groups are still socially excluded. Social exclusion is the “inability of a social group to fully participate in the social, political, cultural and economic spheres of society” (Hooker, 2005). Gradín (2016) shows that there exists a clear divide in the level of wellbeing along racial, ethnic and national lines, which is especially evident among the poor. For indigenous peoples, the major reason for the gap in wellbeing is their general lower level in education, their overrepresentation in the poorest rural areas, and their large number of children. While there exists a gap between the level of education between the whole rural and urban population, indigenous people experience a higher gap. For primary education, the urban-rural gap for indigenous peoples is 30%, while for non-indigenous people it is 17%. For secondary and tertiary education, there is a wider gap for the non-indigenous population. This is probably caused by indigenous people’s overall lower attainment of secondary- and tertiary-level degrees (World Bank Group, 2015). However, there is also a gap between the level of wellbeing at the top, which can be explained by segregation or discrimination in the workplace (Gradín, 2016). Herforth (2018) also identifies that the indigenous people of Costa Rica have not been included in Costa Rica’s development success. In fact, neoliberal policies have exacerbated existing historical inequalities. Indigenous people experience higher rates of malnutrition and infectious diseases, as well as higher infant, child and general mortality rates. Also, only 49% of the indigenous population has access to electricity, 68% to piped water – which is very low considering that in Costa Rica piped water coverage is almost universal for the urban population – and only 31% has access to sewerage (World Bank Group, 2015). Contributing to this inequality is the indigenous peoples’ geographic isolation, the spread-out villages, the lack of infrastructure, poor land of indigenous reservations, and pollution from banana plantations and other industries that are close to some reservations. Furthermore, Herforth (2018) emphasises

that the indigenous experience is different from that of the rural poor, as indigenous peoples have different cultural norms and a different language than the mainstream society, while also depending on their land and natural resources for their traditional subsistence livelihood.

Indigenous peoples are facing issues with rights to land and self-determination. While the 1977 Indigenous Law determines that indigenous territories determines that indigenous territories only should be held by indigenous peoples, reportedly about a half of the area of indigenous territories is occupied by non-indigenous landholders (International Work Group for Indigenous Affairs [IWGIA], 2017). Studies have reported that 6,087 non-indigenous persons hold more than 43% of the total indigenous territories, and in only two territories indigenous peoples are in possession of 100% of their land. In about 20% of indigenous territories, indigenous peoples are outnumbered by illegal occupants (MacKay & Garro, 2014). There is a lack of compliance and implementation and ineffective governance. In fact, there have been reports that the CONAI, the institution that gives out indigenous land titles and should protect indigenous territories, is giving land rights to non-indigenous peoples (Jiménez & Molina, 2011). Next to that, while the Indigenous Law establishes indigenous land rights, procedures for addressing illegal occupation are badly defined, un(der)funded and ineffective (MacKay & Garro, 2014).

The continuous violation of land rights has increased international concerns about human rights in Costa Rica, and several international organisations, like the UN Special Rapporteur on the Rights of Indigenous Peoples and the ILO, have expressed their concern about this situation. However, Costa Rica does not seem to be doing anything substantial to address the issue, and indigenous communities continue to lose land (IWGIA, 2017). MacKay and Garro (2014) give the example of the indigenous territories of Boruca, Rey Curré and Térraba, who have lost about 40.5% of their titled land to illegal occupants since 1964, when it was about 37.2%. The territory of China Kichá, of which 60% of their territory was illegally occupied in 1964, now has about 97-98% of illegally occupied land. Efforts to recover that land have been met with conflict and violence by non-indigenous landholders, with little effort by the government and the national police to implement security measures and act in response to violence against indigenous peoples, showing the continuous discrimination of indigenous peoples in public services in the region. In the past two years, two indigenous leaders have been killed in conflicts over land. In 2019, Sergio Rojas, leader of the Bribri community, land rights activist and member of indigenous organisation *Frente Nacional de Pueblos Indígenas* [National Front of Indigenous Peoples] (FRENAPI), was killed by armed gunmen, after a previous assassination attempt in 2012 (TeleSUR, 2019). In February of 2020, another indigenous leader, Jhery Rivera of the Bröran peoples in the Térraba community was killed. This happened after groups of landowners came to the community to intimidate and attack indigenous peoples, after they had recovered and re-occupied four pieces of lands in indigenous territories. According to the FRENAPI, they did not receive sufficient protection from the government after (death) threats (The Telegraph, 2020). These cases have sparked international pressure on Costa Rica to address the situation and implement policies to protect indigenous peoples' rights.

4. METHODOLOGY

4.1 Research questions

This thesis seeks to understand what factors are important in the mobilisation of indigenous peoples in Costa Rica and if indigenous peoples have been able to obtain more citizen power. I will employ different research methods to answer the following research question:

What explains the mobilisation of the indigenous peoples of Costa Rica and the extent to which they are able to influence political decision-making processes?

In order to answer the main research question, I have set out the following sub questions:

1. What factors determine the mobilisation of indigenous peoples and the extent to which they are able to participate in the institutionalised political system?

This question aims to explore the factors that have been important in the mobilisation of indigenous peoples in Costa Rica. The factors that I will look into have been based on the main social movement theories that I have described in the theoretical framework: The relative deprivation theory, resource mobilisation theory, political opportunity theory, collective identity theory and frame theory.

2. What laws are in place for the protection of indigenous rights in Costa Rica and how are they implemented?

With this research question I want to look into the laws that the government of Costa Rica has adopted for the protection of indigenous rights and how these laws are implemented. The adoption and implementation of laws is a good indicator of the amount of political opportunity that indigenous peoples have, as laws are a way for the government to give into societal demands and can instigate societal change.

3. What collective action frames do indigenous organisations in Costa Rica employ?

Next, it is important to look into the framing capacities of indigenous organisations in Costa Rica. Framing is an important aspect of social movements. This will give a clear idea of the issues that indigenous peoples identify, the solutions that they propose, and the collective identity that they try to create to garner support.

4.2 Methods and operationalisation of variables

4.2.1 Comparative literature review

To answer the first question – *what factors determine the extent to which indigenous peoples in Costa Rica mobilise and their ability to participate in the institutionalised political system?* – a comparative analysis is employed. By comparing the cases of indigenous mobilisation in Honduras and Panama to indigenous mobilisation in Costa Rica, we can better understand what factors exactly play a role in the process of mobilisation of indigenous peoples. By doing a comparative analysis, one can “explain and gain a better understanding of the causal processes involved in the creation of an event, feature or relationship usually by bringing together variations in the explanatory variable or variables” (Adiya & Ashton, 2017). In this case, a small-N qualitative case study will be applied, with a *Most Similar Systems – Different Outcomes* approach. A comparison between Costa Rica, Panama, and Honduras will be made. In small-N qualitative comparative analysis, cases are not selected to represent observations for extensive analysis to try to make generalisations beyond the cases at hand, as would be the case in large-N quantitative studies. In fact, cases are selected for in-depth within-case analysis, of which the

results are then compared across cases (Ebbinghaus, 2005), thereby giving insight into the causal mechanisms, processes, policies, motivations, decisions, beliefs and constraints that determine the outcomes in these cases (Regan, 2017). In small-N comparative research, cases are non-randomly selected (Leuffen, 2007). Small-N comparative research often makes use of process-tracing, which enables us to include a great number of variables in a within-case analysis (Leuffen, 2007).

In small-N comparative research, cases are non-randomly selected. However, it is important that the case selection is theoretically justified. The case studies should be bounded in time and space; thus, a certain time frame and territory should be selected. Often this is a comparison between two or more countries, as will be the case in the comparative research in this thesis. In all the case studies, the same phenomenon should be explored, the same research goal and strategies should be employed, the same set of standardised questions should be asked, and the same theoretical focus and the same set of variables should be selected (Esser & Vliegthart, 2017). The first step then would be to construct *multidimensional classification schemes* or *typologies* that would justify all the decisions made. First, the independent variables should be identified, after which the different cases can be classified and theoretical predictions about the values of the dependent variable can be derived. A classification scheme can also help in judging if there is any possible bias. Also, typologies are especially descriptive in character, but they are a valuable starting point for causal analyses (Leuffen, 2007).

The two cases that will be compared to Costa Rica will be Panama and Honduras. This selection has been made on the following characteristics:

- Similar system:
 - Location: Central America
 - Similar political and economic system
 - Presence of a minority indigenous community
- Different outcome:
 - Indigenous mobilisation
 - Political change
 - Participation in the political system
 - Policies for the protection of indigenous rights and the implementation of these policies

The specific factors that I will look into are based on the main social movement theories as explained in the theoretical framework: relative deprivation theory, political opportunity theory, resource-mobilisation theory, and frame theory. The variables are identified as:

Dependent variable (y) →	Indigenous mobilisation and political/societal change
Independent variables (x) →	Inequality
	Political opportunity
	Organisational capacity
	Collective action frame

Inequality

This variable is based on the relative deprivation theory. This theory argues that socioeconomic inequality is a primary cause of the emergence of social movements. A certain group feels disadvantaged – they have a sense of being unequal – and they often really are a marginalised group in society (Smith & Pettigrew, 2015).

Political opportunity

This variable focuses on the exogenous factors that determine the emergence and successfulness of a social movement. Political opportunity in the three countries will be divided into a few distinctive time frames since the countries' independence. The operationalisation of political opportunity is mainly based on McAdam's (1996) four aspects of political opportunity:

1. **The relative openness or closure of the institutionalised political system**
 - a. Formal structure of government
 - b. Access to political system
 - c. Existence of policies
 - d. Implementation of policies
2. **The stability of that broad set of elite alignments that typically undergird a policy**
 - a. Political instability (for example a coup d'état)
 - b. Conflicts in government
3. **The presence of elite allies.**
 - a. Political actors or parties that support indigenous peoples
4. **The state's capacity and propensity for repression.**
 - a. The state uses violent measures to press down on resistance
 - b. Unfair justice system
 - c. Impunity

Then, based on Arnstein's (1969) *Ladder of Citizen Participation*, I will analyse to what extent indigenous peoples are able to participate in national politics in a certain time frame. The time frames will be given a score of on which ladder indigenous peoples are in terms of citizen participation.

Organisational capacity

Organisational capacity refers to the resource mobilisation theory, which claims that it is important for a movement to acquire financial and human resources and use them in the right way, to be able to organise and sustain mass protest (Ondetti, 2010). Here I will focus on SMOs, leadership qualities and knowledge, internal agreement, strategies, and network and allies.

Collective action frame

Arguably, the selection and construction of cognitive frames is one of the most important factors in social movements. Movements are more likely to emerge and be effective when they develop a cohesive collective identity that resonates with the group that they target, or with the wider audience (Peoples, 2007; Schapper, Unrau, & Killoh, 2019). Thus, this last variable will look into the collective action frame that Indigenous peoples and organisations have adopted.

4.2.2 Policy analysis

For the second research question – *what laws are in place for the protection of indigenous rights in Costa Rica and how are they implemented?* – a policy analysis will be employed. First of all, it is important to establish the difference between a *policy* and a *law*. A policy refers to something a government *does* and are mostly only documents instead of official constitutional laws. Laws, on the other hand, are more formal, and are official constitutional sets of standards, principles and procedures that can be enforced in the justice system. However, the two terms are interrelated, and sometimes even interchangeable, as a policy is often considered a law (Lowi, 2003). Policy analysis is a broad term that can have many different meanings. A policy analysis can be conducted for an existing law or policy or a new one. An analysis of an existing law or policy is mostly analytical and descriptive, as it tries to explain the law or policy and their development. A policy analysis framework is a good tool for an in-depth analysis of existing laws and policies (Jimenez, Pasztor, Chambers, & Fujii, 2015). With the framework that is described in the operationalisation (see box 3), existing laws for the

protection of indigenous rights in Costa Rica can be analysed. The policy analysis involves the analysis of the most important laws for the protection of indigenous rights that can be found in the Costa Rican Constitution. Here, I want to see what indigenous issues these laws address, and how they relate to the rights as established in the international conventions on indigenous rights like ILO C169. Also, a comparison will be made between the approved laws and the Autonomous Development Act; Why was the Autonomous Development Act not approved, but the other laws were? The policy analysis will be based on the framework of Jimenez, Pasztor, Chambers and Fujii (see box 3). The questions that I seek to answer are:

1. Which problem does the law address and what is its objective?
2. What are the effects of the law?
 - a. How is the law implemented?
 - b. What are the actual implications of the law as compared to the objectives?
3. Alternative policies/laws: How does the existing law compare to the Autonomous Development Act?

Box 3. Policy analysis framework

A. The social problem addressed by the policy

1. What is the problem to be solved?
2. What is the history of the problem?
3. What are the various theories about the causes of the problem?

B. The policy objectives, value premises, expectations and target populations

1. What are the stated objectives of the policy?
2. What are the underlying values of the policy objectives?
3. What did the policymakers expect would be the results of the policy?
4. Who are the direct and indirect targets of the policy in terms of size and other demographic characteristics?

C. Effects of the policy

1. What are the effects that the lawmakers intended?
2. What are the effects that the lawmakers did not foresee?
3. Distinguish between short-range (under 5 years) and long-range (over 5 years) effects of the policy.

D. Implications of the policy

1. Are there any changes to the distribution of material resources, including income and other tangible benefits, as a result of the policy for direct or indirect target groups?
2. Are there any changes in services, rights or statuses as a result of the policy?

E. Alternative policies

1. What alternative policies would address the social problem discussed in the policy analysis more effectively while advancing social justice?

(Jimenez, Pasztor, Chambers, & Fujii, 2015)

The government of Costa Rica has adopted several laws for the protection of indigenous rights, of which the most relevant are:

- *Ley Indígena* [Indigenous Law] (1977)
- *Mecanismo General de Consulta a Pueblos Indígenas* [General Mechanism for Consultation of Indigenous Peoples] (2018)
- *Carta de Derechos sobre Acceso a la Justicia de los Pueblos Indígenas* [Charter of Rights on Access to Justice for Indigenous Peoples] (2018)
- *Ley de Desarrollo Autónomo de los Pueblos Indígenas* [Autonomous Development Act] (not approved)

4.2.3 Content analysis

For the third research question – *what collective action frames do indigenous organisations in Costa Rica employ?* – I want to look into the indigenous organisations in Costa Rica themselves to sketch an image of the indigenous movement and to look into what collective action frames they employ. This way, I can see what issues indigenous movements in Costa Rica find important, the solutions that they seek, how they motivate people to join, and how the indigenous movement relates to the broader Central or Latin American movement. A content analysis is a research method that seeks to interpret and code textual material in a systematic way. To conduct the content analysis, the data – written text – will be collected in a systematic way by coding words, themes and concepts within the texts, after which it can be analysed either quantitatively – measuring how many times certain words or concepts are used – or qualitatively – looking at the underlying meaning of certain words or concepts. With the content analysis, I want to find out more about the frames that indigenous organisations in Costa Rica employ. This way, I aim to find out what issues these organisations identify and how correlations or patterns of certain concepts are interpreted and communicated, i.e., how these issues are framed in a way to garner support and instigate change.

Social movements are not only the carriers of ideas and meanings of a certain group or ideology, but also act as a *signifying agent* that actively engages in producing and maintain these ideas and meanings (Benford & Snow, 2000). A social movement consists of Social Movement Organisations (SMOs). Every SMO functions as a signifying agent. Movements increasingly work as a distributed network, involving many different groups and organisations that are often geographically dispersed. This can be largely attributed to technological advancements and the role of social media, making it easier for movements to spread their movement globally. Costa Rica has several organisations that fight for the recognition of indigenous rights, all differing slightly in size or focus. To answer this research question, I will do a content analysis of three organisations that represent indigenous peoples:

- *Frente Nacional de los Pueblos Indígenas* (FRENAPI)
- *Mesa Nacional Indígena Costa Rica* (MNICR)
- *Ditsö Costa Rica* (DCR)

Since this thesis is mainly a desk research, the content analysis will focus on online texts that the organisations produce. Here, I will especially look at the three core framing tasks identified by Benford and Snow (1988):

1. **Diagnostic framing:** Diagnostic framing involves the identification of a social condition or problem, as well as creating an “us” versus “them” dichotomy where a movement actor blames someone or a group for the social problem. It claims that social change is necessary or desirable.

2. **Prognostic framing:** Prognostic framing proposes a solution to the identified problem. It indicates strategies, tactics and goals. It claims that social change is possible.
3. **Motivational framing:** Motivational framing processes try to convince the target group that their participation is required to instigate social change. It tries to motivate the target group to take action.

The three organisations seem to be the most active on Facebook. Therefore, the posts by the organisations will be captured from their Facebook page as a dataset by using *Facepager*. Facepager is able to extract the last 100 posts of an organisation as a dataset. Therefore, the last 100 posts of each organisation will be analysed in NVivo. The posts were fetched on 7 December 2020. As I will look into the three core frames as identified by Benford and Snow (1988), the posts will be coded into diagnostic, prognostic and motivational frames. The frames will be structured along some key concepts and keywords that are based on research of existing literature. I identified some keywords that would make it easier to look for certain frames, but the coding is not limited to these keywords as some other ones might come up during the Nvivo analysis. However, it is important to note that these key concepts and words are deductive, which might lead me to overlook some additional frames. Therefore, I code frames that do not fall into the predetermined categories into an “other” category, after which I will identify what other frames the organisations actually use.

The diagnostic frame involves the identification of an issue and the construction of an “us” versus “them” where a certain actor is blamed for the issue. The issues and keywords that I have identified below are based on research on the issues that indigenous peoples in Latin America, and specifically in Costa Rica, face.

Table 1. Diagnostic frames for NVivo analysis

Issue	Keywords	Explanation
Construction of “them”	<i>Gobierno</i> <i>Finceros</i> <i>Elite</i> <i>Extractivismo</i> <i>Interés privado</i> <i>Neoliberalismo</i>	The diagnostic frame often involves blaming an actor for the issues that a group face. For indigenous peoples, this is often the government, the elite, companies, private interests, and extractivist or neoliberal systems.
Environmentalism	<i>Cambio climático</i> <i>Recursos naturales</i> <i>Medio ambiente</i> <i>Mitigación</i>	Indigenous peoples often face issues related to climate change and environmental damage that affects their livelihoods.
Human rights	<i>Derechos humanos</i>	Indigenous issues often refer to the violation of their human rights.
Implementation gap	<i>Leyes</i> <i>Implementación</i> <i>Corrupción</i>	Oftentimes, policies and international treaties that a government has ratified are not implemented properly.
Impunity	<i>Impunidad</i> <i>Violencia</i> <i>Asesinato</i>	Indigenous peoples have less access to justice and many perpetrators in violent conflicts (non-indigenous people) are never convicted.
Inequality	<i>Desigualdad</i> <i>Discriminación</i> <i>Racismo</i> <i>Servicios básicos</i> <i>Pobreza</i>	Indigenous peoples face issues related to discrimination and racism, have less access to basic services and are overrepresented in the poorer segments of society.

Land rights	<i>Territorio Invasión Finquero Non-indígenas</i>	Indigenous peoples' land rights are continuously violated, and large parts of their territories are illegally inhabited by non-indigenous people.
Other		

The prognostic frame proposes a solution the identified problem. The issues and keywords I have identified for coding purposes are based on the research of indigenous rights in Latin America, and Costa Rica specifically, as well as a quick scan of the Facebook pages of the three organisations.

Table 2. Prognostic frames for NVivo analysis

Issue	Keywords	Explanation
Autonomy	<i>Autonomía Autodeterminación</i>	One thing that indigenous peoples often require is the right to self-determination.
Environmental protection	<i>Sostenible Buen vivir Proteger</i>	Indigenous peoples often refer to themselves as protectors of the environment.
Human rights defenders	<i>Derechos humanos</i>	Indigenous peoples often call for the protection of their human rights, with which they claim that the protection of indigenous rights is the same as protecting human rights.
International organisations and treaties	<i>ILO C169 UNDRIP Inter-American Commission on Human Rights (IACHR) Acuerdo Ratificar</i>	There are several international organisations and treaties installed for the protection of indigenous rights. Indigenous peoples call for the implementation of these.
Justice	<i>Justicia Poder judicial Policía</i>	Indigenous peoples require justice and action by the government, police and judiciary when their rights are violated or when they are victims of violence.
Land recovery	<i>Recuperación Ley Indígena</i>	Indigenous peoples claim that their land should be recovered by the state or by themselves.
Policy implementation	<i>Leyes Implementación Gobierno Estado</i>	Often there already are policies in place for the protection of indigenous rights, but these are not properly implemented. Indigenous peoples call the government to implement these policies.
Representation	<i>Representación Autoridades tradicionales Consultación</i>	International treaties have established that indigenous peoples have the right to be represented by their traditional authorities, and, that they should be represented fairly in national politics.
Other		

By looking into the organisations' motivational framing, I will explore how the organisation motivates their target group to take action and actively participate, and also looking at what actions exactly they

propose. I have divided the type of motivational framing into reformist – working from within the system – and revolutionary – trying to change the system from the outside.

Table 3. Motivational frames for NVivo analysis

Strategy	Keywords	Explanation
Reformist	<i>Participación</i> <i>Negociación</i> <i>Creación de leyes</i>	Indigenous peoples use strategies that work from within the official system, like participating in politics, negotiating with other (government) actors, and the creation of laws.
Revolutionary	<i>Protesta</i> <i>Bloqueo</i> <i>Cambio sistemático</i> <i>Marcha</i>	Indigenous peoples use strategies that go against the official system, like protests, roadblocks, or marches.

Furthermore, I will look into the network structure of the indigenous movement by looking at in how many posts the organisations, on the one hand, mention other (indigenous) organisations within Costa Rica, and on the other hand, mention international (indigenous) organisations.

4.3 Reflection and limitations

During the course of the research, I encountered several challenges and limitations in Costa Rica and later because of the COVID-19 situation. As a researcher, it is important to reflect on your own positionality that is determined by the social and political context you grew up in and are a part of that determines the way that you see the world, and to be aware of the social and political context of the region that you are working in and the target group that you are studying. As I had never been in Latin America before, it took me some time to get acquainted with the Costa Rican culture and customs. One challenge was definitely the language barrier. While I did learn Spanish a few years ago in university and I have lived in Spain before, it had been a while since I spoke it and it was definitely not on the level anymore that was required to be able to have a flowing conversation. Also, I was not familiar with the Costa Rican accent or slang. Therefore, I took intensive Spanish lessons the first two weeks I was in Costa Rica, which helped a lot. Yet, I was still not fluent, and it required effort to hold a conversation and some underlying meanings could have been lost in translation. Next to that, as a white, light-haired female from the Netherlands, it was impossible to blend in, which made it difficult to employ research tactics that require this, like participatory methods. This was definitely noticeable when I went to a protest in San José that was organised by indigenous peoples to call for justice for the murders on Jehry Rivera and Sergio Rojas. While the people there were more than happy to talk to me, I did stand out in the crowd.

Originally, my research was supposed to look into the Autonomous Development Act and would include a stakeholder analysis of all the parties that were involved in the process of drawing up the law and the parties that were trying to push against the law. It was very challenging to get access to indigenous people, organisations and government stakeholders. Oftentimes, there was no email or phone number available, so I approached a lot of the stakeholders via Facebook. If I received a reaction, this often came very late. Also, I was not able to identify the parties who were against the law from existing literature or news articles, so I was planning to use a snowball effect and identify these with information from the first interviews.

Unfortunately, the global pandemic posed severe limitations to the research. After only six weeks, I was forced to leave the country. In those six weeks I was only able to do the preparatory phase for the research and I was just about to start the real field work. It had been difficult to get in touch

with indigenous organisations, but this was just starting to get off the ground. I had planned a few interviews, which I had to cancel. Because of this, I had to revise my thesis topic and research methods to be able to do it as a desk research from the Netherlands. I was not able to apply that snowball effect to identify the stakeholders that were pushing against the Autonomous Development Act, as I was not able to hold the interviews I had planned to do, and I could not find enough information online. This meant that I had to shift the focus of my research. Because of the constraints, I decided to leave out in-depth interviews as a main research method. It was much harder to contact indigenous peoples and other stakeholders and conduct the interviews digitally. I did try to contact indigenous organisations and experts via email to organise a skype interview, but after several attempts and no response I unfortunately had to finish the thesis without. I recognise that this can be problematic, as one can gain real insights from speaking to the people that the thesis is about in real life, to be able to check if what you are writing down is correct and to obtain vital additional information. Also, academic research on the mobilisation of indigenous peoples in Costa Rica was rather limited. Yet, by analysing news articles, literature, reports by NGOs and indigenous organisations' own statements and Facebook pages, I have been able to fill in many of the knowledge gaps. However, when using information from the organisations themselves and from reports by activist organisations that fight for indigenous rights (e.g., Cultural Survival, Forest Peoples Programme, International Work Group for Indigenous Affairs), information can be biased and one-sided. Therefore, it is important to make sure reports by these organisations are trustworthy by critically looking at their claims and supporting it with other data.

5. COMPARATIVE LITERATURE REVIEW

In this comparative literature review, I will do an in-depth historical analysis of the mobilisation of indigenous peoples in three different countries: Panama, Honduras, and Costa Rica. These countries are similar in geographic location, political and economic system, and the presence of a minority indigenous population, but differ in terms of indigenous mobilisation and political space for indigenous peoples. In this comparative literature review, I will analyse what factors play a role in the origin and effectiveness of indigenous mobilisation, taken from social movement theory: Inequality, political opportunity, organisational capacity, and collective action framing. The amount of political opportunity will be measured against Arnstein's (1969) *Ladder of Citizen Participation*, which will indicate the extent to which indigenous peoples are able to participate in the institutionalised political system.

5.1 Panama

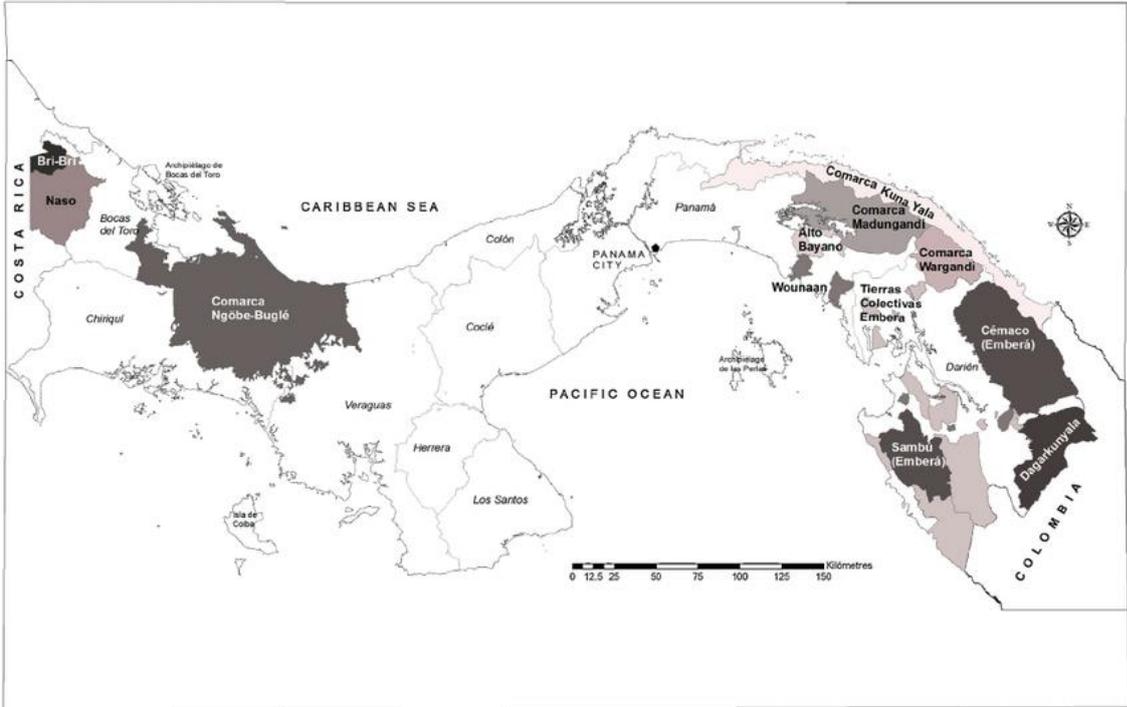


Figure 9. Map of five comarcas and six indigenous claimed lands (Vergara-Asenjo & Potvin, 2014)

Panama became independent from Spain in 1821, after which it remained part of Colombia. With support from the United States, it became independent from Colombia in 1903, signifying the close relationship with the United States it would have throughout the 20th century. Now, the country is a presidential representative democratic republic with a multi-party system (Central Intelligence Agency, 2020). According to a 2010 census, there are about 410,000 indigenous people living in Panama. This makes up about 13% of the overall population. There are seven different indigenous peoples in Panama: The Ngäbe, the Buglé, the Guna, the Emberá, the Wounaan, the Bri bri and the Naso Tjèrdi. Of these peoples, the Ngäbe are the largest group and account for about 59.3% of the indigenous, and the Guna are the second largest with about 21.6% of indigenous people (IWGIA, 2020). We can distinguish two types of indigenous territories. There are areas that are legally recognised as indigenous territories, called *comarcas*, and areas that are claimed by indigenous groups and wish to obtain legal recognition, but are not recognised by the state (Vergara-Asenjo & Potvin, 2014). There are currently five comarcas (see figure 9). The first comarca, Guna Yala, was established in 1938; the

second, Emberá-Wounaan, in 1983; the fourth, Guna Madungandi in 1996; then the Ngäbe-Buglé in 1997; and the Guna Wargandí in 2000 (IWGIA, 2020). When looking at the recognition of international agreements on indigenous rights, Panama has only ratified UNDRIP in 2007. It has still not ratified ILO C169, even though it has promised to do so (Cultural Survival, 2019a).

5.1.1 Inequality

The indigenous peoples of Panama are facing issues that are especially related to historic exclusion, land rights and poverty. The main struggle of indigenous peoples in Panama is centred around the recognition of their land rights and the right to self-determination. Indigenous territories are mainly threatened by natural resource exploitation, especially by mining, agroindustry and hydroelectric dams (Cultural Survival, 2019a). Comarcas do not have decision-making power when it comes to the natural resources within their territories. The state still retains ownership of underground resources and has the right to authorise large-scale development projects like hydroelectric dams and mining projects, which they often start without consulting indigenous communities that would be affected (Cansari & Gausset, 2013). For example, indigenous people have been fighting over a decade against the Barro Blanco Dam on the Tabasará River, an important river for the subsistence livelihood of many indigenous communities in the Ngäbe-Buglé comarca. This dam has been pushed through without FPIC, and has displaced several indigenous communities, as well as affecting many others' traditional livelihoods (Cultural Survival, 2019a). Also, many indigenous communities' lands have been threatened by non-indigenous peasants, cattle ranchers, and loggers, causing high rates of deforestation and threatening Indigenous livelihoods (Chapin & Threlkeld, 2001; Maney, 2001; Jordan, 2007).

Furthermore, indigenous peoples have faced marginalisation and exclusion in Panamanian society and are overly represented in the poor segments of the country's population. Indigenous groups are often excluded from mainstream society, a phenomenon that dates back to the colonial era and the nation-building practices of the early 20th century, where the Panamanian state employed a politics of assimilation and exclusion (Castillo, 2001; Jordan, 2018). Numbers from 2000 show that about 83% of indigenous peoples lived below the poverty line, as compared to one third of non-indigenous peoples. Indigenous peoples also suffered more from extreme poverty, with 70% of them living in extreme poverty as compared to 13% of non-indigenous peoples. Poverty is most prevalent among the Ngäbe-Buglé and the Embera-Wounaan (Vakis & Lindert, 2000). As of 2016, poverty in indigenous populations is about 70%, as compared to 22.1% for the whole population (World Bank, 2020a; Cultural Survival, 2019a). Indigenous peoples have less access to education, average lower levels of years of education than non-indigenous peoples, higher illiteracy rates, and less knowledge of the Spanish language, often excluding them from mainstream society. Furthermore, they have less access to basic services like water supply, sanitation services, and energy sources (Vakis & Lindert, 2000). These poverty levels are, on the one hand, related to territorial issues and consequent displacement and the loss of traditional livelihoods that are based on hunting, fishing and farming, but, on the other hand, largely determined by geographic location, as indigenous peoples often live very remote (Vakis & Lindert, 2000; Cultural Survival, 2019a).

5.1.2 Political opportunity

Independence – Torrijos military regime (1903 – 1960s)

Racist and discriminatory practices against indigenous peoples date back to colonial times and the nation-building practices after Panama gained its independence from Colombia in 1903 with help from the United States (Jordan, 2018). From 1903 until 1968, Panama functioned as a democracy with a Constitution, but in reality, it was dominated by an oligarchy of merchants and landed aristocracy (Muñoz, 2013). Like many other countries in Latin America, the government did not recognise the existence of indigenous peoples and employed a strategy of assimilation and repression to try to create a cohesive national "white" or Hispanic identity, thereby denying the African and indigenous heritage

of the country (Jordan, 2007; Cansari & Gausset, 2013; Wickstrom, 2003). This means that generally, indigenous peoples did not have access to the institutionalised political system, as they were not recognised by the state. This was especially the case in the three administrations of Belisario Porras between 1912 and 1924. He installed several policies that aimed at civilising the indigenous communities and creating agricultural colonies, thereby trying to attract European immigrants and stimulating foreign investment, which promoted land concessions and threatened indigenous territories and livelihoods. Belisario Porras also established the colonial police, and the government sent police, teachers and other state officials to indigenous territories for civilising work, often joined by missionaries sent by the Catholic Church (Herrera, 2012; Jordan-Ramos, 2010).

This eventually led to the San Blas Rebellion in 1925, where the Guna wanted to declare independence to protect their traditional livelihoods that were seriously affected by government policy. The Guna had organised a smart insurrection against the political elite during one of the biggest Panamanian festivals: Carnival. The United States decided to intervene by sending a citizen militia to fight against the Guna and to stop the conflict from escalating. However, in this process they decided to side with the Guna, as the United States mediated an agreement with the government to adhere to the Guna's demands for land rights and autonomy. Later, the Guna established an alliance with the administration of Harmodio Arias Madrid in the 1930s, a period in which the government adopted a similar system to the United States regarding Indian reserves. These developments led to the first official recognition of an indigenous territory as a comarca in 1938 (Cordoba, 2019; Jordan-Ramos, 2010; Herrera, 2012). Guna had effectively taken advantage of a window of opportunity – the Carnival festival – and finding elite allies, forcing access to the political system and gaining autonomy in their new Comarca Guna-Yala. The Guna Rebellion was the first official recognition of indigenous peoples in Panamanian politics and can be seen as the first step in opening up the institutionalized political system for indigenous peoples.

However, this case proved to be unique during these period, as most Panamanian governments continued the politics of exclusion, assimilation and repression. No other comarcas were recognised and indigenous peoples had not gained real access to the political system (Wickstrom, 2003). In the 1950s and 60s this led to increasing unrest, as the country was strained by inequality, capitalisation and political corruption, leading to the Ngäbe resistance in 1964 (Jordan, 2018).

Torrijos regime (1960s – 1981)

The politics of assimilation and repression began to change in the 1960s, when the historical legacy of inequality began to spark the mobilisation and resistance of indigenous peoples, farmers, labour unions, student federations and other popular organisations, fracturing the Panamanian political system. In 1965, the Ngäbe wanted to become independent from Panama and proclaimed an independent Ngäbe Republic, after the revival of their Mama Tata religion³ had unified them and had intensified their political mobilisation. The response by the state was to send the National Guard, under the command of Omar Torrijos Herrera, to the Ngäbe territory to suppress the resistance with force. However, when Torrijos arrived at the Ngäbe, he chose to have an open dialogue with the indigenous leaders instead, after which he managed to get the Ngäbe to recognise Panamanian sovereignty. The National Guard had replaced the National Police in 1952, who had become increasingly militarised from the late 1930s. After World War II, the National Guard had become much more powerful and became more active in regulating political and social life, as they received increased funding by the United States as a part of their containment strategy of the Cold War. This ultimately led to a coup

³ The Mama Tata religion is a mixture of Catholicism and animism. In the 1950s and 60s there was a revival of the Mama Tata religion, after multiple people had claimed they had seen apparitions from Mother Mary and Jesus. This unified the Ngäbe and led to the Mama Tata insurrection in 1965 (Jordan-Ramos, 2010).

d'état by the National Guard in 1968, after which Torrijos became the leader of Panama (Muñoz, 2013; Leonard, 2014; Jordan, 2007).

The Ngäbe resistance signalled the friendly and close relationship that indigenous peoples had with Torrijos when he governed the country with his military regime from 1968. During his rule, Torrijos redefined state relations with indigenous peoples, ending the politics of assimilation and repression, and instead employing strategies of negotiation and bargaining. The relationship was personal, direct and friendly. The institutionalised political system became accessible for indigenous peoples, as they were finally recognised by the state as participants of society. Torrijos never threatened with using force and repression to impose development projects or other demands against indigenous peoples (Jordan, 2007). However, Torrijos did expect something back, which was the other side of his bargaining tactics. He expected indigenous peoples to contribute to his national development plan, or, in other words, to give up their natural resources for national development. For example, for the promise of giving the Ngäbe official comarca status, he wanted support for his new political party, the *Partido Revolucionario Democrático* [Democratic Revolutionary Party] (PRD), and the consent for the continuation of a mining project in their territory (Jordan, 2018; Cordoba, 2019).⁴

Thus, under Torrijos indigenous peoples were included more into the political process, and the state moved away from using the repressive measures that previous governments had used. Indigenous peoples found a powerful and valuable ally in Torrijos, and later in his party the PRD, as they included indigenous peoples – to some extent – in decision-making processes. However, the sudden death of Torrijos⁵ in 1981 makes it unsure what Torrijos' real intentions were. While he made a lot of promises and he had a good relationship with the indigenous population, no new indigenous comarcas were established during his rule (Jordan, 2007). On top of that, Jordan (2018) argues that the alliance between the military government and indigenous peoples effectively demobilised the indigenous movement that had started to form and gained ground in the fight for land recognition in the 1960s. Yet, since his death, no other Panamanian government actor has ever showed this level of admiration and loyalty to indigenous peoples (Jordan, 2007; Jordan-Ramos, 2010).

1980s – now

The politics of open dialogue, bargaining and inclusion of indigenous peoples changed with the sudden death of Torrijos in 1981, which signalled a period of increasing political turmoil. In the years after Torrijos' death, the right wing of the military, under the leadership of Manuel Antonio Noriega (1981-1989), increased its political power and restructured the National Guard into the Panama Defence Forces. Indigenous peoples experienced that there was an increasing unwillingness to negotiate and include them in political decision-making processes (Jordan, 2018). In 1984, Panama had its first elections since 1968, where Noriega defeated his political opponents within the military, and was planning to seize control of the government through his candidate Nicolas Ardito Barletta after he had manipulated other popular candidates out of the race. However, Noriega was accused of being involved with drug trafficking, corruption scandals, and election fraud (Hersh, 1986; Yates, 2005; Jordan, 2007). This period of political turmoil⁶ and accusations against Noriega, in combination with

⁴ Another example of this bargaining approach is the Farallon Accords, with which the Guna accepted the flooding of their lands for the construction of the Bayano hydroelectric projects. Torrijos promised the Guna that they would be fairly compensated with health facilities, clean drinking water, and the protection of their forests so that they could maintain their traditional culture with a subsistence livelihood (Jordan, 2007).

⁵ Torrijos died in an airplane crash in 1981 (Editors of Encyclopaedia Britannica, 2020).

⁶ In 1985, an opponent of Noriega was murdered by the Panamanian Defence Forces, after which President Barletta started an investigation. Because of this – and because of a power struggle that was happening between Noriega and colonel Roberto Díaz Herrera – the Panamanian Defence Forces ousted him, and Barletta resigned. In 1987, the government began to mobilise against the military, as the breach between Herrera and Noriega had made the Panamanian Defence Forces seem weak (Gandásogui, 1993).

other U.S. interests, led to the invasion of the United States in 1989 (The New York Times, 1989). As the power of the military eroded, the government reformed the security apparatus, replacing the Panamanian Defence Forces with the Panamanian Public Forces, and in 1994 dissolving the military completely. The new forces, in contrast to the military, are under control of the government (Pérez, 2011). When the United States left again in 1990, they left a war-torn Panama (Jordan, 2007).

The 1990s signified the incorporation of neoliberal and democratic reforms by the government, creating opportunities and challenges for indigenous mobilisation. As democratic and multicultural citizenship reforms, in combination with globalisation and neoliberalisation that diminished the centralised power of the state, excluded groups – like indigenous peoples – were able to become an important political force. Indigenous groups have been able to fill some gaps that were left by other organised groups that had been weakened by neoliberal policies (Fisher, 2014; Lublin, 2014). Next to that, globalisation offered increasing opportunities for indigenous peoples to mobilise on a larger scale and gain more international attention. With the ousting of Noriega and the political crisis of the 1980s, no new coalition was formed between the government and indigenous peoples. Most indigenous leaders tried to cling on to the once valuable alliance they had with Torrijos, the National Guard, and the PRD, hoping that the state would fulfil Torrijos' promises after his death, which they unfortunately did not do (Jordan-Ramos, 2010).

In reality, neoliberal economic reforms strengthened elite alignments between the government and the private sector. Torrijos' many promises to indigenous peoples were thrown overboard. The liberalisation and privatisation of the economy opened up indigenous territories for resource exploitation, often without consultation. Arguably, neoliberalism did not weaken the state and the power of the traditional elites, but created new pacts, while reinforcing old ones, making it more difficult for marginalised groups to access political decision-making processes, especially as it was not necessarily beneficial for the state and the political and economic elite to incorporate them (Fisher, 2014; Hale, Does Multiculturalism Menace? Governance, Cultural Rights and the Politics of Identity in Guatemala, 2002; Jordan-Ramos, 2010; Finley-Brook & Thomas, 2010). Hale (2002) coined the term "neoliberal multiculturalism" for this. While the government of Panama implemented some forms of multicultural citizenship reforms and other policies for the protection of indigenous rights, none of these measures tackled real systemic issues and did not fully include indigenous peoples into political decision-making processes. This way, the government was able to suppress popular demands by giving in to some smaller demands by indigenous peoples and giving them the idea that they were achieving some of their goals, as a way to suppress demands for broader social and economic reforms (Runk, 2012; Jordan, 2018). Furthermore, since the 1990s there have been more incidences of repressive government measures to repress indigenous resistance against an increasing number of hydroelectric dams, mining projects, and tourism projects that would threaten their territories and livelihoods (Jordan, 2018). This politics of neoliberal multiculturalism has more or less continued under all administrations since the 1990s, where the government has implemented some policy reforms for the protection of indigenous rights, but in practice does not adhere to all their demands so they are still able to exploit natural resources in comarcas and other indigenous territories. Indigenous peoples are still not able to fully participate in the political system and are not well represented in the government.

In 2009, Ricardo Martinelli (2009-2014) of the *Cambio Democrático* [Democratic Change] (CD) was elected president, whose administration has been subject to many corruption scandals⁷ and the

⁷ In 2019, Martinelli was found not guilty after accusations of corruption and illegal wiretapping to intimidate his political opponents (BBC, 2019). However, two ministers were arrested in 2017 for alleged money laundering and a connection with the Odebrecht case, a corruption scandal of a Brazilian construction firm in which many people, including politicians, throughout Latin America have been indicated. President Varela has also been

suppression of independent media⁸ (Freedom House, 2020b). This was the start of a dramatic increase of violation of indigenous rights, decreasing access to the political system, and an increase in indigenous resistance. Martinelli wanted to implement a new mining code that would stimulate foreign investments and the commodification of natural resources. He was accused of corruption and making under-the-table deals with foreign interests, as he was trying to increase the power of the political and economic elite at the expense of indigenous peoples and other marginalised groups (Araúz & Vásquez, 2013; Cansari & Gausset, 2013). These private interests prevented indigenous peoples from having any say in political decision-making processes. During his administration, confrontation between indigenous peoples and the state came to an all-time high, as Martinelli kept pushing through projects that would affect indigenous communities massively without consulting them and refused to negotiate with them (Quiel, 2016; Arghiris, 2015). One important example of this, is the Barro Blanco hydroelectric project⁹ in the Tabasará River in the Ngäbe-Buglé territory that Martinelli wanted to expand and push through, against which indigenous peoples had been fighting for the past decades. The dam would displace multiple indigenous communities and threaten the traditional livelihoods of many others. (Quiel, 2016; Arghiris, 2015). This sparked massive mobilisation of the Ngäbe-Buglé, who blocked the Pan-American Highway and organised several protests in the capital. They were assisted by other indigenous peoples, labour unions and students, as they garnered nationwide support. In response, Martinelli sent the police, who responded to the blockades with force, using teargas, rubber bullets and live ammunition. Many pictures surfaced in which police aimed their rifles at protestors. At these confrontations, two people were killed, many were injured, and a lot of people were arrested. After the violent confrontations, a roundtable was organised, and an agreement was reached that banned mining and hydroelectric projects within the territory of the Ngäbe-Buglé. However, when the law was enacted, the Barro Blanco project still continued despite the agreed upon terms (Fisher, 2014; Cansari & Gausset, 2013; Araúz & Vásquez, 2013; Cultural Survival, 2012; Quiel, 2016). This shows that the government under Martinelli did not take into account any of the indigenous peoples' demands, and despite organising a roundtable to negotiate terms, they pushed through the project anyways. Arguably, a roundtable was organised to suppress demands and stall the negotiations so the project could continue, while giving the international community the idea that the government was listening to indigenous peoples' demands to protect their rights.

The opposition parties rejected Martinelli's explicit use of force, and Juan Carlos Varela Rodríguez (2014-2019), who was vice president under Martinelli until 2011, promised that he would stop the projects affecting the Ngäbe-Buglé in his election campaign. However, these proved to be empty promises, as the hydroelectric project, along with other development projects that threatened indigenous territories, went ahead, and the government continued to act with force against indigenous resistance (Quiel, 2016). The Barro Blanco project continued, as well as indigenous resistance. In

accused of accepting illegal donations related to Odebrecht. Next to that, the two sons of Martinelli have been found guilty of money laundering and bribery in the Odebrecht scandal (Freedom House, 2020b).

⁸ Critical journalists and media outlets have reported pressure and harassment from the government. President Martinelli and his wife have started many lawsuits against outlets and journalists to try to stop the reporting on the Odebrecht scandal and the president's legal matters. In 2020, new accusations of corruption against president Martinelli have been made (Freedom House, 2020b).

⁹ There has been a long conflict between the government and the Ngäbe concerning the construction of hydroelectric projects and mining concessions in the comarca Ngäbe-Buglé, which was established in 1997. In the 1990s the government had tried to establish a hydroelectric project in the Tabasará river, which was cancelled after protests. In 2007, the Martin Torrijos administration approved a water concession for the construction of the Tabasará hydroelectric project on the Tabasará River for the company GENISA, after which Martinelli approved an addendum in 2010 that would allow the dam to be even bigger, changing its name to Barro Blanco, despite an agreement made in 2012 that banned mining and hydroelectric projects within the comarca. This was all done without consultation of indigenous communities (Quiel, 2016; Wickstrom, 2003; Jordan, 2018).

response, the government under Varela organised a roundtable again, after which they accepted to temporarily suspend the project. The dialogue lasted for four months, but no agreements were reached. After this, new negotiations were started. However, the government had now hand-selected new participants to represent indigenous communities that supported the project (2016), thereby excluding affected communities themselves and giving the international community the idea that they adhered to FPIC. The Barro Blanco project continues to be implemented without consent, and indigenous communities have been evicted from the project area to begin test flooding (IWGIA, 2020).

Indigenous peoples do participate in national politics. They can vote in national elections for members of parliament, they can elect mayors and they can vote for representatives of their comarcas. These are all officially elected representatives that are affiliated with a national political party and are on the government payroll. In local and indigenous elections, indigenous peoples choose their traditional leaders who are not linked to a political party. However, these traditional leaders do not have actual decision-making powers due to the structure of the comarcas. While the government of Panama has recognised five comarcas, only three have been established at the provincial level. This means that only the traditional authorities of these comarcas are able to implement public policy themselves, as they are the only and official representatives of that province. The other comarcas are sub-districts and fall under a higher provincial government. Furthermore, not all indigenous territory is recognised as a comarca, as in the demarcation of the territories indigenous communities and subsistence zones have been left out, and do not enjoy the same rights as the communities that live within the officially recognised comarca (IWGIA, 2020). The traditional authorities are only consulted, but do not have any real say in the political decision-making process, and officially recognised representatives often do not consult them or go against their advice (Cansari & Gausset, 2013). This way, indigenous peoples do not have full access to the institutionalised political system, as the government is continuously going around indigenous peoples when making decisions that affect them (IWGIA, 2020; Quiel, 2016; Jordan-Ramos, 2010; Jordan, 2018). Next to that, indigenous peoples do not have equal access to the (mainstream) media, as they are highly controlled by the government and the private sector and are usually only available in Spanish. Also, the government has not given out any radio licenses to indigenous communities, even though many that applied have adhered to all the regulations. So, indigenous peoples are not able to make their voices heard and the state is repressing their freedom of expression (Cultural Survival, 2019a).

Although it is too early to tell what the longer-term effects will be, the election of Nito Cortizo of the CD in 2019 seems promising for inclusion of indigenous peoples into the political system. Among others, Cortizo elected Ausencio Palacio from the Ngäbe to head the *Viceministro de Asuntos Indígenas* [Vice-Ministry of Indigenous Affairs], and appointed Alexis Oriel Alvarado Ávila from the Gunadule people to run the *Autoridad Nacional de Administración de Tierras* [National Department for Indigenous Lands and Municipal Assets at the National Land Administration Authority]. These elections of indigenous peoples in important positions in the government that are relevant in protecting indigenous peoples' rights is a promising sign that indigenous peoples are gaining access in the institutional system. Furthermore, the government created comarca-level departments within the ministries that did not have them, with thirteen departments being established in the Guna-Yala, the Ngäbe-Buglé, and Emberá-Wounaan comarcas, with local staff. Also, there seems to be improvement when it comes to the recognition of indigenous collective lands (IWGIA, 2020). Next to that, Cortizo has been trying to strengthen anticorruption measures by installing a constitutional reform that would allow the attorney general to investigate Supreme Court Judges and legislators suspected of corruption. However, these have been met with resistance from other parties, which ultimately halted the instalment of the reforms (Freedom House, 2020b).

5.1.3 Organisational capacity

Social movement organisations

Panama's indigenous peoples are well organised in one overarching body, the *Coordinadora Nacional de Pueblos Indígenas de Panama* [National Coordinating Body of Indigenous Peoples in Panama] (COONAPIP). The leaders of the 12 indigenous councils that represent the seven different indigenous peoples are part of the board of COONAPIP. COONAPIP promotes a process of national unity and a common national agenda of the indigenous peoples of Panama and represents the interests of all seven indigenous peoples with at the national and international level. The organisation aims to promote, strengthen and consolidate the indigenous peoples in order to take control of their own institutions, livelihoods and economic development, as well as to strengthen their identities, language and religions (COONAPIP, sd; Rights and Resources Initiative, 2013). Next to this organisation, several indigenous peoples, territories or communities have representative organisations that represent their specific interests or that mobilise their people in case of a violation of their rights. For example, the *Movimiento 10 De Abril, M10* [April 10th Movement], is a community-based organisation that has represented the Ngäbe-Buglé in the fight against the Barro Blanco Project (Gibbons, Van Putten, & Windfuhr, 2015).

Leadership and knowledge

Leaders of indigenous mobilisation have played an important role in getting laws approved for the protection of indigenous rights (IWGIA, 2020). Wickstrom (2003) recognises the importance of the capacities of indigenous leaders to maintain the support of their community and the control over economic activities. Strategic competence, strong leadership, and the maintenance of associational autonomy have been important in maintaining or fighting for sovereignty over indigenous land and resources. From the 1950s, indigenous leaders have become increasingly politicised and were able to mobilise effectively to defend their land rights (Jordan-Ramos, 2010). In the case of the Ngäbe, for example, the persistence of traditional and strong leadership was what prevented the complete collapse of the Ngäbe organisation in the 1980s (2010). Knowledge and expertise are important for indigenous leadership, so that they can make use of political opportunities when they arise. When the Ngäbe were given the opportunity for political participation at the national level under the Torrijos leadership, they had no experience with formal political organisations and were not able to represent their communities well (Wickstrom, 2003). The 1990s then brought a rise of new Western-educated Ngäbe leadership, who were more politicised and able to participate in national politics (Jordan-Ramos, 2010).

Internal agreement

Another factor that is important in the effective mobilisation of indigenous peoples, is internal agreement within the organisation or community. This was not the case in the Ngäbe-Buglé resistance that started in the 1990s for the recognition of their territory as an official Comarca. In the 1990s there came a new generation of indigenous leaders, who no longer wanted to wait for the bill that would facilitate this. Therefore, a negotiation commission was created to try to reach an agreement with the government. This led to the approval of Law 10 in 1997 that created the Ngäbe-Buglé Comarca. However, the generation of older traditional leaders who had started the struggle for land rights in the 1960s, were not satisfied with this law, as it excluded large parts Ngäbe territory in the Comarca. In their opinion, the negotiation commission had compromised too much and failed to protect all the Ngäbe lands from mining and energy projects. Arguably, the state could now justify their actions by showing that they do cooperate with the indigenous movement, even though they only do with a small, less radical, part of it. (Jordan, 2018; Jordan-Ramos, 2010). This created a divide within the indigenous movement, making it more difficult for the movement to act as a unified block in expressing their demands to, and negotiating with, the government.

Strategies

Indigenous movements in Panama have used different types of strategies, either working from within the political system and engaging in political processes, or working outside of the political system, seeking large-scale structural societal changes. It is important that the movement tailors the type of strategies in reaction to how the government acts. During the Torrijos regime, indigenous peoples worked more from within the political system and engaged in political processes, like negotiation and bargaining (Jordan, 2018), while before the Torrijos regime indigenous peoples chose more confrontational strategies (Jordan, 2007). After the political turmoil of the 1980s and the U.S. invasion, indigenous peoples noticed that the government's attitude towards indigenous peoples had changed again, and they changed towards more revolutionary strategies again to try to regain access to the political system. As Wickstrom (2003) argues, in the case of the Guna and Ngäbe resistance, the severity of indigenous peoples' actions was largely determined by the Panamanian state. When the state acts aggressive and with force, indigenous communities also react with hard measures. Confrontational tactics seem to be the most effective¹⁰. So, over the years, indigenous peoples have employed a combination of strategies; in times where they had more access to the political system they would chose to work from within the system and going around the system by using more confrontational measures when governments employed a more exclusionary discourse towards Indigenous peoples.

Network and allies

The Panamanian case shows that a very important factor in the successfulness of a movement is the presence of a strong (international) network with a wide range of types of allies. Networks provide a way to exchange expertise, gain broader societal and international support, and this way put more pressure on the government to give in to some demands (Yashar, 1998; Vom Hau & Wilde, 2010). The Ngäbe-Buglé mobilisation in 2012 under the administration of president Martinelli is a great example of this. One of the main reasons the resistance was so successful, was because the Ngäbe-Buglé had been very effective in creating a large social network, as they formed an unprecedented alliance between indigenous peoples and other social movements in Panama. Instead of only focusing the mobilisation on indigenous peoples' land rights, they managed to include a much broader debate over the protection of the environment and human rights, sparking nation-wide protests. They joined forces with other civil movements to reach common environmental and democratic goals. They fought for indigenous and peasant rights, but also included environmentalists, teachers, workers and students. In this case, the indigenous movement represented a democratising force in Panama against the repressive administration of president Martinelli. And not only that, but they also emerged as the most active component of a cluster of interest groups. They were the leading actors in the defence of the national interest, which made them incredibly popular, and they managed to gain nation-wide, popular support, as well as support from (international) media. The Ngäbe managed to gain international attention and support, sparking an international media campaign that attempted to force compliance with international human rights standards (Cansari & Gausset, 2013; Schapper, Unrau, & Killoh, 2019).

5.1.4 Collective action frame

The Panamanian state, like many other Latin American states, has historically employed a collective action frame for the justification of energy, mining or tourism projects that would affect indigenous peoples, claiming it is necessary for the national development project. They justify hydroelectric projects under the pretence of clean energy development, creating a green economy, and stimulating

¹⁰ The Ngäbe-Buglé, in the resistance against president Martinelli, used confrontational measures like road blockades on the Pan-American Highway that paralysed the country, organised multiple demonstrations in Panama City, and blocked mining or hydroelectric projects' sites, to force the government to the negotiating table (Cansari & Gausset, 2013).

green growth, aligning their discourse with the global goal of reducing greenhouse gas emissions while fostering economic growth. Hydroelectric dams have become a symbol of green development in Panama, both tackling climate change and an increasing energy demand. The state claims it is an opportunity for development and modernisation, while portraying indigenous peoples as backwards (Schapper, Unrau, & Killoh, 2019).

Indigenous peoples, in response, adopt a collective action frame in which they emphasise tradition, heritage, and environmental protection. They are especially concerned with the preservation of their traditional livelihoods (Schapper, Unrau, & Killoh, 2019). While the different indigenous peoples have unified under the collective action frame of an indigenous identity, land rights, and the preservation of their traditional livelihoods, there are some differences to be seen. The Guna, the indigenous community that was the first to obtain official comarca status in the first half of the 20th century, possess a strong sense of collective identity, which they have formed in the face of centuries of attempted enslavement, forced labour, and assimilation politics. This has created a sense of distinctiveness and a strong unified identity (Maney, 2001). Furthermore, during the Torrijos regime, they tailored their collective action frames to public opinion and government goals, as they formed their movement’s demands in a way that appealed to the military regime, aligning themselves with the idea of ecological conservation. By aligning their collective action frame with military ideology, the Guna were able to effectively mobilise for their demands (2001).

Another distinctive case is the Ngäbe, who, after a period of disunity, were able to form a consolidated group again. This was due to the religious revival of the Mama Tata religion. According to the Ngäbe, in the period of the 1950s and 60s, Mother Mary and Jesus made several apparitions to people, of which the most important one was to Delia Bejarano who later become known as Mama-Chi. According to her, Jesus and Mary asked the Ngäbe to separate themselves from the corruption of the non-indigenous society. This spiritual movement spread rapidly through the Ngäbe territory, which led to the Mama Tata insurrection in 1965 in which they claimed sovereignty from Panama. This created Ngäbe unity and had great political implications which extended into the 21st century, as the process led to a process of politicisation of the Ngäbe ethnicity (Jordan-Ramos, 2010). This unity based on the collective identity made the Ngäbe a powerful actor to deal with for the state. The Ngäbe-Buglé movement in 2012 against the government of Martinelli and his push for energy and mining projects proved to be extremely successful. Cansari and Gausset (2013) argue that this is due to the unprecedented alliance between indigenous and other social movements in Panama. Instead of only focusing on the mobilisation on indigenous peoples’ land rights, they created a much broader frame about the protection of the environment and human rights (Fisher, 2014).

Table 4. Factors of indigenous mobilisation in Panama

	<i>Independence until Torrijos regime</i>	<i>Torrijos regime</i>	<i>From the 1980s until now</i>
Inequality	Yes	Yes	Yes
Political opportunity¹¹	1-2	5	3-4
1. Openness	No	Yes	~ ¹²
2. Elite alignments	<i>Instability</i>	<i>Stability</i>	<i>Decade of instability followed by stability</i>
3. Elite allies	~	Yes	~
4. Repression	Yes	No	Yes
Organisational capacity	No	No	Yes
Collective action frame	No	No	Yes

¹¹ This score indicates on which step of Arnstein’s (1969) Ladder of Citizen Participation indigenous peoples are.

¹² This indicates it is in between.

5.2 Honduras



Figure 10. Indigenous peoples of Honduras (Fréguin-Gresh, et al., 2014)

Honduras became independent from Spain in 1821 and was part of the First Mexican Empire¹³ until 1823, after which it became a part of the United Provinces of Central America¹⁴. Since 1838, Honduras has been an independent state, and it now is a presidential representative democratic republic, where the president is both the head of state and the head of government (Central Intelligence Agency, 2020). According to a 2013 national census, Honduras has about 717,618 indigenous peoples, comprising nearly 9% of the total population (Minority Rights Group International, 2018). However, according to a census conducted by indigenous organisations, about 20% of the total population identifies as indigenous or as African descendants. Here, African descendants are considered in the same group as indigenous peoples, as they have aligned themselves with the indigenous movement and adopted the common signifier of the indigenous collective identity. These can be divided into the following groups: Lenca (453,672), Miskito (80,0007), Garifuna (43,111), Maya Ch’Ortí (33,256), Tolupán (19,033), Bay Creoles (12,337), Nahua (6,339), Pech (6,024), and Tawahka (2,690)¹⁵ (Minority Rights Group International, 2018). Figure 10 shows where the indigenous peoples are located. Honduras has ratified ILO C169 in 1994 and voted in favour of the UNDRIP in 2007 (Cultural Survival, 2019a). However, there is no national legislation to ensure that these rights are actually implemented. In fact, the Honduran Constitution hardly makes any recognition of indigenous peoples. There is, for example, no national model for the recognition of Indigenous territories (Tauli-Corpuz, 2016).

¹³ The First Mexican Empire was a constitutional monarchy that was established after gaining independence from Spain in 1821 and existed out of (parts of) what is now the United States, Mexico, Guatemala, Belize, Honduras, El Salvador, Nicaragua, and Costa Rica. The monarchy only lasted two years until 1823, after which the Empire adopted a republican Constitution (Cline, 2021).

¹⁴ The United Provinces of Central America (1823-1840) was a union of what is now Guatemala, Honduras, El Salvador, Costa Rica, and Nicaragua, after being part of the First Mexican Empire (Editors of Encyclopaedia Britannica, 2019).

¹⁵ In Honduras, people from African descent – the Garífuna and the Bay Island Creoles – are regarded as distinct ethnic groups and are recognised as an autochthonous indigenous group (Minority Rights Group International, 2018).

5.2.1 Inequality

Indigenous peoples in Honduras are mostly concerned with land rights, the loss of traditional livelihoods, socioeconomic inequalities, and human rights abuses by the state. During colonial times and the Republican era, indigenous peoples were made invisible in the nation-building practices that included the creation of a homogenous mestizo identity. These historic inequalities remain visible and are embedded in Honduran political institutions; the 1980s Constitution hardly makes any reference to indigenous rights (Anderson, 2007; Emanuel, 2017; Loperena, 2016; Forest Trends, 2015). Furthermore, indigenous peoples face systemic discrimination and are disproportionately affected by poverty. About 72% of indigenous households fall under the extreme poverty line, as opposed to 41.6% of households nationally. Furthermore, the unemployment rate is 44.7%, of which 83.6% are indigenous women, as opposed to a 6.7% unemployment rate of the whole Honduran population. The average monthly income of indigenous peoples is only about 36.8% of the national average (Tauli-Corpuz, 2016; World Bank, 2020b). Furthermore, indigenous peoples have less access to education and health services, as there is a shortage of infrastructure, materials and staff (Tauli-Corpuz, 2016). However, when thinking about these issues it is important to keep in mind that indigenous peoples traditionally live subsistence livelihoods and they are geographically isolated.

Yet, these issues become especially problematic because of the loss of indigenous territories and subsistence zones through land grabs, which threatens the traditional livelihoods of indigenous peoples. In Honduras, there is no national model for the recognition of indigenous territories. The titling of lands is mainly issued by the *Instituto Agrario Nacional* [National Agrarian Institute] (INA). The INA has mainly focused the titling of indigenous lands at the community or individual level. This can be problematic, as the partial titling can fragment indigenous territories and communities, or it leaves out parts of their subsistence zone. Furthermore, the number of titles given differs highly per region and per peoples (Forest Trends, 2015; Anderson, 2007). Indigenous peoples face threats to their territories and natural resources in the form of tourism projects, loggers, the expansion of agriculture and cattle ranches, energy projects, and other extractive industries. The expansion of cattle ranches is also related to drug trafficking and organised crime. Honduras is plagued by spiralling violence related to organised drug crime. Drug traffickers need to control the territory through which they traffic their drugs and launder their money, and legitimise their presence as cattle ranchers, settling in or buying up land of indigenous peoples. This is further exacerbated by issues of impunity and corruption, and indigenous peoples face many human rights violations (Forest Trends, 2015; Tauli-Corpuz, 2016).

5.2.2 Political opportunity

Nation-building from independence until 1963

Since the colonial era through to the first half of the 20th century, indigenous peoples did not have access to the institutionalised political system, as the state employed a politics of assimilation and repression. After Honduras gained independence, indigenous peoples were made invisible, as the Honduran state wanted to construct a unified Honduran identity based on the image of a homogenous mestizo race. This institutionalised historic inequalities and discriminatory practices in Honduras' democratic political institutions. The discourse of a unified national mestizo identity remained prominent until the early 1990s with the advancement of multicultural citizenship reforms (Anderson, 2007; Emanuel, 2017; Loperena, 2016). On the other hand, this invisibility was not always a bad thing, as many indigenous peoples were relatively autonomous during this period, and some indigenous peoples even obtained communal property rights over their ancestral lands from the colonial era until the beginning of the 20th century (Tauli-Corpuz, 2016). This changed with the emergence of the banana industry, which led to the expansion of the agricultural frontier and brought in many immigrants looking for work. Land grabs intensified, leaving a large rural population landless, as more and more mestizo peasants and immigrants were resettled in indigenous territories (Brondo, 2010). By the end

of the 1950s there was a glimmer of hope, as President Villeda Morales was implementing reforms under his progressive administration, which included agrarian reforms, infrastructure development, and labour regulations, slowly opening up the political system for marginalised groups (Bowman, 2002). However, this came to an abrupt end with the military coup d'état in 1963, when the president's progressive laws had caused accusations of communist tendencies from the Honduran right wing, supported by the United States (Salomón, 2012).

Military regime (1963-1982)

During the military regime, indigenous peoples had no access to the institutionalised political system and faced repressive measures by the military. The power of the military had been increasing since the 1950s, and in 1963 they took over the Honduran government in a coup d'état, establishing its authoritarian rule in the country, marginalising political parties, fragmenting social movements, and pressing down hard on resistance (Salomón, 2012). There was little to no access to the political system for marginalised groups, including indigenous peoples (Loperena, 2016). Furthermore, land grabbing of indigenous territories intensified, as the state employed colonisation projects in the 1970s and large numbers of non-indigenous settlers moved to indigenous territories looking for land. This was made possible by agrarian and property reforms of the 1950s and 1960s, which had privatised land titles (Herlihy & Tappan, 2019).

Democratisation in the 1980s and 1990s

In the 1980s, Honduras started its democratisation process, as the military called for elections for a Constituent Assembly and the writing of a new Honduran Constitution. The military had initiated this process itself, as it was not able to deal with certain issues effectively, like the growing tensions with left-wing groups, dealing with economic difficulties, and their affected legitimacy due to corruption scandals (Booth, Wade, & Walker, 2014; Ruhl, 1996). The new democratic reforms opened up the political system for new social actors, including indigenous and black peoples, feminist organisations, environmentalists, and regional territorial movements (Iglesias, 2017). Indigenous peoples were increasingly mobilising and becoming more visible with marches and protests¹⁶, which played a large role in the incorporation of multicultural reforms by the state and the official recognition of indigenous peoples by the state. These reforms, like the ratification of ILO C169 and the introduction of bilingual education, intended to address social exclusion of marginalised groups based on race and created a more open political space. Also, the government started issuing property rights to several indigenous communities (Loperena, 2016; Anderson, 2007; Middeldorp, 2018; Tauli-Corpus, 2016). However, no real constitutional reforms were made, as the changes merely included a loose collection of initiatives that were subject to continued negotiation (Anderson, 2007).

Yet, there have been some obstacles that have prevented the full consolidation of democracy. The military as able to maintain its position of autonomy in the democratisation processes of the 1980s, as it played a large role in the institutional reforms and the rewriting of the Constitution, further consolidating its power in politics (Ruhl, 1996; Pérez, 2015). Furthermore, the United States found an ally in Honduras in its "anti-communist" war in Central America and used the country as a base for its fight against the Sandinistas in Nicaragua and the guerrilla movements in Guatemala and El Salvador. The United States heavily funded the Honduran military, which made it possible for the military to maintain the control of the government and get away with increasing repression and human rights abuses (Shipley, 2016; Ruhl, 1996). It was not until the 1990s that the military's power started to diminish – due to the departure of the United States at the end of the Cold War and the growing anti-

¹⁶ During the government of Carlos Roberto Reina (1994-1998), the indigenous movement became very prominent in the national political scene. The protests took the form of "pilgrimages", which made the protests a type of "religious procession". This can be explained by the religiousness of the indigenous peoples and the support that they received from the Catholic Church (Iglesias, 2017).

military mobilisation against human rights abuses, corruption and impunity – and Honduras tried to demilitarize its institutions (Bruneau, Dammert, & Skinner, 2011; Ruhl, 1996). However, in the decades thereafter it would become clear that the military had never truly lost its position of power.

Furthermore, the democratisation efforts and multicultural programmes of the 1990s coincided with the adoption of neoliberal reforms. The Honduran state had a clear pro-business orientation¹⁷ (Iglesias, 2017). While democratic institutions were strengthened, socioeconomic inequalities deepened, and the reforms allowed the elite to reorganise state institutions in a way that they were able to take advantage of the new economic possibilities (Anderson, 2007; Rivera, 2013). The land and natural resources were privatised, and commodified, and indigenous territories were increasingly threatened by private interests. For example, the government established a General Mining Law in 1998 that liberalised and privatised natural resources, not taking into account the territorial rights of indigenous peoples as established in ILO C169 (Iglesias, 2017; Herlihy & Tappan, 2019). Furthermore, the titles that had been given to some indigenous peoples were inadequate. There is no national law or framework for the titling of indigenous lands, and the land titles were given in a variety of forms, most often on the community-level, leaving out large parts of indigenous peoples' subsistence zones and fragmenting indigenous territories. Indigenous territories were increasingly threatened by the settling of mestizo farmers and the rise of narco-trafficking, accelerating deforestation and the loss of natural resources that are vital to indigenous peoples' traditional livelihoods (Anderson, 2007; Iglesias, 2017). This can be seen as what Hale (2002) calls neoliberal multiculturalism, as the state adopted only superficial policies to make it seem like they endorsed indigenous cultural rights, when in reality they ignored more radical political demands for institutional change while further consolidating structures that favour the elite. Indigenous peoples and Afro-Hondurans were continued to be portrayed as not belonging in the institutional system (Bronzo, 2018).

Maduro administration (2002-2006)

In 2001, Ricardo Maduro of the *Partido Nacional de Honduras* [National Party of Honduras] was elected president, which started a period of remilitarisation of Honduran society, increasing repression, and a less open government. Maduro installed several repressive policies known as *mano dura* [firm hand] to fight against gangs and drug traffickers, who were seen as the main cause of the increasing levels of violence in Honduras, inspired by 'The War on Drugs' in the United States and Mexico (Howarth & Peterson, 2016; Rodgers, Muggah, & Stevenson, 2009; Bruneau, Dammert, & Skinner, 2011). These public security measures, in combination with weak institutions, corruption, and a culture of impunity, resulted in an increase of violence and human rights abuses, not only by gangs, but also by the state, as the military became increasingly powerful. Violence that was not just aimed at gangs, but also targeted opponents of the government, activists, and marginalised groups, including indigenous peoples (Booth, Wade, & Walker, 2014; Amnesty International, 2004; Pérez, 2015).

Additionally, the government implemented policies that threatened indigenous rights. The government created an alternative coordinating organisation for indigenous peoples – the *Consejo Nacional Indígena de Honduras* [National Indigenous Council of Honduras] (CNIH) – to replace their own representative organisation *Consejo Cívico de Organizaciones Populares e Indígenas de Honduras* [Council of Popular and Indigenous Organizations of Honduras] (COPINH). The new organisation was denounced by indigenous peoples, as it was accused of being "pro-government" and did not properly represent indigenous peoples and their struggle (Anderson, 2007). Next to that, the government passed a Property Act in 2004, which intended to regularise and modernise property ownership. This law was accompanied by a World Bank-funded programme, *Proyecto de Administración de Tierras de*

¹⁷ Some examples of types of policies they introduced that favoured national and foreign economic groups were the privatisation of public enterprises, currency devaluation, investment stimulus laws and fiscal exemptions, and the elimination of taxes on exports and imports (Iglesias, 2017).

Honduras [Honduras Land Administration Project], known as PATH. While this programme made it possible for indigenous peoples to apply for land titles, it also made it possible to grant ownership rights to a third (non-indigenous) party. PATH intended to further implement neoliberal reforms and encouraged national and foreign investment and access to property rights for all sectors of society. Indigenous organisations expressed their concern with the law; they said that the law was not consulted with indigenous peoples and it did not respect the territorial rights as established in ILO C169, as it legitimised the presence of outsiders without the consent of indigenous peoples (Anderson, 2007; Herlihy & Tappan, 2019; Mollett, 2016; Tauli-Corpuz, 2016).

Zelaya administration – coup d'état (2006-2009)

In 2006, Manuel Zelaya of the *Partido Liberal de Honduras* [Liberal Party of Honduras] (PLH) was elected president. Zelaya did not continue the hard line approach to public security as Maduro, and intended to continue the democratisation and demilitarisation processes of the 1990s. Zelaya initiated some other reforms aimed at decreasing socioeconomic inequalities, like raising the minimum wage, preventing the privatisation of some state-owned firms, and introducing legislation that would protect the environment from unsustainable mining and deforestation (Gordon & Webber, 2013). Zelaya seemed willing to work together with social movements on progressive reforms. Indigenous peoples saw new openings in the political system to seek new constitutional reforms such as land and consultation rights (Shipley, 2016; Loperena, 2016). However, Zelaya was a proponent of the Central America Free Trade Agreement (CAFTA), which made indigenous organisations a bit wary, as he continued with the neoliberal reforms of previous administrations, favouring economic interests above indigenous territorial rights (Minority Rights Group International, 2018).

In 2009, Zelaya was ousted in a military coup d'état to “protect democracy”. The immediate cause was a referendum for a Constitutional Assembly that Zelaya had pushed through, despite that it was ruled unconstitutional by Congress and the Supreme Court. Zelaya claimed that he wanted to improve the outdated Constitution to progress the democratisation of state institutions, but his opponents claimed that he wanted to make his own re-election possible (Bosworth, 2010). Furthermore, Zelaya's opponents blamed him for the rise in crime rates and rejected Zelaya's populist tendencies and affiliation with the 21st century Latin American left¹⁸ (Bosworth, 2010; Iglesias, 2017). However, opponents of the coup point towards some underlying causes. Since the Maduro presidency, the military and the elite had re-established their power in the Honduran government. Zelaya's break away from this period of militarisation and a neoliberal agenda caused tensions with the traditional elite and the military, who saw Zelaya as a threat to the status quo. The military and the elite used their power to organise the coup, as they still had a large influence in the Honduran government and controlled media outlets (Iglesias, 2017; Gordon & Webber, 2013; Pérez, 2015).

After the 2009 coup d'état

The 2009 coup d'état signified a new period of a closed off government, militarisation, de-democratisation, repression, a powerful elite, corruption, and impunity. There was an abrupt break in the ties that indigenous, peasant and environmental movements had forged with the government under Zelaya, and civil society groups and activists were concerned that the country was slipping back into the 1980s, when the military and the elite had unchecked power (Haugaard & Kinosian, 2015; Middeldorp, 2018). In the political turmoil after the coup, the de facto government under Roberto Micheletti of the PLH suspended key civil liberties, such as the freedom of information and assembly, and cracked down hard on anti-coup protests, leading to increased human rights violations by the state

¹⁸ Zelaya had joined the *Alianza Bolivariana para los Pueblos de Nuestra América* [Bolivarian Alliance for the Peoples of Our America], which was founded by Cuba and Venezuela in 2004 and served as an alternative to the Free Trade Area of the Americas, an agreement that was proposed by the United States. Also, Zelaya employed an anti-imperialist discourse against the United States (Bosworth, 2010; Iglesias, 2017).

(Human Rights Watch, 2012; Amnesty International, 2009). The post-coup administrations of Porfirio Lobo Sosa (2010-2014) and Juan Orlando Hernández (2014-) meant even more democratic setbacks. Both administrations continued the process of militarisation in name of public security that had started with Maduro. The military is now in control of almost every aspect of public security, and they are increasingly influential in policymaking. For example, Lobo appointed several military officials as head of state institutions (Haugaard & Kinosian, 2015; Pine, 2010; Booth, Wade, & Walker, 2014). Furthermore, the impartiality of the judicial system was affected, as it is now controlled by the government, who dismissed four judges from the Supreme Court. There are also recurrent cases of corruption scandals, impunity and the infiltration of organised crime in key links of the state and in the political and business elite (Iglesias, 2017; Global Witness, 2017). Next to that, the government restricts the access to information by obstructing and shutting down media outlets, banning certain networks and threatening journalists (Canadian Council for International Co-operation, 2010).

The post-coup administrations further opened up the country for (foreign) investments in mining, agribusiness, energy projects, and the tourism industry. Agreements that had been made with Zelaya to implement agrarian reforms in favour of the indigenous and peasant population were blocked, a moratorium on new mining projects was cancelled, the electricity market was privatised, and new mining and hydroelectric concessions and licenses were granted (Middeldorp, 2016; Iglesias, 2017). Since 2009, there have been some key laws passed that have encouraged private investment and have eased some of the rules related to access to land. This, together with widespread corruption, has increasingly threatened indigenous territorial rights. Investigations show that the natural resource sector is riven with corruption and crime. These extractive industries are backed by political and business elites who ignore the laws, bribe government officials and ignore demands of indigenous peoples on FPIC. There are many cases where companies and government officials are suspected of ordering attacks on activists to silence them (Global Witness, 2017; Forest Trends, 2015).

In fact, Honduras has become one of the most violent countries in the world, with one of the highest homicide rates (World Bank, 2020c), and indigenous peoples are highly affected by this. Since 2010, more than 120 environmental activists, often indigenous peoples, were murdered by state forces, security guards or hired assassins. Numerous other activists and their families have been threatened, attacked or imprisoned (Global Witness, 2017; Tauli-Corpuz, 2016). The culture of corruption and impunity leads to the unjustified criminalisation of indigenous peoples who engage in protests against natural resource projects (Tauli-Corpuz, 2016). According to a report by the *Asociación para una Sociedad más Justa*, impunity rates were 96% in 2013 and 87% in 2017, meaning that still more than 80% of homicide cases remain unsolved (Asmann, Honduras Drop in Homicides One Part of Complex Security Situation, 2019). Only a select number of cases have led to convictions of the assassins, and even less have led to convictions of the people who ordered the murders. One of the exceptions where the justice system has been effective and the state has acted against private interests, is with the murder on Berta Cáceres in 2016, one of the founders of COPINH who was known for defending indigenous territories. In 2018, seven men were convicted, after the case had gained widespread international attention, pressuring the government to act. The men who were convicted were a hit squad and some middlemen who had acted on behalf of the company *Desarrollos Energeticos SA (Desa)*¹⁹, that was building the Agua Zarca Dam²⁰ that Cáceres had been fighting against

¹⁹ Desa is owned by two major shareholders: A Panama-registered company and the *Inversiones Las Jacaranda*, owned by the Atala Zablah family. This family is one of the most powerful families of Honduras and has close ties to the government and business elites. In the conviction of the seven hitmen, the court also ruled that Desa executives had ordered the murder because of the company's financial losses and project delays (Asmann, 2020).

²⁰ The Agua Zarca dam is an internationally financed dam that would be built on the Gualcarque river, a sacred site for the Lenca people. The dam would be one of the hundreds of environmentally destructive projects that have been sanctioned after the 2009 coup without FPIC, sparking widespread protests by environmental and

for 10 years. The ones who ordered the murder have not been convicted, however (Lakhani, 2020; Lakhani, 2018).

	GARIFUNA		LENCA		MAYA-CHORTI		MISKITU		PECH		TAWAHKA		TOLUPAN		TOTAL	
	No. titles	Area (ha)	No. Titles	Area (ha)	No. Titles	Area (ha)	No. Titles	Area (ha)	No. Titles	Area (ha)	No. Titles	Area (ha)	No. Titles	Area (ha)	No. Titles	Area (ha)
1993	6	5,126	23	24270									1	4217	30	34321
1994	9	8,491							4	2767					12	10677
1995			4	1897											4	1897
1996									3	4363	4	5138	5	16135	6	18622
1997	8	4,685			1	635							3	4058	19	18738
1998	6	993	131	62888									4	19884	141	83761
1999	7	7,935	24	16374	9	658							2	5882	42	30849
2000	8	3,513	51	25164	18	717							5	7838	82	37624
2001	6	262	35	16232	15	511							7	24761	62	35552
2002	2	932	1	144	1	5									4	1081
2003	1	9	4	1035	10	517							1	257	16	1819
2004	2	146			1	14									3	160
2005			8	929	5	249							1	352	13	1178
2006					9	540			1	5					10	545
2007			4	1006	4	112			1	1329			1	553	10	3000
2008			5	273	6	308									11	581
2009			6	3723	4	247									10	3970
2010																
2011			1	101	5	189							1	115	7	405
2012			1	322	3	84	1	55292							5	55698
2013	1	270	1	88	2	54	2	425320	2	3139					10	707388
2014			1	167	1	21	4	278519							2	188
2015							4	338051							4	338051
TOTAL	56	32363	300	154613	94	4861	11	1087182	11	11603	4	5138	31	84052	507	1389812
%	11	2	59	11	19	0.3	2	79	2	1	1	0.4	6	6	100	100

Figure 11. Indigenous land titling in Honduras 1993-2015 (Adapted from Forest Trends, 2015)

Yet, there has been some progress in the struggle for land titles. Since the 1990s, the INA had focused land titling at the individual or community level, granting rights to relatively small areas and leaving out significant portions of indigenous subsistence territory, thereby dividing communities. This changed radically with the titling process in the Muskitia region, which began in 2010. Here, titles were given to *Consejos Territoriales* (CTs), federations proposed by the Muskitia themselves, which cover areas that represent the entire subsistence territory of a group of communities (Forest Trends, 2015; Tauli-Corpuz, 2016). The acquired titles between 2012 and 2015 account for only 2% of indigenous land titles, but for 79% of indigenous territory (see figure 11)²¹. This is thanks to the effective mobilisation of the Miskitu, but also due to the window of opportunity that arose right after the coup,

land activists. Cáceres had been placed on a military hitlist a few months before she was killed, and three of the men that have been convicted have ties with the military. After the murder the international financial institutions retracted their financial contributions. (Lakhani, 2017).

²¹ There is a huge difference between the titling of lands between communities. For example, the Garifuna, the Lenca, Maya-Chorti and Tolupan have gained land titles over the years since 1993. The Miskitu never obtained any land titles until 2012, and the Tawahka only obtained 4 land titles in 1996. Especially the Pech and Tawahka do not have many land titles. The Miskitu did not get any land title until 2012. They have only gained 11 land titles, as opposed to, for example, 300 titles for the Lenca. However, the area of land is a lot bigger. The eleven land titles account for 79% of all indigenous titled lands, as opposed to 59% for the Lenca. This shows that the Miskitu have gained larger land titles on the community level, that include a larger and more complete part of their subsistence zones, while other peoples have received more individual-level land titles, often leaving out large parts of the subsistence zone (see figure 11).

as Lobo's first objective after becoming president was to decrease the political unrest and to make the government look legitimate to the international community, making the government more willing to give into territorial demands of the Miskitu people (Forest Trends, 2015). This provided the territorial framework for PATH II, the successor of the failed PATH I, which proved to be more successful and more conscious of indigenous territorial rights (Herlihy & Tappan, 2019). However, this progress is mainly limited to the Miskitu, as many more land title applications are still pending, and land rights are still violated. Indigenous lands, even when the people have an official title, are sold illegally or development projects are approved without adhering to FPIC (Tauli-Corpuz, 2016). Furthermore, the government tried to establish a new law that would implement ILO C169 on indigenous rights, especially the right to FPIC. However, this law has led to nation-wide indigenous resistance, as indigenous organisations claim that the law does the exact opposite. In fact, the law includes an article that grants the Honduran government the right to ignore the outcome of any consultation and continue with the project (TeleSur, 2018).

5.2.3 Organisational capacity

Social Movement Organisations

The indigenous peoples of Honduras have put a lot of effort into articulating themselves in representative organisations. About all of the indigenous peoples have one or more organisations or federations that represent their specific interest. For example, the Garífuna organised themselves in the *Organización Fraternal Negra Hondureña* [Honduran Black Fraternal Organisation] (OFRANEH), which was established in 1977 and became an important advocate for indigenous and Afro-Honduran rights (Anderson, 2007). The Miskitu started mobilising in the 1970s as well, and by the end of the decade it had formed *Moskitia Asla Takanka* [Unity of La Moskitia] (MASTA), together with university students and teachers (Herlihy & Tappan, 2019). Other indigenous peoples created similar organisations, of which most were established in the 1980s and 90s and focused primarily on territorial rights (Córdoba, Barahona, & Euceda, 2003). These different organisations are grouped together and represented by two organisations, the *Consejo Cívico de Organizaciones Populares e Indígenas de Honduras* [Civic Council of Popular and Indigenous Organizations of Honduras] (COPINH) and the *Confederación de Pueblos Autóctonos de Honduras* [Confederation of Indigenous Peoples of Honduras] (CONPAH). COPINH was founded in 1993 by Berta Cáceres, and originally represented the Lenca. However, it grew into one of the most important organisations within the ethnic movement, representing the struggle of all black and indigenous peoples in the national government (Anderson, 2007; Córdoba, Barahona, & Euceda, 2003). COPINH works together with CONPAH, which was created in 1992 as an umbrella organization for the different federations that represented the different indigenous peoples of Honduras. It coordinates and manages demands of all indigenous organisations before the state. Also, it is part of the *Consejo Indígena de Centro América* [Indigenous council of Central America] (Elías, 2016).

Leadership and knowledge

Strong and knowledgeable leadership is an important factor in the successful mobilisation of indigenous peoples. This has become clear in the case of the Miskitu people, who, under strong leadership of the MASTA leaders, were able to get large tracts of their territories approved by the government between 2012 and 2015 (see figure 11). In the 1990s, the Miskitu had engaged in participatory research mapping to gain knowledge on the exact area that indigenous communities inhabited and needed for sustaining their traditional subsistence livelihood. The Miskitu leaders gained a better understanding of their community-based territoriality, and the mapping helped them in establishing regional federations that would become the CTs. In 2010, the new MASTA leader, Norvin Goff, brought new community-based approaches to strengthen boundaries and geopolitical organisations in the twelve CTs, and intensified its lobbying efforts with the government to develop a

proposal for land titling in the Miskitu based on the CTs that were established with the mapping. The Miskitu leaders were able to effectively create a model for land titling in their region, as for decades they did not compromise for partial recognition of their territory. Between 2012 and 2015, all the CTs were officially recognised by the government (Forest Trends, 2015; Herlihy & Tappan, 2019). Other peoples had not been so successful in the struggle for land rights, showing that the participatory research mapping and effective leadership is important in obtaining real results.

Internal agreement

A common problem in the indigenous movement is internal disagreement, as there is often a fragmentation and multiplication of representative organisations that want to approach the problem differently, for example by using different strategies. Furthermore, some organisations are influenced by the personal interest of some leaders, or by external actors like the government and private companies, that can employ a “divide and conquer” strategy (Forest Trends, 2015; Elías, 2016). An example of this are the two organisations that represent the Garífuna peoples, *Organización de Desarrollo Étnico Comunitario* [Ethnic Community Development Organisation] (ODECO) and OFRANEH, who use different mechanisms in engaging the government. ODECO has worked together with the state on numerous initiatives and chooses to work from within the institutional system. In many cases ODECO has received criticism from other indigenous organisations, as they accuse ODECO of cooperating with and accommodating to the government, questioning ODECO’s commitment to the defence of the Garífuna’s territorial rights. ODECO’s approach focuses more on “pragmatic daily problem solving”, instead of real institutional change (Loperena, 2016). This way, ODECO further marginalises OFRANEH’s demands for territorial autonomy, as they have less access to the government than ODECO. In turn, the government is making it seem like they are cooperating with indigenous peoples, when in fact they are ignoring demands for real systematic change by other indigenous organisations than ODECO (2016).

Strategies

As has become clear from the previous part, the different indigenous organisations in Honduras use different strategies. While some choose to cooperate with the state and work from within the system to gain small changes, others choose a more radical approach and demand real institutional change. Oftentimes, indigenous peoples first try to go through official channels when making complaints about a specific case or when demanding the recognition of territorial rights. However, in many cases the government ignores these demands, and indigenous peoples resort to more radical measures to get the government’s attention. Also, indigenous organisations are increasingly using new digital media to make themselves heard, spread their message globally, and join activist networks (Rhoden, 2016). This way, human rights abuses against indigenous peoples and their resistance gains widespread international attention, which can put more pressure on the government to make changes.

In the 1990s, when indigenous peoples were first mobilising, they went on political demonstrations or “pilgrimages” to the Honduran capital to draw the attention of the government and the general public to their cause. This huge mobilisation and cooperation ultimately led to the ratification of ILO C169 and the instalment of several multicultural programmes (Tauli-Corpuz, 2016). In many other cases, indigenous peoples and organisations have organised demonstrations and blockades against specific development projects that threatened indigenous territories and natural resources, because they did not get a response from the state when going through official channels. This was the case in the decade-long resistance against the Agua Zarca dam in the Rio Blanca, where the indigenous communities that would be affected asked for the help of COPINH. COPINH responded by filing complaints with the government and the Inter-American Commission on Human Rights and tried to persuade businesses to withdraw their funding for the dam. When these actions did not work, COPINH resorted to more obstructive strategies, like a year-long blockade on the site’s access road

and multiple protests (Bauer, 2020; Emanuel, 2017). Yet, there are some cases where working from within the system has been successful, as was the case in the struggle for collective land titling of the Miskitu, represented by MASTA²² (Herlihy & Tappan, 2019; Forest Trends, 2015).

Networks and allies

By creating networks and making alliances with a diverse range of actors, such as NGOs, other civil society organisations, and private companies, indigenous organisations can more successfully mobilise, as they have broader support. The different indigenous organisations and federations that represent the different indigenous and Afro-Honduran peoples of Honduras effectively work together under the larger umbrella organisations COPINH and CONPAH, who represent indigenous peoples' demands in the national government and the international arena (Elías, 2016; Córdoba, Barahona, & Euceda, 2003). There have also been instances where indigenous organisations have worked together with the Catholic Church, where the Church would use their influence in local government to support indigenous demands and has connected organisations with the larger social movement and other external organisations (Emanuel, 2017; Iglesias, 2017). The land titling struggles of the Miskitu have partly been so successful because of the unique institutional and professional alliances that MASTA had gained, which made it possible for them to effectively lobby in the private sector and the government (Herlihy & Tappan, 2019). Furthermore, the indigenous movement created alliances with other social movements and civil society organisations throughout the years. For example, they affiliated with peasant and labour movements in the 1990s, and in 2009, they joined *La Resistencia*, the movement that organised large protests against the coup d'état and the interim government (Loperena, 2016; Middeldorp, 2016).

5.2.4 Collective action frame

The indigenous movement in Honduras emerged in the 1980s and can be described as an ethnic movement. However, what makes the Honduran movement different from many other indigenous movements, is the inclusion of Afro-Honduran groups, the Garífuna and the Bay Creoles. The ethnic movement of the 1980s proliferated itself as a movement for "peoples" and identified both indigenous and peoples of African descent as "autochthonous". This is mainly due to the proliferation with the indigenous movement of the Garífuna in the 1980s, who, by adopting a framework of indigenous rights, effectively positioned themselves as indigenous. The ethnic movement of Honduras uses the term *grupos étnicos autóctonos* [ethnic and autochthonous groups]. It avoids the specific term "indigenous", making it an ethnic movement without specifying which ethnicity or racial identity. The term "autochthonous" emphasizes the idea that indigenous peoples and Afro-Hondurans are the native peoples of Honduras, who were in the country first. The government adopted the same terminology when it implemented the first multicultural reforms, putting indigenous peoples and Afro-Hondurans in the same category (Anderson, 2007). This way, Afro-Hondurans have been able to align themselves with the larger Latin American indigenous movement and are able to claim the same rights as indigenous peoples as established in ILO C169 (Minority Rights Group International, 2018). This shows that a collective identity is something that is constructed by a movement itself, as different groups unify under a common identifier. It can include or exclude anyone or any group. Also, the movement did align itself with the broader indigenous movement that started all over Latin America and gained momentum in the 1970s and 1980s, adopting a similar collective action frame that focused on indigenous territorial rights and self-determination (Anderson, 2007).

²² For decades, MASTA has worked to achieve this by gaining more knowledge on their territory with participatory research mapping with which they could create a well-prepared proposal for land titling with the government, and has engaged with the state and other actors effectively and peacefully, ultimately leading to the recognition of all the twelve proposed CTs (Herlihy & Tappan, 2019; Forest Trends, 2015).

Table 5. Factors of indigenous mobilisation in Honduras

	<i>After independence</i>	<i>Military regime</i>	<i>1980s and 90s</i>	<i>Maduro</i>	<i>Zelaya</i>	<i>After the coup</i>
Inequality	Yes	Yes	Yes	Yes	Yes	Yes
Political opportunity	1-2	1-2	4	1-2	5	1-2
1. Openness	No	No	Yes	No	Yes	No
2. Elite alignments	Stability	Stability	Instability	Stability	Instability	Instability
3. Elite allies	No	No	Yes	No	Yes	~
4. Repression	Yes	Yes	No	Yes	No	Yes
Organisational capacity	No	No	Yes	Yes	Yes	Yes
Collective action frame	No	No	No	Yes	Yes	Yes

5.3 Costa Rica

Costa Rica is a democratic republic that became independent from Spain in 1821, after which it became a part of the First Mexican Empire. From 1823 until 1838, Costa Rica became part of the United Provinces of Central America, after which it became its own sovereign nation and established a democratic government in 1869 (Central Intelligence Agency, 2020). As described in the country profile, Costa Rica has eight different indigenous peoples: the Huetar, the Maleku, the Bribri, the Cabécar, the Brunca, the Ngöbe, the Teribe, and the Chorotega. The indigenous population forms about 3% of the total population (Camacho-Nassar, 2019). The Indigenous Law of 1977 established indigenous territories. In these territories, demarcated by government institutions, only indigenous peoples are allowed to hold title over land. By 2001, Costa Rica had created 24 indigenous territories (see figure 8). Costa Rica has ratified ILO C169 in 1992 and UNDRIP in 2007 (2019).

5.3.1 Inequality

While Costa Rica is a country that is doing relatively well economically and politically, indigenous peoples still face many challenges, especially related to socioeconomic inequality, discrimination, land rights, and the right to self-determination. Since the colonial era, indigenous peoples have been excluded from society. The inequalities that indigenous peoples in Costa Rica face today, are rooted in the national identity strategy that the Costa Rican state employed after gaining independence. The state tried to create a unified “white” identity, thereby excluding or assimilating indigenous (and black) peoples (Vega, 2019). Indigenous peoples have not been included in the country’s development success. Gradín shows that there exists a clear divide in the level of wellbeing in Costa Rica along racial, ethnic and national lines, which is especially evident among the poor (2016). Indigenous peoples face the most extreme poverty rates, especially among women, experience higher rates of malnutrition and infectious diseases, and higher infant, child and general mortality rates. Furthermore, they have less access to basic services like sanitation and electricity. Nationally, 24.6% of the population has at least one basic need that is unmet. Of this percentage, 70.1% lives in indigenous territories (Pan American Health Organization, sd). For example, many communities lack access to potable water and only 40% has access to sewage disposal (Herforth, 2018; Camacho-Nassar, 2019). Also, 5% of people living in Costa Rica do not have access to electricity, and the majority of indigenous peoples are included in this number (Gibson, 2020). Next to that, indigenous peoples have less access to quality education. 30% of the indigenous population is illiterate, and indigenous children received only 3.6 years of schooling on average (2020). The employment rate of indigenous peoples is 56.2% for men and 16.9% for women, as opposed to a general employment rate of 69.5% and 34.9% respectively (Pan American Health Organization, 2017).

Next to that, indigenous peoples are affected by issues related to land rights and self-determination. While the Indigenous Law of 1977 states that only indigenous peoples can hold land titles in indigenous territories, reportedly about half of the area of indigenous territories is occupied by non-indigenous landholders (IWGIA, 2017). In seven of the 24 territories, over 75% of land is occupied by non-indigenous landholders, of which in the territory China Kichá, 97% of the land is even occupied by non-indigenous people, and in Altos de San Antonio 98% (see figure 12). This illegal occupation by non-indigenous people often leads to (violent) land conflicts between non-indigenous landholders and indigenous communities that want to reclaim their land, as the government is incapable or unwilling to properly implement the Indigenous Law. Next to occupation by non-indigenous landholders, indigenous territories are threatened by national development projects, like hydroelectric dams, that would be built in or close by indigenous territories, threatening indigenous peoples' lands, sacred sites, subsistence zones, and traditional livelihoods (MacKay & Garro, 2014; Camacho-Nassar, 2019).



Figure 12. Illegal occupation of indigenous territories in Costa Rica (MacKay & Garro, 2014)

5.3.2 Political opportunity

Independence until the 1940s

The development of the Costa Rican state is somewhat different from other countries in Central America. During the Spanish colonial rule, Costa Rica was of minimum importance to the colonisers, as it lacked valuable mineral resources. The colonisers did not create such rigid racial and class hierarchies like it did in other Central American countries. Also, the elite was not as economically and politically powerful (Booth, 2008; Stone, 1990). This started to change with the emergence of the banana and coffee market by the end of the 19th century, for which the land in Costa Rica was perfect, leading to creating a new elite. This new political class brought a new concentration of wealth that Costa Rica did not have before, signifying a new age of large capitalist farmers and dispossession of small farmers. However, while this elite was still not as powerful as in other Latin American countries, Costa Rica was still a class-conscious society (Stone, 1990; Brockett, 1991; Bell, 1971).

The 1940s was a period of increasing political turmoil and societal unrest, as people doubted the electoral process and democratic procedures, along with issues of corruption. In the 1930s, the Communist Party, the *Bloque de Obreros y Campesinos* [Block of Workers and Peasants], had become more influential and wanted to establish social reforms. The elite felt threatened and launched an anti-communist campaign under the two administrations of the 1930s. In 1940, Dr. Rafael Angel Calderón Guardia (1940-1944) of the *Partido Republicano Nacional* [National Republican Party] (PRN) was elected president. Calderón implemented some social reforms with the support of the communist

party and labour organisations, like the diversification of the economy, a new social security system and the introduction of a minimum wage. In 1944, Calderón supported Teodoro Picado Michalski to succeed him as president, as by law he was not allowed to be elected for a consecutive term. When in 1948 he was allowed to run for president again, he was defeated in a questionable election by Otilio Ulate Blanco. Therefore, congress – that was controlled by Calderón’s party – declared the election invalid and called for new ones. Due to the rising tensions, José Figueres Ferrer launched a coup against Picado’s – in his eyes – undemocratic government in 1948, following a bloody 42-day conflict, after which Figueres seized power with the small army he had established. However, in contrast to what would often happen after a coup, Figueres did not seize power to maintain the status quo. In fact, after the coup he successfully established a modern democracy, disbanded the military, and then gave overpower, becoming a democratically elected president with his *Partido Liberación Nacional* (PLN) twice (Bell, 1971; Stone, 1990).

Until the second half of the 20th century, indigenous peoples were not included in the country’s Constitution. This is related to the discourse of a unified “white” identity that dates back to the colonial era and nation-building processes after gaining independence (Vega, 2019). Because of this sense of national identity, these “monocultural norms” have been strongly embedded in state institutions. The Costa Rican state employed a politics of assimilation, based on the idea that indigenous culture is inferior, by bringing them into the dominant culture (Díaz-Azofeifa, 2014). The first mention of indigenous peoples in national legislature was in 1939, recognising indigenous property rights. In 1945, the state created the *Junta Protectora de las Razas Aborígenes* [Board for the Protection of the Aboriginal Races], which was supposed to delimit indigenous territories. However, the new Constitution of 1949 made no mention of Costa Rica’s indigenous peoples and their rights. It was not until 1956 that the state acted upon indigenous rights again (Hunter, Jenkins, & Orton, 2010). So, while Costa Rica was not as socially stratified as other countries, the elite was not as powerful, the country was relatively stable, and the government did have ties with civil organisations like the labour movement, indigenous peoples did not have access to the political system, and thus little to no political opportunity.

Democratisation and the recognition of indigenous peoples from the 1950s until the 1970s

Costa Rica had started the process of democratisation already in the 1950s and is one of the oldest continuous democracies in Latin America. This is in contrast to many other countries in the region that were under military rule between the 1950s and 1980s. During this period of political turmoil, the United States established its influence in many countries in the fight against left-wing insurgence in the context of their Cold War containment politics, often backing the Central American authoritarian regimes (Booth, 2008). Making this even more remarkable, is the fact that Costa Rica was mostly governed by a more left-wing, social democratic party (Booth, 2008; Lehoucq, 2010; Brockett, 1991). In the 1950s, the Costa Rican state implemented progressive reforms, thereby also improving indigenous peoples’ socioeconomic circumstances, even though they were not specifically targeted. The state improved infrastructure, providing easier access to indigenous communities, and built more schools in indigenous territories, which was part of the national development project (Díaz-Azofeifa, 2014). In 1956, Costa Rica created the first indigenous reserves: the Ujarrás-Salitre-Cabagra, China Kichá and Boruca-Térraba (Hunter, Jenkins, & Orton, 2010). Next to that, in 1959, Costa Rica adopted the first ILO Indigenous and Tribal Populations Convention (C107) that was established in 1957, which urged that indigenous peoples’ rights should be protected and that they should be integrated into dominant society (Díaz-Azofeifa, 2014). In 1961, the demarcation of indigenous reserves went from the Board for the Protection of the Aboriginal Races to the ITCO²³. Furthermore, by the end of the

²³ *Instituto de Tierras y Colonización* [Institute of Lands and Colonization]

1960s, the state created the DINADECO²⁴, which had the role of promoting self-government in indigenous communities. This organisation is still relevant to indigenous peoples today (Hunter, Jenkins, & Orton, 2010).

The 1970s saw real progress in the official recognition of indigenous peoples and the protection of their rights in the Costa Rican Constitution, with the creation of the CONAI²⁵ in 1973 and the implementation of the Indigenous Law in 1977. These reforms were a turning point in the recognition of indigenous land rights and were meant to give indigenous peoples access to the political system through representative institutions. However, there remain many issues with these institutions and policies, as they are not properly implemented and fail in what they have promised to do²⁶. The CONAI became the official representative institution for indigenous peoples that was supposed to facilitate a permanent dialogue between the state and the indigenous population. With the CONAI, ADIs²⁷ were created. The ADIs represent the 24 indigenous territories, who are divided into five regional blocks. When the state consults with indigenous peoples, it does so through the ADIs. However, the CONAI and the ADIs are seen as ineffective and illegitimate by indigenous peoples. The CONAI has no real political power and faces financial constraints. (Díaz-Azofeifa, 2014; Camacho-Nassar, 2019; Ortega, 2004; Mora Pana, 2019). The institutions are seen as “state” institutions and are not representative of indigenous peoples’ traditional power structures. The ADIs are not elected by indigenous peoples themselves, are non-transparent, and are seen as inappropriate to the indigenous context and traditional leadership forms. They often make decisions without properly consulting the Indigenous communities they represent (MacKay & Garro, 2014; Díaz-Azofeifa, 2014). Next to that, the role of the ADIs is unclear. The Constitutional Court declared the ADIs to be ‘local governments’, while they lack executive and legislative bodies that are chosen by national elections every four years. ADIs fall somewhere in between communal associations and local governments, creating a legal loophole (Díaz-Azofeifa, 2014).

The 1977 Indigenous Law established the official national framework for the recognition of indigenous territories, recognising that only indigenous peoples can hold land titles in these territories. Over the years, 24 territories have been officially recognised (Camacho-Nassar, 2019). However, the law does not include the right for indigenous peoples to control the natural resources that lie in these territories (Ortega, 2004). Furthermore, the Indigenous Law does not include the whole indigenous subsistence zone and is not implemented well. According to recent estimates, only 42.3% of the total indigenous population lives in indigenous territories, about 18.2% lives at the border of these territories, and 39.5% in the rest of the country (Díaz-Azofeifa, 2014). Despite the fact that there are still many issues with the (implementation of the) Indigenous Law, it does provide indigenous peoples the legal framework and institutional basis for the struggle in claiming their land rights. Díaz-Azofeifa (2014) argues that the role of the CONAI has been purely symbolic and has not been able to make any substantial difference in the problems that indigenous peoples face.

Neoliberal and multicultural reforms in the 1980s and 1990s

The 1980s and 1990s are marked by Costa Rica’s transition to the neoliberal economic system, providing both opportunities and challenges for indigenous peoples’ participation in the institutionalised political system. The neoliberal developments – including reforms like privatisation, commodification of land and SAPs – restructured the economic system in a way that it benefited foreign and local economic and political power groups (Alcázar & Sánchez, 2013). The neoliberal reforms commodified land and natural resources, and gave way to increasing natural resource

²⁴ Dirección Nacional para Desarrollo Comunitario [National Directorate for Community Development]

²⁵ Comisión Nacional de Asuntos Indígenas [National Commission for Indigenous Affairs]

²⁶ For an extensive policy analysis, see Chapter 6.

²⁷ Asociaciones de Desarrollo Integral [Integral Development Associations]

extraction projects, hydroelectric projects, tourism development, and an expanding agricultural frontier (Alcázar & Sánchez, 2013; Vom Hau & Wilde, 2010). This has increasingly threatened indigenous peoples' territories and land rights, after the construction of the Inter-American Highway in the 1960s had led to the gradual increase in the number of non-indigenous settlers (Campregher, 2010). In 1982 a new Mining Code was passed that ended the co-ownership of indigenous peoples and the state over natural resources in indigenous territories and gave full ownership to the state alone. Also, the ITCO was replaced by the *Instituto de Desarrollo Agrario* [Institute of Agrarian Development] to manage land rights in indigenous territories (Hunter, Jenkins, & Orton, 2010).

Yet, these decades also saw some improvement for the recognition and institutionalisation of indigenous rights. By the end of the 1980s, indigenous peoples increasingly started mobilising, forming indigenous organisations. This was supported by the ratification of ILO C169 in 1992, which made indigenous peoples increasingly aware of their rights (Schulting, 2012). After this, a process was started to draft a law that would put ILO C169 into practice, in consultation with indigenous communities, the Office of the Ombudsman for the Inhabitants, the Supreme Electoral Court, the ILO, and the UNDP. This led to the creation of the Autonomous Development Act, which was introduced in 1995. However, after a process of 25 years, the law has still not been approved by the government. There seems to be strong opposition from actors in the government and the private sector, that see the right to self-determination and autonomous management of territories as a risk to national development initiatives, national sovereignty, and investments in (extractive) industries (Camacho-Nassar, 2019; MacKay & Garro, 2014; Vega, 2019). Furthermore, indigenous peoples only obtained the right to vote in 1994, which is astonishing and shows the historic exclusion of this group, since Costa Rica has such a longstanding democratic tradition (Minority Rights Group International, 2008). Costa Rica also has no legal frameworks in place that establish procedures for indigenous voters, they have no seats reserved in local and national legislatures for indigenous representatives, and they have not changed the political-administrative division to favour electoral jurisdictions for indigenous peoples (World Bank Group, 2015). Also, in contrary to many other Latin American countries, Costa Rica did not go as far with their multicultural reforms and did not establish constitutional guarantees for indigenous property and cultural rights. It only recognised indigenous linguistic rights in 1999 (MacKay & Garro, 2014).

The multicultural and neoliberal reforms of the past few decades have been contradictory. While on the surface cultural and ethnic diversity are recognised, no real institutional changes have been made, and indigenous peoples continue to face challenges of cultural assimilation, dispossession and political subordination (Díaz-Azofeifa, 2014). This can be seen as what Hale (2002) calls multicultural neoliberalism. The multicultural reforms have not tackled any systematic issues and have been rather superficial. Arguably, this is to suppress popular demand and make it seem – to the international community – that they are tackling indigenous issues and implementing international agreements on indigenous rights. This coincided with neoliberal reforms, which have actually worsened the situation for indigenous peoples, as land grabs intensified, and socioeconomic inequalities have deepened.

The 21st century

Costa Rica was one of the first states in Central America to recognise indigenous peoples in the Constitution and to establish policies for the protection of indigenous (land) rights. However, since then, these reforms have not advanced any further, no new policies had been introduced until a few years ago, and existing policies are not properly implemented. The recognition of cultural diversity has been superficial and has not been able to transform the institutional barriers that disadvantage Indigenous peoples in Costa Rica today (Díaz-Azofeifa, 2014). Indigenous peoples still suffer from systematic discrimination, less access to basic services like health care and education and are overly

represented in the poor sections of Costa Rican society (Gradín, 2016; Heforth, 2018). The CONAI and the ADIs have proven to be ineffective, are not representative, and have been accused of being corrupt, as there have been reports that they intentionally give out land rights to non-indigenous peoples (Jiménez & Molina, 2011). Next to that, the Indigenous Law is still not properly implemented, as studies report that non-indigenous people still hold more than 43% of the total indigenous territories. The legal procedures for addressing this illegal occupation are badly defined, underfunded and ineffective, making it difficult for indigenous peoples to go through the legal system to get back their land (MacKay & Garro, 2014). The Autonomous Development Act that was created in the 1990s has been pushed forward by the government for over 25 years, after which it was shelved in 2018. When indigenous peoples held a peaceful protest in the Legislative Assembly in 2010 to pressure government officials to vote on the law, they were forcibly removed (Hernández, 2019; Camacho-Nassar, 2019). So, while the state ratified ILO C169, it did not vote in a law that put all the rights as established in this convention into practice.

Furthermore, development projects that would affect indigenous peoples and their territories are pushed through by the government without FPIC, as is required by national law. One example of this is the El Diquís Dam, a hydroelectric project that the national electricity company *Instituto Costarricense de Electricidad* (ICE) planned to build in the region of Puntarenas, which would become the largest dam in Central America. The El Diquís project was the newest design in a 30-year process by ICE to construct a dam in the basin of the Río Grande in the south of Costa Rica. The first dam, the Boruca-Cajón project, was first introduced in the early 1970s, which was met with protest by indigenous and non-indigenous communities because of the displacement it would cause. This, together with an investigation by ICE that showed the ground in the area was not that suitable for construction, led to the decision to stop the construction of this dam after domestic and international resistance. ICE then proposed to move the dam to another location, the *Río Grande de Térraba*, where it was named the El Diquís dam in 2006 (Hunter, Jenkins, & Orton, 2010). While this new proposal reduced the amount of land that would be flooded, it would still flood a large part of the Térraba territory, which accounts for about 10% of the territory of the Teribe, and a part of the China Kichá territory, home to the Cabecar people, displacing indigenous communities and destroying sacred sites. Some other indigenous peoples could be indirectly affected by changes in the river's course or by the thousands of construction workers that would be based in the area for years. Representatives of the Térraba community claim that the government has not consulted with the indigenous peoples that would be affected and has even employed a propaganda campaign to deceive them (Schertow, 2008; Anaya, 2011). The Teribe filed a claim with the UN Committee on the Elimination of Racial Discrimination in 2010 and the UN Special Rapporteur on the Rights of Indigenous Peoples (Forest Peoples Programme, 2011), after which the Special Rapporteur visited Costa Rica in 2011. The Special Rapporteur observed that ICE and the government did not adhere to FPIC and there was a need for adequate consultation and raised some important issues that went beyond the project, like the recovery of land and the need for legislative reforms for indigenous autonomy and representation (Anaya, 2011). Yet, it took five more years of protest by indigenous peoples for the state to act. In 2016, the Supreme Court ruled that the El Diquís dam had to be stopped because ICE had failed to consult with indigenous peoples (McPhaul, 2017). In 2018, ICE cancelled the project because of financial issues due to all the delays (McPhaul, 2018). While it took a long time, this does show that the Indigenous Law provides a good legal framework for indigenous peoples to build their case on. However, it did take years of protest and garnering domestic and international support.

Next to this, indigenous peoples have increasingly faced violent land conflicts and impunity. Many of the indigenous territories are still inhabited by non-indigenous peoples, who often hold large tracts of land (see figure 12). The Indigenous Law, which states that only indigenous peoples are allowed to hold land titles in indigenous territories, is not implemented well by the state. Many of the

non-indigenous people that reside in indigenous territories have acquired land by settling there or through irregular transfers, sometimes even with the consent of the government. There have been reports that the CONAI is giving land rights to non-indigenous people (Jimenez, Pasztor, Chambers, & Fujii, 2015; Anaya, 2011). There has been little to no effort by the government to recover land held by non-indigenous persons or to compensate those persons (Anaya, 2011). As a result, indigenous peoples have resorted to reclaiming the land by themselves, resulting in increasing tensions between indigenous communities and non-indigenous landholders. There are many reports of non-indigenous people attacking indigenous peoples or burning their houses and crops down, especially in the Térraba and Salitre territory where the Bribri and Brörán live (Berger, Samantara, & Muñoz, 2020). Oftentimes, these actions are met with impunity and perpetrators are not prosecuted, and police investigations are untransparent, unclear or inconclusive (Forest Peoples Programme, 2013; Camacho-Nassar, 2019; Lawlor & Calí Tzay, 2020). The two most exemplary and violent cases have been the murders of two indigenous leaders, Sergio Rojas and Jehry Rivera, who had already been victims of attempted murder and have over the years received many death threats. The state has been very ineffective in addressing these threats, and on top of that, the two murder trials are rigged with impunity²⁸. The police investigation is very untransparent, and the victims' families continue to be threatened and intimidated (Lawlor & Calí Tzay, 2020). Unfortunately, these two murder cases are not isolated events, and many other indigenous activists are threatened or have been injured²⁹. These threats are able to continue because of impunity – perpetrators are not prosecuted, and the state does not protect indigenous peoples well enough – and the lack of implementation of the Indigenous Law by the Costa Rican government.

The current approach of the government to indigenous peoples is conflicting. According to a report by the MNICR, the government's *National Development Plan* of 2011-2014 of the administration of President Laura Chinchilla Miranda, and the *National Development Plan* of 2015-2018 of the administration of President Luis Guillermo Solís Rivera, show no interest in indigenous peoples' issues and are "integrationist, paternalistic, and clientelistic" (MNICR, 2015). Yet, there does seem to be some progress for indigenous peoples' access to the institutionalised political system. In 2014, the government of Costa Rica adopted the *Política Nacional para una Sociedad Libre de Racismo, Discriminación Racial y Xenofobia* [National Policy for a Society Free of Racism, Racial Discrimination, and Xenophobia], a 2014-2025 Action Plan in which the government recognises the existence of a historical debt and the presence of racial discrimination that may affect indigenous collective rights. Here, the government committed to create an effective participation mechanism for indigenous peoples (El Presidente de Republica, el Ministro de la Presidencia y el Ministro a.i. de Justicia y Paz, 2018). However, this action plan was still not implemented in 2020 (Camacho-Nassar, 2020). In the past few years, two new policies have been adopted for the protection of indigenous rights, the *Carta de Derechos sobre Acceso a la Justicia de los Pueblos Indígenas Expediente* [Charter of Rights on Access to Justice for indigenous Peoples], which tries to ensure indigenous rights in the judiciary system by respecting their cultural reality and ensuring fair representation, and the *Mecanismo General de Consulta a Pueblos Indígenas* [General Mechanism for Consultation of Indigenous Peoples]³⁰ (Camacho-Nassar, 2019). That the government is implementing new policies for the protection of indigenous rights, could be a sign that it is listening more to indigenous peoples' demands. However,

²⁸ The two cases remain unresolved. The case of Sergio Rojas was archived by the Prosecutor's Office in September 2020. Jehry Rivera's case also remains unresolved, and his family continues to receive death threats (Berger, Samantara, & Muñoz, 2020).

²⁹ For example, only two weeks before Jehry Rivera was murdered, there was an attempted assassination attempt on Mainor Ortiz Delgado, a Bribri leader. Fortunately, he survived a bullet wound (Cultural Survival, 2020).

³⁰ An analysis of these new policies can be found in the next chapter.

it has only been two years since the introduction of these laws, and it is yet to be seen if it will truly change anything.

5.3.3 Organisational capacity

Social Movement Organisations

Indigenous mobilisation in Costa Rica started relatively late by the end of the 1980s, following a struggle between the Ngäbe and the government for the official recognition of their people as Costa Rican citizens. This struggle led to the establishment of several indigenous organisations, signalling the start of indigenous mobilisation. This coincides with the establishment of ILO C169, which made indigenous peoples increasingly aware of their own rights and making them more vocal in fighting for those rights (Schulting, 2012). Now, Costa Rica has many different indigenous organisations, all differing in size, focus and approach. An overview and short description of the organisations that represent indigenous rights in Costa Rica can be found in table 6. I found the organisations by exploring the Facebook pages of indigenous organisations, using a “snowball effect”³¹, as the organisations sometimes share each other’s posts, or they can be found through “proposed pages”. The organisations mentioned in these table mainly represent the collective indigenous rights of Costa Rica, instead of representing only one indigenous community. While there are a few larger organisations that have members of different indigenous peoples and that represent indigenous interests nationwide, like the *Frente Nacional de Pueblos Indígenas*, it seems like there is not one unified organisation that is the main spokesman or leader when articulating indigenous issues and stakes in the government and beyond, like there is in Honduras and Panama.

When a community or territory faces a specific threat, the indigenous peoples in that community or territory often also organise themselves in that specific group. For example, in the first stage of the El Diquís dam, when it was still the Boruca-Cajón project, the Brunca people that would be affected by the dam organised themselves to fight the project. When ICE moved the planned dam to another area, the Teribe people that would be affected organised themselves in the struggle against the dam (Hunter, Jenkins, & Orton, 2010). Furthermore, indigenous organisations often form next to the ADIs, as the indigenous feel like the ADIs are not representative of their communities and often do not act in their interest. In the case of El Diquís, for example, the organisation of the Teribe people was separate from the territory’s ADI, as the ADI did not act in favour of the indigenous peoples. In fact, it had, it had obstructed their access to information and resources in the decision-making process about the dam (2010). Additionally, there are local land recovery groups that try to recover land from non-indigenous landholders in their indigenous territory. For example, the group *Indígenas En Resistencia* mentions in a post a number of these groups, like the *Recuperador@s Cabécares de Sekeirö Kaska*, the *Recuperador@s Cabécares de Kono Jú*, the

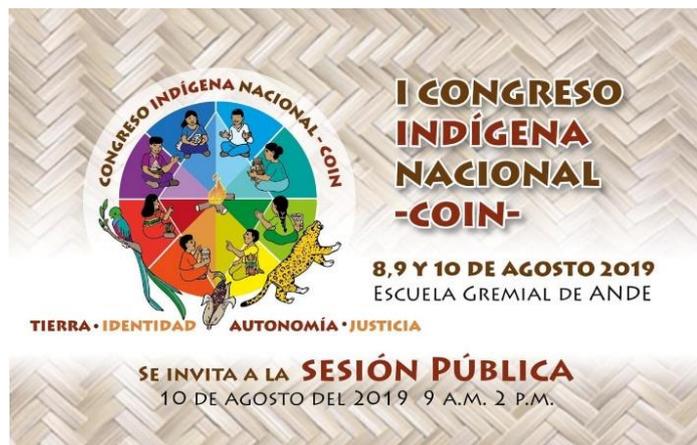


Figure 13. First National Indigenous Congress (Source: <https://www.facebook.com/Frente-Nacional-de-Pueblos-Ind%C3%ADgenas-FRENAPI-Costa-Rica-306824652789688/photos/1495223727283102>)

³¹ Snowball sampling is a research technique where one finds future research objects through existing research objects (Naderifar, Ghaljaei, & Goli, 2017).

Recuperador@s Cabécares de Yuwi Senaglö, the *Recuperadoras Cabécares de Sá Ka Duwé Senaglö*, and the *Recuperadoras/es Cabécares de Kerpego* (Indígenas En Resistencia, 2020).

While there does not seem to be one representative organisation for all indigenous peoples, in August 2019 the first *Congreso Indígena Nacional* (COIN) was organised (see figure 13). Here, the indigenous leaders of the Chorotega, Maleku, Bribri, Cabécar, Boruca, Bröran and Ngäbe peoples came together to discuss the issues they face and the mistreatment they see from the Costa Rican state. Here, they made a joint statement and created a national indigenous agenda that focuses on land recovery, autonomy, culture, traditional governance, identity, spirituality, and education (McPhaul, 2019; FRENAPI, 2019). So, since a few years, there seems to be an increasingly unified approach and agenda of the different indigenous peoples of Costa Rica, and one could even say that there is finally “one indigenous movement”.

Table 6. Indigenous organisations of Costa Rica

Organisation	Description
Ditsö Costa Rica	An association that defends and promotes human and community rights of the indigenous peoples of Costa Rica.
Frente Nacional de Pueblos Indígenas	A movement that is composed of delegates of the different indigenous peoples of Costa Rica, and of individuals, groups, organisations and social movements that are concerned with the struggle of indigenous peoples. The organisation fights for the rights of indigenous peoples, especially related to land, culture and autonomy.
Mesa Nacional Indígena De Costa Rica	Indigenous organisation that offers facilitation, technical assistance and advocacy of cultural, social, political, environmental and economic processes, for the autonomous development and wellbeing of indigenous peoples in Costa Rica.
Coordinadora de Lucha Sur	An organisation that supports the struggle of indigenous peoples, peasant communities and social organisations.
Indígenas En Resistencia	“Indigenous Peoples in Resistance” is an organisation that is mainly concerned with the struggle for territorial rights of indigenous peoples. It really looks into specific cases and court decisions on specific land rights.
Autonomia Tierra y Libertad	An organisation that supports the process of struggle for autonomy and self-determination of the indigenous peoples of Costa Rica and the Americas.
Programa Kioscos Socio-ambientales UCR	A university program of the University of Costa Rica that aims to strengthen community organisations that defend their territories against socio-environmental hazards.
Movimiento Indígena Interuniversitario de Costa Rica	A collective of indigenous university students that aims to represent intercultural interests of indigenous students. It also supports the territorial struggle of indigenous peoples in Costa Rica with legal knowhow and cultural training.
Unidos por el Térraba	A local organisation of the indigenous territory of Térraba that represents the territorial and environmental struggle of the indigenous peoples of the territory.
Coordinadora Norte Tierra y Libertad	An organisation that fights to protect and defend the common goods of indigenous communities, especially related to public services and seeking economic alternatives to capitalism.

Servicio Paz Y Justicia en America Latina -Costa Rica (SERPAJ-CR)	SERPAJ is a Latin American movement for human rights, peace and non-violence. In Costa Rica it is actively promoting indigenous rights.
Observatorio de Derechos Humanos y Autonomía Indígena	This organisation facilitates and supports visits by the observatory of indigenous rights that is made up of social, environmental and human rights organisations. The organisation denounces violence against indigenous communities in land conflicts and aims to defend the rights of indigenous communities. It also tries to be a mediator between the public sector and indigenous peoples so that they can voice their demands. It is affiliated with SERPAJ-Costa Rica.
Comité de Apoyo a la Autonomía Indígena	The National Committee for the Support of Indigenous Autonomy is a space for solidarity with the indigenous peoples of Costa Rica. It accompanies SERPAJ-Costa Rica.

Source: the Facebook pages of the indigenous organisations.

Leadership and knowledge

Strong leadership and having knowledgeable members in the organisation are factors that can contribute to the effective mobilisation of indigenous peoples. Costa Rica does not seem to have a long history of indigenous mobilisation, let alone of wider social movement organisation. Arguably, this can be attributed to the country's early transition to democracy, the relatively open attitude towards movements like the labour movement, and the ties the government has had with the socialist or communist parties. Following the Great Depression of the 1930s, which also hit the state of Costa Rica hard, the government established a package of social reforms and a labour code in 1943, supported by the ruling party under president Calderón, the PRN, the Catholic Church, and the Communist Party. During this period, the *Confederación de Trabajadores de Costa Rica* [Worker's Federation of Costa Rica] was founded, which became the *Partido Vanguardia Popular* [Popular Vanguard Party] in 1943 and gained huge success and state power. Despite the internal disagreement between these parties, the rising political tensions, and the following civil war in 1948 under leadership of Figueres, the post-civil war government continued the social reforms of the alliance of the 1940s (Miller, 1993). Social movement theory states that there is a delicate balance between political opportunity and the possibility of or need for mobilisation. When there is too much (perceived) political opportunity, there is less necessity to form a social movement (Peoples, 2007). This seems to be the case for Costa Rica, as there was enough (perceived) political opportunity which prevented social movements to form or become an important political actor. When there is no long history of mobilisation and organisations are relatively new, these organisations and their members also have less experience or knowledge on activist strategies.

Internal agreement

One challenge for the indigenous movement in Costa Rica is the internal disagreement between the ADIs, the official representative bodies of indigenous territories, and indigenous organisations formed by indigenous peoples themselves. ADIs are not representative of traditional indigenous authority structures, are imposed by the government, oftentimes do not properly consult with the indigenous communities, and sometimes even act against the interest of the indigenous communities they are supposed to represent (Minority Rights Group International, 2008). Also, there can be internal disagreement between organisations created by indigenous peoples themselves. For example, in the joint statement that the indigenous representatives made in the COIN, they denounced the *Mesa Nacional Indígena* as a body that was imposed on indigenous peoples, while it is classified as a non-profit organisation (FRENAPI, 2019). When taking the case of the Teribe's struggle against the El Diquís

dam in the Térraba territory as an example, there is a clear divide – or even animosity – between the ADI and the indigenous communities. The ADI did not properly consult with the indigenous people it was supposed to represent and even acted against the interest of these people. In response, the Teribe formed their own representative civil association, mainly recruiting their members from their community or extended family (Hunter, Jenkins, & Orton, 2010; Campregher, 2010). Yet, there is also disagreement between these associations, Campregher (2010) states. He writes that there are about ten “civil organisations” that all claim to represent the indigenous community and that compete amongst themselves. This is making it difficult for stakeholders, in this case the electricity company ICE, to navigate consultation, but also obstructs the indigenous communities in making coherent demands or claims. The rivalling groups hardly succeed in establishing stable alliances, choosing common spokespersons or forming a unified organisation. Instead, they choose to operate in separate associations along family lines. Campregher (2010) explains the historical processes that have caused these internal tensions. In the 19th century, many different ethnic groups were placed together in this region by French missionaries, of which the Teribe were the largest group. This multitude of groups in one place, together with the influence of the Catholic Church and mestizo migrants from Panama, obstructed the different ethnic peoples in forming one coherent identity and political organisation to unite.

Strategies

Indigenous peoples in Costa Rica employ different strategies in the struggle for their rights, both working from within the system – reformist strategies – and working from outside of the system – revolutionary strategies. Reformist strategies that indigenous organisations use are, for example, (online) workshops or webinars about indigenous culture or issues that aim to spread information, reinforce a common identity and garner support for their cause (Coordinadora de Lucha Sur Sur, 2020); going through official judicial procedures to (re)acquire land rights in their territories; writing signed letters to the judiciary or political officials to make their demands heard; or publishing pleas in newspapers (Vaage, 2011). Revolutionary strategies that indigenous organisations employ include peaceful protests, road blockades, or sit-ins during judicial hearings or meetings of the Legislative Assembly. In the earliest version of the El Diquís dam – the Boruca-Cajón project that would be built in the Boruca territory where the Brunca reside – the project was met with widespread opposition from the Boruca and Curré peoples. The two communities organised continuous protests and road blockades of major roads that drew international attention to the project (Vaage, 2011). In the case of the El Diquís dam that would be built in the Térraba territory, the Teribe have organised themselves through meetings, workshops, organising demonstrations, and publishing pleas in newspapers (2011). Representative organisations of indigenous communities sometimes organise peaceful and small-scale protests to make their voices heard about the issues that they face. For example, the *Coordinadora Norte Tierra y Libertad*, organised a peaceful protest in December to protest for the lack of sanitation in their community (Coordinadora Norte Tierra y Libertad, 2020). In the past two years, indigenous organisations have organised several protests calling for justice after the murders of Sergio Rojas and Jehry Rivera. When I was in Costa Rica, I joined a protest of the indigenous community of Talamanca outside of the presidential palace in San José in February 2020, right after Jehry Rivera was murdered. Here, the indigenous peoples called the government to act and end impunity in the case of Jehry Rivera and Sergio Rojas. In this protest, they also called for the right to self-determination and autonomy.

Network and allies

Having a network and allies outside of the movement itself can be an important tool in bringing across the social movement message and putting pressure on those in power. Indigenous organisations in Costa Rica have support from other civil society organisations, environmental organisations and international (indigenous) organisations. This also comes forward in the analysis of the network of three indigenous organisations in chapter seven. For example, *Uespra Costa Rica*, an organisation that

fighters for environmental justice, supports the indigenous struggle in the context of environmentalism and protecting *la Madre Tierra* (Uespra, 2013). A representative of this organisation was part of the indigenous protest for justice that I joined in February 2020, where he expressed that his organisation actively supports the indigenous struggle as a part of their environmental strategy and critique on the government's actions in land rights, environmental protection and private interests. Next to that, some indigenous organisations are also supported by international organisations, like the *Foro Centroamérica Vulnerable, Unida por la Vida* and the UN's Special Rapporteur on Indigenous rights (MNICR, 2020a).

However, the Costa Rican indigenous movement is not linked to larger, nation-wide social movements. This is in stark contrast to many other Latin American countries like Panama and Honduras. Costa Rica does not seem to have a rich history of social mobilisation, arguably due to their early democratic transition and social reforms in the 20th century; there is a less deep history of social mobilisation (Miller, 1993). One thing that distinguishes the indigenous movement in Costa Rica from the movements in other Latin American countries, including Honduras and Panama, is that it is not affiliated with the peasant movement. On the contrary, indigenous peoples and non-indigenous farmers often stand against each other. There are many violent land conflicts between non-indigenous landholders and indigenous communities where both parties feel like they have a claim to a certain area of land (MacKay & Garro, 2014; Camacho-Nassar, 2019).

5.3.4 Collective action frame

The unified and widespread mobilisation of indigenous peoples in Costa Rica only started to gain ground from the late 1980s (Schulting, 2012). This is in line with the increasing mobilisation of indigenous peoples in the whole of Latin America, the ratification of ILO C169, the increased awareness about indigenous rights, and processes of globalisation like increased communication networks due to technological advancements, which probably influenced the indigenous peoples of Costa Rica. Costa Rican indigenous organisations started to form and seemed to align themselves with a broader Latin American indigenous movement, often referring to a common indigenous identity, a common heritage and ancestral rights. This way, they place themselves under a common identifier of the Latin American indigenous identity. Next to that, the indigenous organisations adopt human rights and environmentalist discourses, placing themselves in the human rights and the environmental movement. Indigenous leaders of Indigenous communities in Costa Rica, propose a different definition of development than the definition of development in a capitalist, modern society, where development is mainly seen as purely economic development. Instead, indigenous leaders include cultural, social and environmental factors (Campregher, 2010). Unlike in many other Latin American countries, the indigenous movement did not align itself with the peasant or labour movement. It seems that Costa Rica did not even have a nation-wide peasant movement, unlike many other Latin American countries. There have been some smaller labour or peasant movements in Costa Rica, like the small, local farmer protest movements that formed following the state's imposed neoliberal reforms and SAPs in the 1980s and 90s that removed the progressive social safety nets and the distribution of resources that Costa Rica had established by the 1970s (Schelhas, 2001). In the first COIN in 2019, representatives of the indigenous peoples expressed the common focal points of the unified national indigenous struggle: the recovery of lands, spirituality, autonomy, culture, traditional governance, identity, self-education, and the eradication of imposed institutions such as the ADIs and the CONAI. They also expressed their critique on state institutions, specifically mentioning the executive branch, the judiciary, the legislative branch, the *Instituto de Desarrollo Rural* [Rural Development Institute] (INDER), the Ministry of Security, and judges and prosecutors, for creating a climate conducive to violence against indigenous peoples and favouring non-indigenous people (FRENAPI, 2019).

Table 7. Indigenous mobilisation in Costa Rica

	<i>Independence until the 1940s</i>	<i>Democratisation (1950s – 1970s)</i>	<i>Reforms in the 1980s and 90s</i>	<i>The 21st century</i>
Inequality	Yes	Yes	Yes	Yes
Political opportunity	1-2	3-4	3-4	3-4
1. Openness	No	Yes	Yes	Yes
2. Elite alignments	<i>Instability</i>	<i>Stability</i>	<i>Stability</i>	<i>Stability</i>
3. Elite allies	No	No	No	No
4. Repression	Yes	No	No	No
Organisational capacity	No	No	~	Yes
Collective action frame	No	No	Yes	Yes

5.4 Analysis of the differences in indigenous mobilisation

When looking at the mobilisation of indigenous peoples in Panama, Honduras and Costa Rica, it becomes clear that all factors that can play a role in the extent to which mobilisation occurs and has impact, as explained by the different social movement theories, are important and relate to each other. For example, when there is a window of political opportunity for a group to mobilise, but that group does not have the organisational capacity to do so or does not employ a collective action frame that resonates with the target group and beyond, this group would probably not be able to take advantage of that window of opportunity and instigate some actual change. When looking at the different factors – a sense of inequality, political opportunity, organisational capacity, and collective action frame – clear similarities and differences can be seen between Panama, Honduras and Costa Rica.

A sense of inequality

Indigenous peoples in Panama, Honduras and Costa Rica experience similar issues, mainly related to socioeconomic inequalities, discrimination, land rights, and the struggle for self-determination. Indigenous peoples face a systemic issue; historical inequalities that were established in the colonial era have been institutionalised in the nation-building practices of the 19th and 20th century that created a powerful “white” elite. In all three countries, indigenous peoples are disproportionately represented in the poor parts of society and have less access to basic services like infrastructure, education and health facilities. Arguably, this is due to the combination of the institutionalised historical inequalities and discriminatory practices, cultural differences and geographic isolation. Next to that, indigenous peoples in all three countries face territorial issues caused by land grabs and the lack of implementation of policies. These land grabs are mainly caused by the mining sector, tourism projects, (illegal) loggers, cattle ranches, agroindustry, hydroelectric projects, and non-indigenous landholders. In Honduras, even drug traffickers play a role in the encroachment of indigenous lands, which is exacerbated by the widespread corruption and impunity in the country. Furthermore, indigenous peoples in the three countries fall victim to violent conflicts and impunity. In all three countries, indigenous leaders or activists have been attacked or murdered, and the government and judiciaries often fail to prosecute the perpetrators.

Political opportunity

When looking at the political history of Panama, Honduras and Costa Rica, we can distinguish certain similarities and differences. In terms of political opportunity, indigenous peoples in the three countries had little to none until about the second half of the 20th century, apart from some exceptions like the Guna in Panama. Until then, the governments of these countries employed repressive or assimilationist policies when dealing with indigenous peoples, in order to create the idea of a unified, white, national identity in the nation-building processes after the colonial era. This institutionalised historical inequalities and discriminatory practices that excluded the indigenous peoples from

mainstream society, which is still noticeable today. When looking at the *Ladder of Citizen Participation* by Arnstein (1969), indigenous peoples would only be on step one or two: *manipulation* or *therapy*, which are classified as *nonparticipation*. On the bottom of the ladder, the have-nots are “educated” or are subjected to “clinical group therapy”. This has also been the case for indigenous peoples, as the government often employed “civilising” missions or tried to assimilate them into mainstream culture.

One thing that distinguishes the case of Costa Rica from the other two countries, is that Costa Rican politics has been relatively stable since the 1940s and it has not had a long period of military authoritarian rule. Panama and Honduras have had multiple periods of instability over the course of the 20th century and had a military regime from the 1960s until the 1980s, while Costa Rica had already abolished its military by the end of the 1940s. Costa Rica started its democratic transition much earlier, while Panama and Honduras only started theirs in the 1980s and 90s. In Panama, however, indigenous peoples were able to gain some citizen power in the time that Torrijos ruled the country, showing that the presence of elite allies can be an important factor in gaining access to political decision-making processes. After the military rule, Panama followed Costa Rica and abolished its military in 1990 after a period of political turmoil. This is very different to the case of Honduras, where the military has remained very powerful, even since the end of the military’s authoritarian rule. Especially since the 2009 coup d’état, the military has been able to increase its power in politics. This has increased the state’s capacity and propensity for repression, as it has resulted in widespread human rights abuses by which indigenous peoples are disproportionately affected.

Something that the three countries have in common, is the introduction of neoliberal policies and multicultural citizenship reforms in the 1990s. While the multicultural citizenship reforms increased the recognition of indigenous peoples’ cultural rights, neoliberal reforms exacerbated existing socioeconomic inequalities. Next to that, neoliberal reforms and globalisation led to the commodification of land and natural resources, which worsened indigenous peoples’ territorial issues. All three countries show signs of what Hale (2002) describes as *neoliberal multiculturalism*. This means that the government implements superficial reforms to suppress popular demand for real systemic change. So, while it seems like the government was more open to indigenous peoples’ demands, in reality multicultural reforms and neoliberal reforms seem to be contradictory, and indigenous peoples were not able to acquire real citizen power and systemic change, as institutionalised historic inequalities persist.

Using the *Ladder of Citizen Participation* as a tool to measure indigenous peoples’ political participation and citizen power, indigenous peoples in Panama and Costa Rica have only been able to reach step three or four since the 1990s, which classifies as *tokenism*, meaning that indigenous peoples are often heard or consulted with, but that the consultations are not binding, and the powerholders do not always follow the recommendations or decisions that have been made in these consultations. Step three is *informing*, meaning that indigenous peoples are informed about projects or laws that would affect them, but are not actually involved in decision-making processes. This is the case in all three countries, as the governments often do not adhere to FPIC or implement the policies that have been established for indigenous rights. In some cases, indigenous peoples are consulted with; step four, *consultation*. However, this is no assurance that the powerholders actually take into account indigenous peoples’ demands when making the ultimate decision. It is more used to simply tick off the box to show on paper that there were consultations, when the consultations are not taken seriously or actually make difference. Consultations often turn out to be a farce and are more of a way to suppress indigenous protests and international pressure, than that it is a genuine effort to hear about indigenous peoples’ point of view. This was, for example, the case with the consultations of the Barro Blanco project in Panama or with the drafting of the Autonomous Development Act in Costa Rica.

The 21st century is different for Honduras. Honduras has been a lot more politically unstable in the past three decades, and indigenous peoples have not really been able to increase their political participation. On the *Ladder of Citizen Participation*, they are only at a step one or two, meaning that they are not able to influence political decision-making processes at all. While Honduras opened up its political system in the 1980s in 90s with democratic and multicultural reforms, just like Costa Rica and Panama, the presidency of Maduro (2002-2006) was a turning point. The hopeful period of the Zelaya presidency came to an abrupt end with the 2009 coup d'état, signalling the beginning of a very repressive, authoritarian government with a powerful military that is involved in public policy and public security. Human rights abuses and impunity have increased tremendously, and the country has increasingly been opened up for private investment land and natural resources, further threatening indigenous (territorial) rights. Apart from an exception like the Miskitu, who have been able to take advantage of a window of opportunity, indigenous peoples seem to have little to no access to the institutionalised political system. However, it is important to note that in this repressive government probably more groups lack citizen power, not only indigenous peoples. Furthermore, Honduras has no national legislation for the recognition of indigenous rights, unlike Panama and Costa Rica. While the laws are not always implemented in these countries, it does give indigenous peoples a legal framework to build their cases on.

The amount of political opportunity seems to be very important in the mobilisation of indigenous peoples. Too little political opportunity, with a very repressive government, leaves almost no room for indigenous peoples to mobilise and achieve results in the form of increased citizen power. This seems to be the case in Honduras, where it is very dangerous to be an activist and stand up to the government. However, it does give indigenous peoples and other marginalised group a common enemy, thereby creating a cohesive collective identity and motivating people to mobilise. On the other hand, too much (perceived) political opportunity can demobilise the mobilisation of a minority group. Arguably, this has been the case with the introduction of neoliberal and multicultural citizenship reforms, or as some would say, neoliberal multiculturalism. The government makes it seem like they give into indigenous peoples' demands by installing some constitutional reforms. However, these changes hardly ever go far enough and seem like a way to suppress popular demands and international pressure. All three governments do still not adhere to FPIC or other indigenous rights that are established in the Constitution, and laws that have been installed are not properly implemented. Indigenous peoples are still excluded, to some extent, from the institutionalised political system, as historic inequalities seem to be entrenched in these institutions. This, together with private interests that have increased since the instalment of the neoliberal system, corruption and widespread impunity, leads to the lack of implementation of laws for the protection of indigenous rights, the continuous encroachment of indigenous territories and land grabs, which in turn threaten indigenous peoples' traditional livelihoods and cultural rights.

Organisational capacity

There are also differences to be seen in the organisational capacity of the indigenous peoples in the three countries. In Panama and Honduras, the indigenous peoples seem a bit more organised than in Costa Rica. Both Panama and Honduras have an overarching body that represents the interests of all the different indigenous peoples in their country in a unified national agenda. Panama has COONAPIP and Honduras has COPINH and CONPAH. While Costa Rica does have some larger indigenous organisations that represent multiple communities, like the FRENAPI, their mobilising efforts seem a bit more fragmented and has started later than mobilisation in the other two countries. The first indigenous organisations started to form by the end of the 1990s, and only in 2019 the first national congress – COIN – was organised where representatives of the different indigenous peoples came together to discuss the issues they face and to publish a unified national agenda. Next to that, indigenous organisations in Costa Rica seem to receive less broad societal support than in the other

two countries. Arguably, this is due to the longer standing democratic tradition of Costa Rica, that already started its democratic transition in the late 1940s, and the seemingly social policies it employed after this. Because of that, there is no early base of social movement formation that or long tradition or culture of mobilisation, as the government of Costa Rica allowed enough political opportunity for many minority groups to give them a sense of citizen power. Because of this, indigenous peoples' organisations and their leaders and members have no extensive prior activist experience that they have gained from joining other social movements, like the peasant or labour movement, as is the case in Panama and Honduras. The cases of Panama and Honduras show that prior activist experience and knowledgeable movement members can be an important tool in garnering support and making use of windows of opportunity.

There are also some differences in the strategies that indigenous organisations employ. The strategies that indigenous peoples use depend on the political opportunity they have. Therefore, indigenous peoples in Honduras and Panama have resorted to more revolutionary strategies like organising continuous protests and road blockades. This is because their government was more repressive and less susceptible to participating in conversation. Next to that, in all three countries there have been cases of internal disagreement between indigenous organisations, where, for example, different organisations claim to represent a community, organisations have different approaches on how to engage with the government, or organisations have different views on how to solve a certain issue. This can definitely work against the effectiveness of a movement, as the indigenous peoples then do not succeed in making coherent demands to the government or the outside world.

Collective action frame

When looking at the collective action frame that indigenous organisations employ in Panama, Honduras and Costa Rica, what is very noticeable is that they all centre their collective action frame around the indigenous identity. They often refer to a common indigenous identity and a shared cultural heritage and ancestral rights, thereby aligning themselves with the broader Latin American indigenous movement that became prominent from the 1980s and 90s. What contributed to the spread and unification of indigenous mobilisation, is the process of globalisation which included the expansion of communication networks due to technological advancements. Indigenous peoples from across the continent connected, learned from each other, and inspired each other. They were able to align themselves effectively with the human rights and environmentalist movement, which led to more international support from several international institutions like the ILO and the UN.

There are also some differences in the collective action frames that indigenous organisations in the three countries employ. In Honduras and Panama, indigenous peoples have been able to align themselves with other societal movements. In Honduras, the indigenous movement includes the peoples of African descent, while in the other two countries they do not form part of the movement and are seen as a separate group. This has been highly beneficial for these Afro-Hondurans, as they have been able to acquire some of the rights that indigenous peoples have acquired due to effective mobilisation under the frame of their collective identity. Also, the indigenous peoples of Honduras have become an important party in *La Resistencia*, the movement that fought against the coup d'état and the de facto government. Next to that, the indigenous peoples of Panama were able to become a leading party in a broader social movement in 2012 that has helped their struggle immensely. This way, they have been able to garner nationwide support in their struggle for collective rights. One element that distinguishes the mobilisation of indigenous peoples in Costa Rica, is that they are not aligned with the peasant or labour movement. On the contrary, indigenous peoples and non-indigenous farmers stand on opposite sides of the debate, as most struggles of indigenous peoples in the country has to do with land conflicts with non-indigenous landholders.

Yet, indigenous peoples in Costa Rica seem to be becoming more unified in recent years. A good indicator of this is the first national congress that was organised in 2019, where leaders of the indigenous peoples came together to form a unified approach and agenda to be made known to the government.

6. POLICY ANALYSIS

Costa Rica has drafted and implemented several laws for the protection of indigenous rights, starting with the *Ley Indígena* [Indigenous Law] in 1977. After the ratification of ILO C169, a delegation of indigenous peoples drafted a law – the *Ley de Desarrollo Autónomo de los Pueblos Indígenas* [Autonomous Development Act] – that would implement the rights as established in this convention. However, this law has never been approved by Congress. It was not until 2014 that the government of Costa Rica adopted the *Política Nacional para una Sociedad Libre de Racismo, Discriminación Racial y Xenofobia* [National Policy for a Society Free of Racism, Racial Discrimination, and Xenophobia], a 2014-2025 Action Plan in which the government recognises the existence of a historical debt and the presence of racial discrimination that may affect indigenous collective rights. Here, the government committed to create an effective participation mechanism for indigenous peoples (El Presidente de Republica, el Ministro de la Presidencia y el Ministro a.i. de Justicia y Paz, 2018). Related to this is the adoption of two other laws in 2018, including the *Carta de Derechos sobre Acceso a la Justicia de los Pueblos Indígenas Expediente* [Charter of Rights on Access to Justice for Indigenous Peoples] and the *Mecanismo General de Consulta a Pueblos Indígenas* [General Mechanism for Consultation of Indigenous Peoples].

This section will analyse the three adopted laws – the Indigenous Law, the Charter of Rights and the Mechanism for Consultation – and the Autonomous Development Act, that has never been approved by Congress, and which has been an important project for indigenous peoples and a reason for continuous protest. I will do this by analysing the legal documents of the laws, thereby looking into what the objective of the policy is, how the law is implemented, and what the effects are of the policy.

6.1 Indigenous Law

6.1.1 Policy objective

There are nine different indigenous peoples spread across Costa Rica that have been struggling to reclaim the right to their ancestral lands that they have lost in the colonial era (Ixchú, 2020). Land rights and access to natural resources are especially important to indigenous peoples, as they are a fundamental part of their livelihood, their cultural tradition and their identity (Hanna & Vanclay, 2013). In the 1970s, the government first officially recognised the indigenous peoples by law, first by creating the CONAI³² in 1973 and in 1977 by adopting the Indigenous Law, which provided a first definition of who is classified as indigenous and established indigenous territories (Minority Rights Group International, 2008).

This law tackles one of the most severe problems for indigenous peoples, which is the occupation by non-indigenous persons of indigenous lands (Ministerio de Ambiente y Energía, and REDD+ Costa Rica, 2018). According to article 1 of the law, indigenous peoples are those who constitute ethnic groups that are direct descendants of pre-Columbian civilisations and who preserve their own identity. Especially important is article 3 of the law, which establishes the rules of holding title over land in indigenous reserves, stating that only indigenous peoples are allowed to hold title over land in these areas:

“Las reservas indígenas son inalienables e imprescriptibles, no transferibles y exclusivas para las comunidades indígenas que las habitan. Los no indígenas no podrán alquilar, arrendar, comprar o de cualquier otra manera adquirir terrenos o fincas comprendidas dentro de estas reservas. Los indígenas solo podrán negociar sus tierras con otros indígenas. Todo traspaso o negociación de tierras o mejoras de éstas en las reservas indígenas, entre indígenas y no indígenas, es

³² Comisión Nacional de Asuntos Indígenas [National Commission for Indigenous Affairs]

absolutamente nulo, con las consecuencias legales del caso. Las tierras y sus mejoras y los productos de las tierras indígenas estarán exentos de toda clase de impuestos nacionales o municipales, presentes o futuros.” (Asamblea Legislativa de la República de Costa Rica, 1977)

[Indigenous reservations are inalienable and imprescriptible, non-transferable and exclusive for the indigenous communities that inhabit them. Non-indigenous persons may not rent, lease, buy or otherwise acquire land or property within these reserves. Indigenous people may only negotiate their land with other indigenous people. Any transfer or negotiation of land or land improvements on indigenous reserves between indigenous and non-indigenous people is absolutely null and void, with the legal consequences of the case. The lands and their improvements and the products of indigenous lands shall be exempt from all kinds of national or municipal taxes, present or future.]

Furthermore, article 5 of the law is about the relocation and compensation³³ of non-indigenous people who hold title over land within indigenous reserves. These people will be relocated to similar lands, or if this is not possible or they refuse, they will be expropriated and compensated by the state. Also, the article states that if non-indigenous people invade the reserves, they will be immediately evicted without compensation (Asamblea Legislativa de la República de Costa Rica, 1977). Next to that, the law sets rules about commercial establishments, the sale of alcoholic beverages, businesses, and the exploitation of natural resources. Only indigenous peoples are allowed to run commercial establishments and businesses for profits, and indigenous peoples are allowed to use natural resources for their own benefit within the limits of the reserve. The mineral resources that can be found in the reserves are the heritage of the indigenous communities and of the state. The CONAI, the government institution representing indigenous rights, is allowed to give out permits for exploration and exploitation of natural resources (Asamblea Legislativa de la República de Costa Rica, 1977).

6.1.2 Implementation and effects of the policy

The CONAI is the main coordinating body of the Indigenous Law. Article 4 of the law states that the reserves should be governed by the indigenous peoples in their traditional community structures or by the laws of the Republic that govern them. The ADIs³⁴ are the legal representatives of the indigenous communities and act as their local government. Furthermore, the INDER³⁵, CONAI and the ITCO³⁶ are in charge of carrying out the territorial demarcation of the indigenous reserves and coordinating the relocation of non-indigenous persons who own land in these reserves, or, if that is not possible, expropriate and compensate them (Asamblea Legislativa de la República de Costa Rica, 1977; Ministerio de Ambiente y Energía and REDD+ Costa Rica, 2018). The implementation of the Indigenous Law in 1977 led to the official recognition of indigenous territories. Costa Rica first recognised indigenous peoples' territorial rights in 1956, when it recognised the territory of Térraba. By 2001, Costa Rica had designated 24 indigenous reserves. More than 300,000 hectares of land have been registered in the name of indigenous peoples (Camacho-Nassar, 2019; Cultural Survival, 2019a).

However, the CONAI and the ADIs are very ineffective and not representative of indigenous peoples' culture, identity and traditional power structures. The indigenous communities' territories are divided into five regional blocks, of which each is represented by an ADI that reports back to the CONAI. The ADIs are structures that are imposed by the state and fail to take into account the

³³ Non-indigenous people who possessed land before the implementation of the Indigenous Law are entitled to compensation for their land. However, non-indigenous people who have acquired land titles in indigenous territories after the implementation of the law, are not entitled to compensation (Hunter, Jenkins, & Orton, 2010).

³⁴ Asociación de Desarrollo Integral [Integral Development Association]

³⁵ Instituto de Desarrollo Rural [Rural Development Institute]

³⁶ Instituto de Tierras y Colonización [Institute of Land and Colonisation]

traditional authority structures of indigenous communities (Camacho-Nassar, 2020; MacKay & Garro, 2014; Ixchú, 2020). This is not in line with article 4 of the law, which states that the reserves should be governed by the indigenous peoples in their traditional community structures. Furthermore, the CONAI is underfunded and has been neglected by the government, making it ineffective in the implementation of the Indigenous Law (Minority Rights Group International, 2008). Next to that, there have been accusations that the state ignores the occupation by non-indigenous people of indigenous lands, and sometimes has even enabled it. The IWGIA report states that the ADIs have documented non-indigenous people as indigenous so that they can hold title over land (Jiménez & Molina, 2011; Camacho-Nassar, 2019).

Table 8. Indigenous and non-indigenous population in indigenous territories per group

Indigenous peoples and territories	Total population in indigenous territories	Indigenous population		Non-indigenous population	
Costa Rica	48,500	35,943	74.1%	12,557	25.9%
Pueblo Bribri	16,938	12,785	75.5%	4,153	24.5%
Pueblo Brunca o Boruca	4,317	2,593	60.1%	1,724	39.9%
Pueblo Cabécar	13,993	12,707	90.8%	1,286	9.2%
Pueblo Chorotega	1,685	1,085	64.4%	600	35.6%
Pueblo Huetar	2,417	1,354	56.0%	1,063	44.0%
Pueblo Maleku o Guatuso	1,423	498	35.0%	925	65.0%
Pueblo Ngöbe o Guaymí	5,643	3,654	64.8%	1,989	35.2%
Pueblo Teribe o Térraba	2,084	1,267	60.8%	817	39.2%

Note. Adapted from *Costa Rica National Redd+ Strategy: Environmental and Social Management Framework (ESMF)*, 2014, p. 19.

The lack of implementation of the law is causing many issues with land rights. Although the law guarantees the inalienability and exclusivity for indigenous peoples, it did not establish effective and systematic mechanisms for the implementation of this right and has been ineffective in retrieving land titles and preventing new occupations by non-indigenous people. Many non-indigenous people that occupied lands before the establishment of the Indigenous Law were never expropriated or compensated, and many others were able to occupy land after the establishment of the law (MNICR, Asociación Tekra, Centro Skoki para los Derechos de los Pueblos, & Fundación Iriia Tsochok, 2020; Feigenblatt & Aragón, 2016; Cultural Survival, 2019b). Table 8 shows the amount of non-indigenous persons living in the indigenous territories per indigenous group. Of the total population in indigenous reserves, about 74% is indigenous, meaning that about 26% is non-indigenous. It is difficult to determine the exact amount of land that is in the hands of non-indigenous people, but studies report that between 38 and 60% of land is occupied by non-indigenous people, and in only two territories indigenous peoples are in possession of 100% of their land (MacKay & Garro, 2014; Cultural Survival, 2019b; Ministerio de Ambiente y Energía and REDD+ Costa Rica, 2018). This would mean that non-indigenous persons – often ranchers or farmers that exploit the land – hold large pieces of land in the indigenous reserves. As a result, the main issues that affect indigenous peoples are encroachment of indigenous reserves, environmental degradation, loss of traditional (agricultural) livelihoods, unemployment, and the lack of job opportunities in or near the reserves (Minority Rights Group International, 2008). Furthermore, the continuing presence of non-indigenous people in indigenous territories has been a cause for many land conflicts. The lack of political will to start properly

implementing the law has in many territories led to land recovery movements that have been evicting non-indigenous settlers. In turn, in some territories these issues over land turn violent as armed groups of non-indigenous settlers threaten members of the land recovery movement and burn homes and crops of indigenous people (Camacho-Nassar, 2020). However, there are two sides to this story. Many non-indigenous landholders have never been relocated or properly compensated as was promised in article 5 of the Indigenous Law (McPhaul, 2015).

Next to the encroachment of non-indigenous people, there have been numerous cases of energy or development projects without FPIC. With regard to the exploitation of natural resources, the Indigenous Law states that only indigenous peoples are allowed to exploit timber resources or plant crops (for their own benefit), that natural resources are the heritage of indigenous peoples and the state, and that renewable natural resources should be exploited rationally (Asamblea Legislativa de la República de Costa Rica, 1977). Furthermore, Costa Rica has ratified ILO C169, which means that they should always consult indigenous peoples when planning to do a project that would affect them in some way. This does not always happen. For example, the El Diquís project, a large hydroelectric dam that would be built by the Costa Rican national energy company ICE was first approved by the government without indigenous participation and consultation. The dam would flood or affect large parts of indigenous peoples' territories, causing forced displacement, flooding sacred grounds and affecting peoples' traditional livelihoods.

One positive effect of the Indigenous Law is that it has given indigenous peoples legal backing for their cases. Legal action by indigenous communities and organisations from 2011 attracted large international attention, including from the UN Special Rapporteur, which ultimately led the Costa Rican Supreme Court to rule that ICE should complete a consultation before implementing the project in 2016. This ultimately led to the cancellation of the project by ICE in 2018 (Feigenblatt & Aragón, 2016; MNICR, 2015; Minority Rights Group International, 2008; McPhaul, 2018).

6.2 Autonomous Development Act

6.2.1 Policy objective

In 1992, after the ratification of ILO C169 by the Costa Rican government, a process was started to draft a law that would extend the indigenous Law and would put the regulations as set in ILO C169 into practice. After being first published in 1994, an extensive consultation process was started, including nearly 50 indigenous communities in the – at the time 22 – officially recognised indigenous territories, with the approval of Ombudsman for the Inhabitants, the Supreme Electoral Court, the ILO, and the UNDP. In 1998, the Autonomous Development Act was introduced. Over the years, the policy document has been modified multiple times as Congress keeps returning the bill, claiming that the law does not comply with the rules of the Constitution (Camacho-Nassar, 2019; MNICR, Asociación Tekra, Centro Skoki para los Derechos de los Pueblos, & Fundación Iriia Tsochok, 2020; Hernández, 2019).

The law is divided into a few chapters, of which each tackles a specific issue. Chapter one explains the objective of autonomy for indigenous peoples. Article 1 states:

“El objetivo de la presente Ley, consiste en proteger y promover el Desarrollo integral y la cultura autóctona de los pueblos indígenas costarricenses, por medio del establecimiento de relaciones concordantes con este objetivo, entre dichos pueblos y el Estado. Asimismo, se establece el reconocimiento de la autonomía plena de los pueblos indígenas y su derecho de lograr la reivindicación de sus tradiciones y costumbres culturales, en estricto apego a los parámetros establecidos en la Constitución Política de la República, los convenios internacionales ratificados por el

país y la legislación vigente.” (Asamblea Legislativa de la República de Costa Rica, 2009)

[The objective of this Law is to protect and promote the integral development and the native culture of the Costa Rican indigenous peoples, by means of the establishment of relations consistent with this objective, between these peoples and the State. Likewise, it establishes the recognition of the full autonomy of the indigenous peoples and their right to achieve the vindication of their cultural traditions and customs, in strict compliance with the parameters established in the Political Constitution of the Republic, the international conventions ratified by the country and the legislation in force.]

The law tackles some of the fundamental elements when it comes to autonomous development of indigenous peoples and their territories. Firstly, the state should recognise indigenous peoples’ traditional forms of organisation, social representation and administration of their territories. This will be in the form of a territorial indigenous council, which holds the legal representation of the indigenous community of each territory. Secondly, indigenous peoples should have the capacity to define their own development in accordance with ILO C169. Next, the state should implement special measures to protect the territories and improve the living, social, economic, cultural, educational, and political conditions, as well as the infrastructure of their territories. Lastly, it highlights the importance of respect for and recognition of indigenous customs and cultural values, as well as recognition of customary law institutions (Asamblea Legislativa de la República de Costa Rica, 2009).

The next part of the law tackles the issue of sustainable development, property and land tenure in indigenous territories. This section is linked to the Indigenous Law of 1977. The law puts in place specific mechanisms of how indigenous peoples can tackle the issue of occupation of their territory by non-indigenous persons, something that the Indigenous Law failed to do that made the implementation of the law difficult. It establishes the rules and regulations and the official channels through which indigenous peoples can go in case of land conflicts with non-indigenous persons, or with other indigenous persons from within their territory. Furthermore, it mentions the importance of FPIC and establishes a mechanism of consultation in the case of (development) projects that would affect indigenous communities directly or indirectly. The law appoints an important role to the Indigenous Territorial Council, one of the regulatory bodies that the law creates, as they should coordinate and regulate the titling of land and are to report back to the state institutions that are involved (Asamblea Legislativa de la República de Costa Rica, 2009).

The third chapter deals with natural medicine and health services. It specifies that indigenous peoples have the right to use traditional natural medicine, that equal treatment for indigenous people in health services should be guaranteed, and that the state should facilitate health services that are timely, permanent, adequate and accessible (Asamblea Legislativa de la República de Costa Rica, 1977). Also, the law seeks to ensure access to quality multicultural education. The next chapter deals with housing, roads and environment in indigenous territories. The state is to allocate sufficient funds for the construction of housing that takes into account the traditional architecture and should prepare a plan for the infrastructural development of the territory in a consultation process with the Territorial Council. Furthermore, the state should provide public transport routes within the territories. Another important element of this chapter is that it specifies the rules regarding the exploitation of natural resources, which should always be done with extensive consultation and participation of the indigenous people that would be affected, represented by their Territorial Councils. Furthermore, it establishes rules regarding the rewards and compensation for indigenous peoples. Indigenous peoples should share in the benefits of exploitation and should receive fair compensation for any damage that they may suffer (Asamblea Legislativa de la República de Costa Rica, 2009).

6.2.2 Implementation and effects of the policy

The Autonomous Development Act was first submitted to Congress in 1998. Almost 23 years later, the Autonomous Development Act has still not been approved and has actually been archived in 2018. Until 2018, the law remained unprocessed in Congress, after the newest version had been submitted in 2001, after the first version had been shut down (Hernández, 2019). In 2010, indigenous peoples held a peaceful protest in the Legislative Assembly in San José. Here, a group of representatives of indigenous communities decided to stay in the hall until the deputies would have voted in favour or against the project, trying to force the Legislative Assembly to take their responsibility to discuss the law so that they could move forward. However, the protestors were forcibly removed (Hernández, 2019; Camacho-Nassar, 2019). This shows an unwillingness by those in power to truly act on indigenous issues and put ILO C169 fully in place by national law. It indicates that there is strong opposition from multiple actors. While successive governments have promised to get the bill approved, it continues to be shelved and is still to be adopted and implemented by Congress. There is still a strong resistance of a racist nature and a fear for loss of sovereignty by the government (Camacho-Nassar, 2019). There is a strong lobby with powerful actors in the private sectors that see the right to self-determination and autonomous management of territories and natural resources as a risk to national development initiatives and investments in (extractive) industries (Camacho-Nassar, 2019; MacKay & Garro, 2014; MNICR, 2015).

6.3 Charter of Rights on Access to Justice for Indigenous Peoples

6.3.1 Policy objective

In 2018, the Charter of Rights on Access to Justice for Indigenous Peoples, Act 17,805, was put into force. This law is supposed to ensure indigenous rights in the judiciary system by respecting their cultural reality and ensuring fair representation (Camacho-Nassar, 2019). Legal reform is an important aspect in the struggle of indigenous peoples for equal rights, as political and legal marginalisation sustains the exploitation of this group (Faundez, 2009). Indigenous peoples face difficulties with access to justice, mostly related to costs and discrimination (MNICR, 2015).

The main objective of the law, as article 1 and 2 state, is that the Costa Rican state must guarantee access to justice for the indigenous population with respect to their cultural reality. Indigenous peoples should be treated decently, so without discrimination based on their cultural traditions and ethnicity. The law aims to do this through the following mechanisms. First of all, every indigenous person has the right to be informed in their own native language of their rights and obligations vis-à-vis the system of justice and of the requirements of the judicial proceedings in which they are involved. In the case that an indigenous person cannot cover the costs, they have the right to an interpreter and translator paid by the state, as well as to legal assistance of a public defender paid by the state. Furthermore, judges shall take into account existing international standards on human and indigenous rights and promote alternative dispute resolution, with a restorative perspective and with the active participation of the indigenous community concerned. Also, the judge must request cultural expertise in those cases that require an expert on the customs, traditions and normative concepts of indigenous peoples, and judicial personnel are obliged to follow training. The law also states that the Judiciary should produce its own information registration and statistics regarding cases involving indigenous peoples, so that it is able to include indigenous issues in its five-year strategic plan (Asamblea Legislativa de la República de Costa Rica, 2018).

6.3.2 Implementation of the policy

Because the law has only been introduced very recently, it is difficult to measure its effects. However, there have been reports that there is a lack of implementation of the law, and the intended effects are not yet notable. In fact, the Ombudsman's Office called for an explanation by the Supreme Court for the lack of access to justice for indigenous peoples and the lack of implementation of the 2018 law

(Boeglin, 2020; Berger & Solís, *Voz Experta: La Persistente Violación de los Derechos de los Pueblos Indígenas Costarricenses*, 2020). The 2020 report of the Ombudsman's Office states that they increasingly receive information from indigenous peoples and organisations about the barriers and discrimination they face in achieving real and effective access to justice, especially in relation to claiming their land rights. There have been accusations of corruption and partiality of judges, who have ties to non-indigenous persons and give them preferential treatment in cases about land conflicts or the recuperation of land by indigenous peoples. Also, there still seems to be a lack of procedures that recognise and respect the cultural identity of indigenous peoples and provide intercultural approaches, despite the fact that training has been provided to judicial officials in parts of the country. Furthermore, there have been dozens of complaints filed for threats against indigenous leaders, requesting priority attention, but there have been no actual follow-ups, arrests or sanctions made by the judiciary against the perpetrators. This is especially worrying after the murder of two indigenous leaders, Sergio Rojas and Jehry Rivera, in 2019 and 2020, after they had received numerous threats to which the judiciary and the police never really acted. The Ombudsman's Office also condemns the impunity and lack of information on the progress of the investigations into both of the murders (Boeglin, 2020; Surcos, 2020).

6.4 General Mechanism of Consultation for Indigenous Peoples

6.4.1 Policy objective

In March 2018, the General Mechanism for Consultation with Indigenous Peoples was implemented after an extensive consultation and participation process launched in 2016. The law ensures FPIC, the right to communal property, and the right to consultation and participation in decision-making processes of development projects, policies, investment plans, government programmes, and so on, that would affect them in some way. The law aims to do this through setting up a consultation mechanism that respects the indigenous peoples' traditional authority structures. This way, it puts into practice the rights of the international conventions on indigenous rights the government has ratified; ILO C169, UNDRIP, the American Convention on Human Rights, and the American Declaration on the Rights of Indigenous Peoples. Furthermore, the law states that the government recognises the existence of a historical debt, related to the recognition of the rights of the indigenous peoples of Costa Rica, expressed within the National Policy for a Society Free of Racism, Racial Discrimination and Xenophobia and its 2014-2025 Plan of Action (Camacho-Nassar, 2019; Ministerio de Justicia y Paz, 2019; Asamblea Legislativa de la República de Costa Rica, 2018). This seems to be a very important step in the protection of indigenous rights in Costa Rica, after years without an official mechanism in place to put ILO C169 and UNDRIP into practice, and to be able to implement the Indigenous Law.

First of all, the law establishes some principles that it is based on. The principles include good faith, FPIC, intercultural dialogue, respect for representative organisations of indigenous peoples, inclusion of traditional authorities, self-determination, intergenerational participation, gender equality, and culturally appropriate procedures. Also, it determines the specific measures to be consulted in ILO C169 and UNDRIP (see box 4). Next to that, the law establishes the general stages of the consultation procedure (Asamblea Legislativa de la República de Costa Rica, 2018):

1. Request for consultation
2. Admissibility of the request for consultation
3. Preparatory arrangements for consultation
4. Exchange of information
5. Internal evaluation of the indigenous peoples
6. Dialogue, negotiation and agreements
7. Completion of the consultation process
8. Compliance and monitoring of agreements

Box 4. Measures to be consulted in ILO C169 and UNDRIP

ILO C169

- Exploration or exploitation of natural resources within the territories (art. 15)
- Relocation or relocation of indigenous peoples (art. 16)
- Vocational training programmes (art. 22)
- Own educational institutions and means of education (art. 27)
- Teaching of the indigenous language (art. 28)

UNDRIP

- Measures related to the adaptation of domestic legislation to the declaration (art. 38)
- Measures related to combating prejudice, eliminating discrimination and promoting tolerance (art. 15)
- Measures related to exploitation of children at work (art. 17)
- Measures relating to redress, restitution or, fair and equitable compensation for lands, territories and resources traditionally owned or occupied or used and which have been confiscated, taken, occupied, used or damaged (art. 28.1)
- Measures to provide for the storage or disposal of hazardous materials on indigenous lands or territories (art. 29.2)
- Measures related to the use of territory for military activities (art. 30)
- Measures related to allocation of land or territories and other resources, related to the development, use or exploitation of mineral, water or other resources.
- Measures related to the rights of indigenous peoples across borders (art. 36)

(Asamblea Legislativa de la República de Costa Rica, 2018)

The law creates the Consultancy Mechanism, for which it has established a few responsible parties that all have different tasks and roles. The **Indigenous Consultation Technical Unit (ICTU)**, is the government body in charge of overseeing the whole consultation process, which includes for example providing guidance on the consultation procedure to the parties involved, issuing technical criteria on applications, processing requests, reviewing and validating that the preparatory agreements comply with the regulatory framework, guaranteeing the correct exchange of information, facilitating evaluation, and monitoring compliance with agreements. The **Indigenous Territorial Consultative Bodies (ITCB)** are the representative bodies of the indigenous territories, to be elected by the indigenous peoples themselves, so that it is culturally representative and respects traditional authority structures. Every territory has one ITCB, which may create their own regulations for the proper execution of the consultations in their territory, in accordance with their own cultural characteristics. This body organises the consultation process and takes decisions on requests. Then there is the **interested party**, which is a public institution or private enterprise that is interested in implementing a project or administrative measure that is likely to affect the collective rights of indigenous peoples and is therefore interested in carrying out a consultation process. Lastly, there are the **Guarantor and Observer Institutions for Indigenous Consultation**. This can be public, private, national or international organisations that request to be part of the consultation process to observe that it is complying with the rules as established in the law and for the defence of collective rights of indigenous peoples (Asamblea Legislativa de la República de Costa Rica, 2018).

6.4.2 Implementation of the policy

The Consultation Mechanism was designed in consultation with indigenous peoples. During the implementation process of the law, more than 120 activities were carried out in all the indigenous territories, where more than 5,000 people participated. The process was led by William Vega, the Vice Ministry officer, who, in order to co-create the consultation mechanism, had visited all 24 territories and used the input to prepare a draft describing a proposed mechanism. In October 2016, he started a second round of visits to consult the indigenous peoples about the draft. In 2018, the final draft was

ratified by the territorial delegations of the indigenous territories (Feigenblatt & Aragón, 2016; Servindi, 2018). The start-up of the implementation of the law was a bit slow. The mechanism established that the state should finance all consultations. Yet, by the end of 2018, the Ministry of Justice and Peace that is in charge of the implementation, had not made any progress in creating the ICTU, and only three ITCBs were created (Camacho-Nassar, 2019).

However, significant progress has been made in 2019. First of all, there has been progress in assigning personnel to the ICTU. Also, there has been progress in working directly with the territories. 15 meetings have been held with indigenous leaders from different parts of the countries. In addition, preliminary contacts and constant communication of coordination have been established with 19 indigenous territories (Ministerio de Justicia y Paz, 2019). In 2019, 22 territories joined the consultation mechanism and six TICBs were formed. Next to that, 16 consultation requests were received and processed during 2019 (Camacho-Nassar, 2020). Nonetheless, it has only been two years since the adoption of the law, meaning that it is too early to tell what the real implications are. Yet, the progress seems promising.

6.5 Analysis of the legal framework for indigenous peoples

Costa Rica has adopted a number of policies for the protection of indigenous rights. However, it does not always succeed in implementing these policies effectively. Costa Rica adopted its first law for the adoption of indigenous rights in 1977, thereby officially recognising indigenous rights in the Constitution. This led to the creation of 24 indigenous territories and gave indigenous peoples a legal basis to fight for their land rights. However, there has been a general lack of implementation, as non-indigenous peoples still hold a large part of the land in these territories and development projects and government progress have been pushed through without consultation, sometimes leading to violent land conflicts. One major issue with this law, is that the institutions in charge of indigenous rights – the CONAI and its ADIs – are not representative for indigenous peoples. Also, the law never established proper mechanisms for indigenous peoples to deal with the encroachment of non-indigenous people on their territories.

However, Costa Rica seems to have been on a standstill when it comes to the recognition of indigenous rights since 1977. While Costa Rica did ratify ILO C169 in 1992, it never translated the convention into national law. The indigenous peoples and some other parties have tried to do this by designing the Autonomous Development Act, a very extensive law that would have tackled many facets of the indigenous struggle, including autonomous development, self-determination, the recognition of traditional forms of organisation, FPIC, land rights, and access to basic services. However, the law has been shelved in 2018 after it remained unprocessed in congress since it was last submitted in 2001, showing an unwillingness by the government to truly act on indigenous issues. Arguably, there is strong opposition from multiple actors, like the private sector and the non-indigenous farmers block, and there is seems to be a strong resistance of racist nature and a fear for loss of sovereignty by the government, to for example implement development projects for national gain.

It was not until around 2014 that the government adopted new changes in national law, for example with the 2014-2025 Action Plan related to the National Policy for a Society Free of Racism, Racial Discrimination, and Xenophobia, thereby recognising the existence of a historical debt and the presence of racial discrimination. This led to the implementation of two new laws in 2018, which tackle a few of the topics that were mentioned in the Autonomous Development Act. The Charter of Rights on Access to Justice for Indigenous Peoples aims to ensure Indigenous rights in the judiciary system. The General Mechanism of Consultation for Indigenous Peoples seems to be a one of the most important changes for indigenous rights. This law translates the regulations as established in international conventions, like ILO C169 and UNDRIP, into national legislation. Most importantly, the

law works out which channels indigenous peoples can go through if someone violates their (land) rights, and establishes the obligation to FPIC, laying out the consultation process step by step. In a way, it makes up for the faulty implementation of the Indigenous Law.

Keeping in mind that these laws have only been established two years ago, it is difficult to already measure its true impact. There seems to be some progress when it comes to indigenous rights. For example, many indigenous territories have joined the consultation mechanism and a number of consultation requests have already been processed. However, the violation of land rights continues, indigenous peoples still have less access to basic services, and a report by the Ombudsman's Office states that the inclusive justice system is poorly implemented, and indigenous peoples are still facing the same issues, as violence continues. The institutions dealing with the implementation of indigenous rights are underfunded, not representative, and are not able to deal with the implementation of the policies well. The government has never adopted the Autonomous Development Act, that would have tackled all the issues related to indigenous rights. Instead, it has only adopted two other policies that only tackle part of the indigenous peoples' needs.

7. CONTENT ANALYSIS

This content analysis seeks to analyse the different frames that three of the most important indigenous organisations use to mobilise support: the *Frente Nacional de los Pueblos Indígenas* (FRENAPI), the *Mesa Nacional Indígena de Costa Rica* (MNICR) and the *Ditsö Costa Rica* (DCR). Of all three organisations the last 100 posts were analysed and coded into diagnostic, prognostic and motivational frames, to see what issues the organisations identify and find important; what solutions they propose; and how they motivate their followers to take action. Furthermore, I will look into the number of times the organisations mention (indigenous) organisations in Costa Rica as well as international organisations to try to sketch an image of the network of SMOs.

The FRENAPI is one of the major organisations in Costa Rica fighting for indigenous rights. Its Facebook page has 4.371 likes and is followed by 4.415 people. It describes itself as *“un movimiento que lucha por los derechos humanos de los Pueblos Indígenas, especialmente por el derecho a la tierra, la cultura y la autonomía, incluyendo el medio ambiente como parte integral de su vida”* [a movement that fights for the human rights of indigenous Peoples, especially for the right to land, culture and autonomy, including the environment as an integral part of their lives] (FRENAPI, sd). Its description indicates that the organisation portrays itself as an indigenous movement. Its focus is on land rights, cultural rights, and the right to autonomy or self-determination. Next to that, it mentions “human rights” and “environment”, indicating that it links itself to a more global human rights movement and the environmental movement. Furthermore, the word “lucha” [fights] indicates that the organisation has a more activist side to it and that it deems it necessary to “fight” for the incorporation of indigenous rights in Costa Rica.

The MNICR is another important organisation in Costa Rica advocating for indigenous rights. Its Facebook page has 11.330 likes and is followed by 11.484 people, and thus has an even larger reach than the FRENAPI. It describes itself as *“Organización indígena de facilitación, asistencia técnica e incidencia de procesos culturales, sociales, políticos, ambientales y económicos, para el desarrollo autónomo y el buen vivir de los pueblos indígenas en Costa Rica”* [indigenous organisation for facilitation, technical assistance and advocacy of cultural, social, political, environmental and economic processes, for the autonomous development and good living of the indigenous peoples of Costa Rica] (MNICR, sd). The organisation claims it provides support for indigenous peoples in advocating for their rights, thereby focusing on cultural, social, political, environmental and economic processes, for the broader goal of autonomous development and “buen vivir” [good living] of indigenous peoples in Costa Rica. The description indicates that the organisation provides technical support by working from within the system to try to instigate change for the benefit of indigenous peoples; thus, it would be a more reformist organisation, instead of a revolutionary movement.

The DCR is an association that is *“dedicada a la defensa y promoción de los Derechos Humanos y Comunitarias”* [dedicated to the defence and promotion of human and community rights] (Ditsö Costa Rica, sd). DCR was founded in 2002. Its Facebook page has 8.247 likes and is followed by 8.432 people. Its description does not give away much, but it claims that it is concerned with human and indigenous rights. Also, the word “defensa” [defence] indicates that the organisation deems it necessary that indigenous rights need to be defended, thereby adopting a more activist discourse. DCR is the only organisation of the three that has a website. On this website, it explains how the organisation was created, who they represent, and what goals they have. DCR was founded as a result of a meeting between different Costa Rican organisations in the context of the popular, indigenous and peasant struggle for the defence of natural resources. It aims to *“fortalecer la capacidad organizativa de comunidades campesinos e indígenas costarricenses, en aras de que se amplié su grado de control y decisión sobre sus asuntos políticos, su territorio y sus bienes naturales y culturales”*

[strengthen the organisational capacity of Costa Rican peasant and indigenous communities, in order to increase their degree of control and decision making over their political affairs, their territory and their natural and cultural assets] (Ditsö Costa Rica, 2011).

7.1 Diagnostic frames

Table 9. Use of diagnostic frames

Diagnostic frame	FRENAPI	%	MNICR	%	DCR	%
Construction of “them”	19	14.0	3	4.7	14	10.8
Environmentalism	3	2.2	16	25.0	31	23.8
Human rights	3	2.2	0	0	8	6.9
Implementation gap	6	4.4	0	0	5	3.8
Impunity	52	38.2	5	7.8	14	10.8
Inequality	11	8.1	10	15.6	14	10.8
Land rights	37	27.2	11	17.2	24	18.5
Other	5	3.7	19	29.7	19	14.6
Total	127	<i>n.a.</i>	64	<i>n.a.</i>	129	<i>n.a.</i>

Table 9 shows the use of diagnostic frames by all three organisations. Diagnostic frames involve the identification of a problem and creates an “us” versus “them” dichotomy, as it indicates an actor that is to blame for the problem. This way, an SMO can create a common identity or common goal for its target population. The FRENAPI focuses mainly on “impunity” (38.2%) and “land rights” (27.2%), followed by the “construction of “them”” (14.0%). The impunity frame mostly refers to the two indigenous leaders that have been killed in the past two years, Sergio Rojas and and Jerhy Riveras, and the lack of an effective and just trial for the conviction of the perpetrators. It often uses hashtags that mentions these names, for example: #60diassinSergio, #SergioVive, #JusticiaparaSergio, #JusticiaparaJerhy, and #NoMásImpunidad. The land rights frame mostly refers to several land conflicts, specifically between indigenous peoples and “non-indigenous settlers”. Thereby, FRENAPI often points toward the lack of implementation of land rights – the Indigenous Law of 1977 – by local governments, the state or the public forces, at the same time constructing an “other”, which is mostly the government, the judiciary system, or the police:

“ RECHAZAMOS Y DENUNCIAMOS la incapacidad del Estado costarricense para hacer valer la normativa internacional en protección de Derechos Humanos de los Pueblos Indígenas a la que el Estado está comprometido. REPUDIAMOS la complicidad del Poder Judicial de Costa Rica al no asumir la protección de nuestros derechos con el debido respeto, y más bien justificar la impunidad pretendiendo respaldarse en “El entorno, la forma de vida de la zona y la imposibilidad de localizar a los testigos”. DENUNCIAMOS este tipo de manifestaciones como una clara expresión de racismo, una línea estatal holgazana y cómplice. ¿Qué nos quiere decir el Ministerio Público? ¡Ya no es suficiente con el arrebato de la vida de nuestros hermanos! ¡Ya no es suficiente con el constante asedio, intimidación y amenazas que a diario enfrentamos! ¡Ya no es suficiente con el despojo de nuestras tierras, nuestra cultura, el daño a nuestra Madre Tierra!” (FRENAPI, 2020a)

[WE REJECT AND DENOUNCE the incapacity of the Costa Rican State to enforce the international norms in the protection of the human rights of indigenous peoples to which the State is committed. WE REPLACE the complicity of the Costa Rican Judicial Power in not assuming the protection of our rights with due respect, and rather justifying impunity by pretending to rely on "The environment, the way of life of the area and the impossibility of locating witnesses". We denounce this type of manifestation as a clear expression of racism, a lazy and complicit state line. What does the Public Ministry want to tell us? It is no longer enough with the taking of our brothers' lives! It is no longer enough with the constant siege,

intimidation and threats that we face daily! It is no longer enough with the plundering of our lands, our culture, the damage to our Mother Earth!]

Here, FRENAPI clearly blames the Costa Rican state and the Costa Rican judiciary for not protecting their rights, plundering their lands and culture, and not implementing international norms for indigenous rights, while calling them racist and complicit. The FRENAPI give less attention to the other frames, like environmental concerns, human rights, and inequality. The category “other” frames mainly refer to indigenous collective rights and collective culture, thereby constructing a common indigenous identity.

The MNICR mainly adopts the diagnostic frame that identifies environmental concerns (25.0%), where the MNICR identifies climate change or environmental damage as an issue:

“Necesitamos unirnos para combatir el cambio climático y defender el medio ambiente. El Acuerdo del Escazú es nuestra nueva herramienta para hacerlo y Costa Rica puede ratificarlo. Escribe a la Asamblea para exigir que lo haga YA.” (MNICR, 2020b)

[We need to unite to fight climate change and defend the environment. The Escazú Agreement is our new tool to do so and Costa Rica can ratify it. Write to the Assembly to demand that it do so NOW.]

This is followed by “land rights” (17.2%), “inequality” (15.6%), and “impunity” (7.8%). Frames that do not fall into the predetermined categories – “other” – have been used the most (29.7%). “Other” here mainly included references to a common indigenous identity, heritage, ancestral rights, and contemporary art; thereby not explicitly referring to an issue that indigenous peoples face but reinforcing and constructing the feeling of a common indigenous identity, not only in Costa Rica, but in Central and Latin America as well. Next to that, “other” also included COVID-19 related issues and gender issues. Note that the MNICR has not explicitly used the “human rights” or “inequality” frame.

The DCR refers the most to the “environmentalism” frame (23.8%), thereby often referring to environmental justice and extractivism, and the “land rights” frame (18.5%), where the DCR mostly refers to land conflicts between indigenous peoples and “non-indigenous” invaders. The “land rights” frame is often connected to the “impunity” and “construction of “them”” frame (both 10.8%), as land conflicts often turn violent, perpetrators are not prosecuted, and the DCR often frames non-indigenous people, the public forces, the government, and the judiciary as the groups to blame. This becomes clear in the following post:

“ALERTA: AMENAZAN DE MUERTE A RECUPERADORES CABÉCARES DE CHINA KICHÁ - Doris y Ariel Ríos Ríos y Efraín Fernández Zúñiga fueron amenazados de muerte por los no indígenas José Gilberto Hidalgo y Minor Hidalgo Quintero. Lunes 7 de diciembre del 2020. En horas de la mañana los y las recuperadoras cábecares de Sekeirö Kaska identificaron a 9 cabezas de ganado dentro del terreno recuperado. Alrededor de las 4:30 p.m. cuando el ganado fue retirado Minor Hidalgo Quintero y su padre, Gilberto Hidalgo intentaron ingresar al terreno recuperado. Doris y Ariel Ríos Ríos, recuperadores de Sekeirö Kaska, los detuvieron, a lo que Minor respondió con insultos y amenazas de muerte a ambos. También Gilberto Hidalgo amenazó de muerte a Efraín Fernández Zúñiga, recuperador cabécar de Kono Jú. Gilberto y Minor Hidalgo se fueron del terreno recuperado amenazando que buscarían armas. Fueron interceptados por la Fuerza Pública y se desconoce si les fueron decomisadas armas. El ingreso del ganado a Sekeirö Kaska se ha mantenido por alrededor de una semana y las agresiones de Gilberto Hidalgo han sido constantes. El jueves 8 de octubre del presente año a las 5 a.m. Gilberto Hidalgo -conocido como Betón- le provocó una herida en la cabeza a Efraín Fernández Zúñiga en Yuwi Senaglö; terreno recuperado el 28 de septiembre pasado y usurpado

anteriormente por Miguel Vargas. Tras la agresión del 8 de octubre, Hidalgo tiene orden de alejamiento a Efraín y al Territorio Cabécar de China Kichá. La Fuerza Pública al dirigirse a los y las recuperadoras cabécares niega la existencia de esa orden a Hidalgo. Situación que genera alerta pues Minor y Gilberto Hidalgo se encuentran en un terreno que colinda con Sekeirö Kaska. Demandamos al Estado costarricense y a la Fuerza Pública a que garantice la integridad física y vida de los y las recuperadoras cabécares. Cualquier agresión en nuestra contra es responsabilidad del Estado, en el tanto omite llevar a cabo acciones REALES en los desalojos de personas no indígenas de nuestro Territorio. ¡Justicia para Sergio, Jerhy y los Pueblos Originarios!...” (Ditsö Costa Rica, 2020a)

[ALERT: DEATH THREATENED TO CHINA KICHÁ CABÉCARES RECOVERERS - Doris and Ariel Ríos Ríos and Efraín Fernández Zúñiga were threatened with death by non-indigenous José Gilberto Hidalgo and Minor Hidalgo Quintero. Monday, December 7, 2020. In the morning, the Sekeirö Kaska recoverers identified 9 heads of cattle within the recovered land. Around 4:30 p.m. when the cattle were removed Minor Hidalgo Quintero and his father, Gilberto Hidalgo tried to enter the recovered land. Doris and Ariel Ríos Ríos, Sekeirö Kaska's reclaimers, stopped them, to which Minor responded with insults and death threats to both of them. Gilberto Hidalgo also threatened to kill Efraín Fernández Zúñiga, a recuperator from Kono Jú. Gilberto and Minor Hidalgo left the reclaimed land threatening to look for weapons. They were intercepted by the Public Force and it is not known if any weapons were confiscated from them. The entry of the cattle to Sekeirö Kaska has been maintained for about a week and Gilberto Hidalgo's aggressions have been constant. On Thursday, October 8 of this year at 5 a.m., Giberlto Hidalgo -known as Beton- caused a head injury to Efraín Fernández Zúñiga in Yuwi Senaglö; land recovered last September 28 and previously usurped by Miguel Vargas. After the October 8 attack, Hidalgo has a restraining order against Efraín and the Cabecar Territory of China Kichá. The Public Force, when addressing the Cabécar recoverers, denies the existence of this order to Hidalgo. This situation generates an alert because Minor and Gilberto Hidalgo are in a piece of land that borders on Sekeirö Kaska. We demand that the Costa Rican State and the Public Force guarantee the physical integrity and life of the recovering cabécares. Any aggression against us is the responsibility of the State, insofar as it omits to carry out REAL actions in the evictions of non-indigenous people from our Territory. Justice for Sergio, Jerhy and the Original Peoples!...]]

In the case of the DCR, the “other” frame (14.6%) mostly referred to gender-related issues and challenges caused by COVID-19. The diagnostic frames that it used the least were “human rights” and “implementation gap”. When looking at the website of DCR, we can establish some other diagnostic frames. The DCR point towards patriarchy, capitalism and colonialism as underlying causes of the issues they face:

“Decimos que somos una organización política porque creemos en la transformación de las relaciones de poder y en la construcción de un proyecto de sociedad justo y digno para todes. Creemos que es en los espacios cotidianos, comunitarios y familiares, desde donde podemos construir las bases para nuevas formas de relacionarnos distintas a las que el patriarcado, el capitalismo y el colonialismo nos han impuesto.” (Ditsö Costa Rica, 2011)

[We say that we are a political organisation because we believe in the transformation of power relations and in the construction of a just and dignified project for society for all. We believe that it is in everyday, community and family spaces that we can build the foundations for new forms of relationships different from those that patriarchy, capitalism and colonialism have imposed on us.]

Next to that, it sees injustices caused by agro-industrial companies and energy development projects, and the lack of FPIC, as one of the biggest threats for communities, as it violates environmental, labour and public legislation. DCR claims that this situation is sustained by the corruption of local public officials. Next to that, it mentions the lack of autonomy of indigenous peoples and the violation of their human rights (Ditsö Costa Rica, 2011).

7.2 Prognostic frames

Table 10. Use of prognostic frames

Prognostic frame	FRENAPI	%	MNICR	%	DCR	%
Autonomy	6	8.2	2	3.9	2	5.9
Environmental protectors	1	1.4	6	11.8	7	20.6
Human rights defenders	3	4.1	2	3.9	2	5.9
International organizations and treaties	10	13.7	9	17.6	5	14.7
Justice	29	39.7	3	5.9	11	32.4
Land recovery	10	13.7	8	15.7	0	0
Policy implementation	9	12.3	5	9.8	6	17.6
Representation	2	2.7	8	15.7	1	2.9
Other	0	0	8	15.7	0	0
Total	73	<i>n.a.</i>	51	<i>n.a.</i>	34	<i>n.a.</i>

Table 10 shows the prognostic frames that FRENAPI, MNICR and DCR have used. The prognostic frame is a frame that is used to propose a solution to the issues that are identified. The FRENAPI mainly call for “justice” (39.7%), thereby requiring action by the state to tackle impunity in land conflicts and especially in the cases of the two indigenous leaders that were killed. This is also the case for DCR, that also uses the “justice” frame the most (32.4%) by referring to the killing of the two leaders and land conflicts. Next to that, the FRENAPI often refers to “international organizations and treaties” (13.7%), “land recovery” (13.7%), and “policy implementation” (12.3%). In a way, these frames are related. When calling for the recovery of indigenous land, it calls for the implementation of the Indigenous Law, but also refers to the regulations as proposed by international organisations like the ILO, the UN and the IACHR. The FRENAPI also refers to – but to a lesser extent – the right to self-determination, indigenous representation, protection of the environment, and the defence of human rights. The following post summarises well the diagnostic and prognostic frames that the FRENAPI often uses:

“FRENAPI: “ se nos desaloje de nuestras Tierras Ancestrales, que se detengan las invasiones de No indígenas y se les ordene salir de nuestras tierras; que se haga justicia pronta ante las violaciones ocurridas en contra de nuestros Pueblos y que no queden en la impunidad.””
(FRENAPI, 2020b)

[FRENAPI: "We do not want more violence, we want peace and respect for our rights, we do not ask for anything, only that the laws and treaties signed and ratified by the State of Costa Rica be complied with, that the aggressions be stopped, that we not be evicted from our ancestral lands, that the invasions of non-indigenous people be stopped and that they be ordered to leave our lands; that justice be done promptly for the violations that have occurred against our Peoples and that they not remain in impunity."]

Here, the FRENAPI sketches the issue (diagnostic frames) of violence against indigenous peoples, invasions by non-indigenous people and the violation of land rights. It also proposes a solution (prognostic frames): it calls for justice for the acts of violence against indigenous peoples and asks the government to implement the laws and treaties that the Costa Rican state has signed for the protection of indigenous rights.

The MNICR refers the most to international treaties and organisations (17.6%), mainly mentioning the Escazú Agreement, which is a binding environmental agreement that was signed by 25 countries and ratified by 11 in Latin America and the Caribbean (Riaño & Barchiche, 2020). The MNICR calls for the ratification of the Escazú Agreement by the Costa Rican government as a way to combat climate change, environmental damage and to deflect the impacts that these would have on indigenous peoples. Next, the frames “land recovery”, “policy implementation”, and “representation” (all 15.7%) are used. Here, the MNICR calls for the recovery of land by indigenous peoples and through the implementation of policies by the state. Also, MNICR argues that it is important that indigenous peoples are represented well in political and social processes that affect them to be able to instigate change, thereby also mentioning the new mechanism for consultation that was established in 2018. This is followed by “environmental protectors” and “policy implementation”, 11.8% and 9.8% respectively. On two occasions, the MNICR refers to autonomy and human rights as prognostic frames. The MNICR is thus less focused on getting justice for the two indigenous leaders that were killed, unlike the other two organisations, and seems to be a bit more broadly orientated, or arguably, less activist when it comes to the issue of impunity.

DCR mainly calls the government for “justice” in the case of land conflicts and violent conflicts between indigenous peoples and non-indigenous landholders in indigenous territories, referring to the issue of “impunity”. Next to that, DCR often refers to indigenous peoples as examples of living a sustainable life (environmental protectors, 20.6%):

“[...] 1. La recuperación de territorios es una acción climática estratégica, por el papel que tienen los Pueblos Originarios en la construcción de modos de vida sustentables, donde los bienes naturales comunes son parte fundamental de la vida y son protegidos como tales. La recuperación de territorios es además una acción de justicia climática para las mujeres indígenas, quienes están adquiriendo mayores derechos sobre las tierras y un mayor reconocimiento de su liderazgo en el marco de estos procesos.[...]” (Ditsö Costa Rica, 2020b)

[1. The recovery of territories is a strategic climate action, because of the role that the Original Peoples have in the construction of sustainable ways of life, where the common natural goods are a fundamental part of life and are protected as such. The recovery of territories is also an action of climate justice for indigenous women, who are acquiring greater rights to land and greater recognition of their leadership in the framework of these processes.]

In this post, the DCR claim that the recovery of indigenous territories as a way to tackle climate change, as indigenous peoples are presented as living original, sustainable ways of life where natural resources are protected. Also, DCR pushes the government to implement policies and international treaties for the protection of indigenous rights as a solution for the issues they face now, often referring to the 1977 Indigenous Law and ILO C169. There are few uses of frames “representation”, “autonomy”, and “human rights defenders”, but none explicitly refer to “land recovery”, even though it is implicit to calls for policy implementation and justice. On their website, a few other diagnostic frames come forward, as the DCR describes the way they work and the solutions that they see. First of all, it seeks to build the organisational capacity and participation of communities and the documentation and investigation of cases that violate indigenous territorial rights as a way to put pressure on the government. Next to that, it emphasises the empowerment of women within popular organisations and the communities, and promotes the defence of the autonomy of indigenous peoples. Lastly, it seeks to strengthen the family or community economy by supporting agroecological production initiatives by eliminating practices that are harmful for the environment and by preserving local knowledge about agriculture (Ditsö Costa Rica, 2011).

7.3 Motivational frames

Table 11. Use of motivational frames

Motivational frame	FRENAPI	%	MNICR	%	DCR	%
Reformist	23	52.3	9	90	20	76.9
Revolutionary	21	47.7	1	10	6	23.1
Total	44	<i>n.a.</i>	10	<i>n.a.</i>	26	<i>n.a.</i>

Table 11 looks at the motivational frames that the three organisations use to try to motivate their followers to take action. For this, a divide has been made between reformist – working from within the system and going through official procedures – and revolutionary strategies – working from outside the system. All three organisations use Facebook as a way to communicate with their followers and incite them to take action or join actions that have been organised. DCR also uses its website to communicate things like this. However, this website is less up to date, as the last post that has been shared here dates back to March 2020 (Ditsö Costa Rica, 2011). All three organisations make the most use of reformist strategies, especially the MNICR (90%). The strategies that they often use are official letters with requests or calls to action to government officials or judges; participating in formal discussions between the government and indigenous peoples; organising webinars, discussions, forums, and events; and going through official government procedures to ask for revision of judicial decisions. The FRENAPI and DCR also often employ revolutionary strategies, indicating that they are more activist than the MNICR. Revolutionary strategies that these organisations employ are calls for protests, manifestations and sit-ins; but it also refers to some of the wording that the organisations use, for example “la lucha continúa” [the fight continues] or “we exist because we resist”. For example, the FRENAPI and DCR were part of a peaceful action on the third of December 2020, where indigenous peoples organised a protest against impunity and for justice outside of the court that was trying to close the homicide case of Sergio Rojas (FRENAPI, 2020c; Ditsö Costa Rica, 2020c). On the 10th of December, DCR supported a peaceful protest for the improvement of infrastructure outside of the Ministry of Health in Upala. Here, the people of Urbanización Don Chú urged the local government to act on multiple infrastructural issues they have had, like the lack of sewage pipes, mostly due to the neglect and lack of funding by the local government (Ditsö Costa Rica, 2020d). The MNICR, on the other hand, only once employed a reformist strategy, confirming that it is more of an official and less radical advocacy organisation. It does this, for example, by lobbying with the government to ratify the Escazú agreement, by promoting online webinars and discussions, and by supporting territorial dialogues in which the government and indigenous peoples sit together to discuss certain issues. For example, the MNICR joined a roundtable in the Brunca region, where indigenous peoples and government officials³⁷ sat together to create a directive about the protection of agriculture, tourism, fishing, and trade (MNICR, 2020c).

7.4 Network

Table 12. Mentions of other organisations

Network	FRENAPI	%	MNICR	%	DCR	%
Costa Rican organisations	17	89.5	6	8.2	20	30.3
International organisations	2	10.5	67	91.8	46	69.7
Total (n=100)	19	19	73	73	66	66

³⁷ The President of the Republic, Carlos Alvarado Quesada, who signed the directive after the meeting, the Minister of Economy, Industry and Commerce, the Executive President of the National Production Council, the Vice Minister of Foreign Trade, and the Director of the Observatory for MSMEs and representative of the University of Costa Rica, were present (Gobierno del Bicentenario, 2020).

When looking at the mentions of other organisations, a clear difference can be seen. The FRENAPI mentions other organisations the least (in 19 posts), and mainly mentions Costa Rican organisations, like the *Comité de Apoyo a la Autonomía Indígena* and the *Alianza por una Vida Digna*. This indicates that the FRENAPI focuses its struggle mainly on the national level. In contrast, the MNICR mentions other organisations in 73 of its posts, and the DCR 66 times. Also, they both mention international organisations the most, respectively 91.8% and 69.7%. The MNICR shares many stories from indigenous peoples throughout Latin America. The DCR mainly refers to the *Foro Centroamérica Vulnerable, Unida por la Vida*, with which they organised webinars. However, the DCR still mentions national organisations often (in 20 posts), mostly mentioning the *Coordinadora de Lucha Sur Sur* and several local representative organisations like the *Asociación de Desarrollo Integral Indígena de China Kichá*. When looking at the website, DCR mentions that it is active in two regions: *Zona Norte Norte* and *Zona Sur*. In the first region, it has formed an alliance with the *Coordinadora Norte Tierra y Libertad*, an organisation that brings together leaders from different communities in the region of Upala, Guatuso and Los Chiles. In the second region, it participates in a regional space called the *Coordinadora de Lucha Sur Sur*, which includes organisations of the indigenous peoples and peasants of the South of the country (Ditsö Costa Rica, 2011). Next to that, it shows the regional alliances that it has, including the following organisations: *Movimiento Mesoamericano de Alternativas Populares al Capitalismo*, *Foro Centroamérica Vulnerable Unida por la Vida*, *Red Centroamericana por la Defensa de Aguas Transfronterizas*, *Heinrich Böll Stiftung Centroamérica*, and *Rosa Luxemburg Stiftung México, Centroamérica y el Caribe*. The reference to international organisations – mostly Central or Latin American organisations – is an important indication that there is a sense of common identity between indigenous peoples in Costa Rica with indigenous peoples in other parts of Central and Latin America, and this common identity is further constructed by the indigenous organisations themselves.

7.2 Analysis of frames

When looking at the frames that the three indigenous organisations employ, one can see a few main issues that the organisations identify. The issues that are identified the most are “impunity” and “land rights”. Here, the organisations mainly refer to the two murder as exemplary cases of the violation of land rights and the impunity when it comes to the violation of indigenous rights. Impunity is often linked to the land rights frame and the lack of implementation of existing laws. The organisations also point towards an actor that is to blame for these issues: the government. The organisations continuously call the government to action to implement the Indigenous Law. The lack of implementation of the Indigenous Law leads to violent land conflicts between indigenous peoples and non-indigenous landholders, as indigenous communities try to take matters into their own hands. The judiciary and the police are then held accountable for choosing the side of the non-indigenous landholders in conflicts over land, and also point towards cases of impunity as non-indigenous people are not convicted in cases of violence towards indigenous people. Furthermore, the organisations refer to inequality, mainly in the form of discrimination and racism. They attribute these inequalities to colonial ways of thinking and the neoliberal, capitalist and modern political and economic system.

The prognostic frames propose solutions to the identified problems in the diagnostic frames; thus, they are linked. The organisations identified the government, the judiciary, the police, and the non-indigenous landholders as the actors that are to blame for the issues, and continuously call upon the government to take action, as they require “justice”. They want the government to tackle impunity and to implement the laws that are already in place for the protection of indigenous rights, as well as the implementation of FPIC and the international treaties Costa Rica has ratified. They want the recovery of land, and thus the implementation of the Indigenous Law.

Next to that, the indigenous organisations align themselves with the broader Latin American indigenous movement, the environmental movement and the human rights movement. The

organisations often refer to a common indigenous identity, their heritage and ancestral rights. This way, they construct a common indigenous identity and align themselves with the Latin American indigenous struggle. Also, they identify environmental issues that affect indigenous peoples, portraying themselves as victims of climate change and protectors of nature. By referring to the violation of their rights as the violation of human rights, they put themselves in the global human rights debate. This way, they are able to garner more international support.

When looking at the motivational frames, all three organisations mostly use reformist strategies. They often try to go through official channels to try to make their voices heard, for example by writing open letters to the judiciary or government officials with requests to implement laws or convict people in judicial hearings, they participate in conversations with (local) governments, and organise webinars to spread awareness about indigenous issues and connect with people on a national, regional and global level. The Costa Rican democracy provides procedures through which citizens can make demands or ask the government to revise certain decisions; there are options to engage with the government. When the government (makes it seem like) they are listening to indigenous demands, it is not necessary to employ revolutionary methods. However, when these procedures lead to nothing, indigenous organisations sometimes opt for revolutionary methods to try to force the government to listen to them, like the recovery of land in indigenous reserves, peaceful protests, sit-ins or road blockades. The indigenous organisations see themselves as a “resistance” and their struggle as a “fight” for the recognition of their rights, which also points to the revolutionary nature of the organisations.

8. DISCUSSION

In this research I have examined the extent to which indigenous peoples in Costa Rica have mobilised by looking at the different factors that – according to social movement theory – can play a role in the forming and emergence of a social movement.

8.1 Answering the research questions

In the previous chapters I have employed several research methods – a comparative literature review, a policy analysis, and a content analysis – to be able to answer the three research sub questions and, eventually, the overarching research question. In this discussion, I will link my findings to the main theories in the theoretical framework and the conceptual framework I have based this research on.

1. What factors determine the mobilisation of indigenous peoples in Costa Rica and the extent to which they are able to participate in the institutionalised political system?

The first research question aims to explore the factors that have been important for the extent to which indigenous peoples in Costa Rica have mobilised and are able to participate in the institutionalised political system. To answer this research question, I have compared the case of indigenous mobilisation and political participation in Costa Rica to the case of indigenous mobilisation and political participation to Panama and Honduras, based on the *Most Similar Systems – Different Outcomes* approach. For every case I have employed an in-depth within-case analysis to see how the factors that are important for social mobilisation – inequality, political opportunity, organisational capacity, and collective action frame – have influenced or determined the mobilising capacities of indigenous peoples in the three countries. After this, I compared these factors across cases to get more insight into the causal mechanisms and processes that shape mobilisation and what exactly has determined the differences in indigenous mobilisation in the three countries. Interestingly, what comes forward is that all four factors play a role in the extent to which indigenous peoples (are able to) mobilise.

Inequality

According to relative deprivation theory, *inequality* is a primary cause of the emergence of social movements. If there is no inequality or sense of social deprivation for a certain group or minority, there is no reason for this group to mobilise (Smith & Pettigrew, 2015). As comes forward in the comparative literature review, inequality plays a large role in the mobilisation of indigenous peoples in all three countries. Berberoglu (2007) pointed towards several conditions that historically have led to the rise of social movements that challenge dominant powers, like the class structure of a society, the political structure of the state and existing social and economic conditions. This relates to the systemic issue that indigenous peoples face. Just as in Panama and Honduras, indigenous peoples in Costa Rica have historically been excluded and marginalised. The inequalities and exclusion they face today were institutionalised in colonial times and in the nation-building practices of the 19th and 20th century after the countries gained their independence, creating a class-conscious society. They are still disproportionately represented in the poor segments of society, face discrimination and racism, have less access to basic services, and their land rights are continuously violated, leading to violent conflicts with non-indigenous landholders and many cases of impunity, as perpetrators of violence towards indigenous peoples are rarely convicted. Experiencing and being aware of these inequalities – the perception that one's in-group is disadvantaged compared to the out-group, mostly the mainstream or elite group in a society (Smith & Pettigrew, 2015) – gives indigenous peoples the reason *why* to mobilise, as they seek systemic change and aim to challenge the exclusion and marginalisation.

Political opportunity

Social movements form because a certain marginalised group lack the influence in decision-making and the resources to change something about the inequalities that they face. They do not have the same citizen power as the powerholders – the elite or mainstream society – has. They have to find other ways to make their voices heard (Bebbington et al., 2010). In other words, they do not have the *political opportunity* to do something about it. This is the next factor that I looked into through a historical analysis of indigenous peoples' political opportunities since the three countries gained independence from Spain, thereby specifically looking into how the government has approached indigenous peoples and the extent to which indigenous peoples have been involved in decision-making processes in a certain period in time. This section refers to the political opportunity theory which argues that the emergence and successfulness of a movement largely depends on external factors, in this case the political circumstances. These circumstances include the openness of the political system, political stability, the presence of elite allies, and the extent to which the state uses repressive measures (McAdam, McCarthy, & Zald, 1996). To analyse how much citizen power indigenous peoples have, one can place them on Arnstein's (1969) *Ladder of Citizen Participation*. Arnstein argues that there is a critical difference between participating in politics and having real power. She classifies real citizen participation as a redistribution of power from the *powerholders* to the *have-nots*: politically and economically excluded groups, in this case the indigenous peoples. She distinguishes eight steps in citizen participation, which range from *nonparticipation* – the have-nots are completely excluded from decision-making processes – until actual *citizen power* – the status quo is changed, and the have-nots have obtained real power in decision-making processes. When looking at the political history of the three countries – thereby specifically referring to the four components as put forward by McAdam, McCarthy and Zald – it becomes clear that political opportunity plays an important role in the mobilisation of indigenous peoples and explains a lot of the differences in mobilisation between Costa Rica and the other two countries.

First of all, in Costa Rica did not emerge such a powerful traditional elite and such rigid racial and class hierarchies as in many other Latin American countries during the colonial era and in the nation-building practices of the 19th century, as it had been of minimum importance to the colonisers (Booth, 2008; Stone, 1990). This does not mean that there was a complete absence of class consciousness; on the contrary. Historic inequalities were still institutionalised, and indigenous peoples were excluded from mainstream society and political decision-making processes (Vega, 2019; Díaz-Azofeifa, 2014). This was exacerbated by the emergence of a new economic and political elite with the arrival of the banana and coffee industry by the end of the 19th century, which brought a new concentration of wealth and led to the dispossession of small farmers, including indigenous farmers (Stone, 1990; Brockett, 1991; Bell, 1971). From independence until about the second half of the 20th century, indigenous peoples were almost completely excluded from participating in the institutionalised political system, leaving them on step one, *manipulation*, or two, *therapy*, of the *Ladder of Citizen Participation*.

Another aspect that distinguishes Costa Rica from many other countries in the region is its politically stable 20th century, its early transition to democracy and the abolishment of the military. Costa Rica abolished its military in 1948 and has been a democracy since the 1950s, which stands in stark contrast with the wave of military authoritarian governments in the rest of Latin America between the 1950s and 90s. Furthermore, the Costa Rican government established social policies and had ties with civil society organisations³⁸ (Díaz-Azofeifa, 2014). While the Constitution of 1949 did not

³⁸ In the 1940s, the government established ties with the communist party and labour organisations and implemented social reforms like the diversification of the economy, a new social security system and a minimum wage. After the coup in 1948, a democracy was established and the ties with the left were maintained (Bell, 1971; Stone, 1990).

specifically mention indigenous peoples, Costa Rica did already establish its first indigenous reserve in 1956 and ratified the first ILO convention on indigenous rights in 1959 (Hunter, Jenkins, & Orton, 2010). The 1970s saw some real progress for the official recognition of indigenous rights with the creation of the CONAI, the ADIs and the Indigenous Law, which gave indigenous peoples a state institution that should represent their rights and established indigenous land rights. Consequently, 24 indigenous territories have been established by law. In a way, Costa Rica could be seen as a frontrunner in democracy and in the recognition of indigenous rights, especially compared to Honduras and Panama who both had military authoritarian governments at some point in the 20th century. Many other countries did not yet mention indigenous peoples in their Constitution and had no laws that established indigenous land rights.

According to social movement theory, when there is too little or too much (perceived) political opportunity, a movement will not form (Peoples, 2007). Indigenous mobilisation in Costa Rica only took off by the end of the 1980s, a little later than in the other two countries (Schulting, 2012). As Costa Rica was already a democracy, had ties with civil society organisations and was relatively progressive on indigenous rights, social movements did not form on such a scale as in Panama or Honduras. Yet, just as in Panama and Honduras, indigenous peoples were not actually included in the institutionalised political system and were at most on step three, *informing*, or four, *consultation*, of the *Ladder of Citizen Participation*, meaning that they were informed or in some cases even consulted with, but there was no assurance that the powerholders would take into account their demands when making decisions. In fact, indigenous peoples only obtained the right to vote in 1994, showing the historic exclusion of this group, especially considering that Costa Rica has such a longstanding democratic tradition (Minority Rights Group International, 2008). The start of the mobilisation of indigenous peoples in Costa Rica followed regional developments in indigenous mobilisation in the 1980s and 90s, when indigenous peoples in Latin America distanced themselves from the peasant and worker movements and mobilisation accelerated in the context of globalisation, democratisation, multicultural citizenship reforms and neoliberal reforms (Wolff, 2007). Globalisation and technological developments had brought new possibilities for the creation of transcommunity networks, connecting indigenous peoples all over Latin America who started mobilising under one collective identity (Bowen, 2007). These networks gave indigenous peoples the capacity to form alliances with other indigenous peoples, NGOs, international actors and institutions, and other social movements, like the human rights and environmental movement. This created an international focus on indigenous issues, which, in combination with the globalisation of law, led to the establishment of several international groups³⁹ concerned with indigenous issues and the creation of ILO C169 in 1989. Next to that, many Latin American countries went through democratisation processes which opened up political space for indigenous peoples to take in. Due to the interaction between increasing indigenous mobilisation and growing international pressure, many governments in Latin America adopted multicultural citizenship regimes – officially recognising cultural diversity – and ratified ILO C169. These regional developments made indigenous peoples in Costa Rica aware of their rights and provided a window of opportunity to mobilise and take in political space. Just like other Latin American countries, Costa Rica ratified ILO C169, after which indigenous peoples started drafting the Autonomous Development Act, a law that would put into place the indigenous rights as established in the convention by national law. However, this law has never been approved by the government.

While the 1970s to the 1990s seemed very promising for the recognition of indigenous rights and political participation, in reality not that much changed. This makes one think about what Hale (2002) calls *neoliberal multiculturalism*. This theory claims that the state implements certain

³⁹ E.g., the Working Group on Indigenous Populations, UN Special Rapporteur on the Rights of Indigenous Peoples, the Permanent Forum on Indigenous Issues.

superficial reforms that make it seem like they are giving into popular demands, when in reality it is a way to suppress more radical demands for systemic change. State multiculturalism is seen as a construct by governing elites to allow limited reform in decision-making processes, when actually a minority group's citizen power does not increase (Hale, 2002; Hale, 2005; Horton, 2006). This also relates to Arnstein's theory, in that it claims that a group cannot obtain real citizen power without the redistribution of power from the powerholders to the have-nots. Yet, other scholars tend to find this view very negative and argue that the elite is not a cohesive group that is consciously suppressing indigenous resistance with neoliberal and multicultural reforms (Van Cott, 2010). While it might not be such a conscious process employed by the state as Hale describes, the developments since the 1970s have many things in common with claims the theory makes.

On paper, Costa Rica is doing really well in terms of the protection of indigenous rights. It has an institution that represents indigenous interests, it has a law that establishes indigenous territorial rights, and it has ratified ILO C169. However, indigenous peoples still face issues related to land rights, poverty, discrimination, and impunity. No systemic changes have been made, which is something that is required in a system that is built on historic inequalities and racial and class hierarchies. Arguably, these issues have even been exacerbated by the implementation of neoliberal reforms. Neoliberal reforms have commodified land and natural resources, giving way to more natural resource extraction projects, hydroelectric projects, tourism development, and an expanding agricultural frontier in indigenous territories or subsistence zones, which have often been pushed forward without FPIC (Alcázar & Sánchez, 2013; Vom Hau & Wilde, 2010). These developments go hand in hand with increasing private interests to put profit before the rights of indigenous peoples and a growing incentive for corruption. This has threatened indigenous peoples' land rights and traditional livelihoods more and more. Next to that, the laws that are in place are not properly implemented. While the Indigenous Law of 1977 states that only indigenous peoples are allowed to own land in indigenous territories, more than 43% of the total land area in indigenous territory is occupied by non-indigenous landholders. In some territories even more than 80 or 90% of the land is occupied by non-indigenous peoples (MacKay & Garro, 2014). This lack of implementation results in increasing tensions between indigenous communities and non-indigenous landholders, often leading to violent conflicts where people get hurt or killed. Non-indigenous perpetrators are hardly ever prosecuted, and police investigations are untransparent, and indigenous organisations speak of widespread impunity (Lawlor & Calí Tzay, 2020; Berger, Samantara, & Muñoz, 2020; Camacho-Nassar, 2019). Furthermore, the Autonomous Development Act that should have put into practice the regulations of ILO C169 was never approved by the government, and no real alternative has been offered or created, showing the lack of political will to actually implement ILO C169. The institutions that should represent indigenous communities are ineffective, not representative and often do not consult with the communities that they represent when making decisions (Díaz-Azofeifa, 2014; Camacho-Nassar, 2019; Ortega, 2004; MacKay & Garro, 2014).

Systemic issues that are the cause of these problems have not been tackled. In fact, until 2018 no new laws or reforms have been implemented for the protection of indigenous rights since the introduction of the Indigenous Law in 1977. The ratification of ILO C169 and the superficial and contradicting policies could be seen as a way the government makes it seem like they are protecting indigenous rights to suppress popular and international demand for systemic change, while in reality they are not willing to actually implement policies like the Indigenous Law or put ILO C169 into practice in national legislation. In other words, the powerholders are not willing to hand over decision-making power to minorities like indigenous peoples, keeping in place uneven power relations. Indigenous peoples have no real political opportunity to make their voices heard. They have never really been able to surpass step four, *consultation*, on the *Ladder of Citizen Participation*. Indigenous peoples are

informed or consulted by the government when they are making decisions that would affect them, but this is not a guarantee that their views are actually taken into account when making the decision.

However, in the past few years there seems to be some progress for indigenous rights and political participation. Indigenous mobilisation has increasingly been taking shape since the beginning of the century. In 2014, the government of Costa Rica adopted the National Policy for a Society Free of Racism, Racial Discrimination and Xenophobia, which recognises the existence of a historical debt and the presence of racial discrimination in state institutions. In 2018, two new laws were installed: The Charter of Rights on Access to Justice for Indigenous Peoples and the General Mechanism for Consultation of Indigenous Peoples. However, it is still to be seen if these laws will be properly implemented and if they tackle systemic issues, or if it is another superficial policy that only targets symptoms of the real problem or the real problem itself, or, in other words, if it is another façade to suppress international and indigenous pressure.

Organisational capacity

Inequality and *political opportunity* seem to provide the reasons *why* mobilisation occurs or a movement forms. Organisational capacity refers to the financial and human resources that are then important in creating and sustaining a movement. These resources include the different social movement organisations (SMOs), leadership and knowledge, internal agreement, strategies, and network and allies. When looking at the case of Costa Rica, Panama and Honduras, all these factors have in some way played a role in mobilisation. The indigenous movement in Costa Rica seems to be a bit less organised than in the other two countries. Arguably, this is due to the fact that they had more (perceived) political opportunity until about the 1980s than the indigenous populations in many other Latin American countries – due to Costa Rica’s early transition to democracy, relatively stable 20th century, the abolishment of the military, and no deep history of social mobilisation – and started mobilising later. For example, Panama and Honduras both have an overarching body that represents the interests of all the different indigenous peoples in their country in a unified national agenda, next to the smaller organisations that represent a specific community or people. While Costa Rica does have some larger indigenous organisations that represent multiple communities, and most organisations are connected in a network and support each other, their mobilisation seems a bit more fragmented. This might work against internal agreement, which could get in the way of directing a coherent approach or unified agenda towards the government when making demands. This is exacerbated by the disagreement between the ADIs that are the officially recognised representatives of indigenous communities towards the state and the traditional authorities of the communities themselves. Internal agreement is important. This has become clear from the case of Honduras, where two organisations that represent the Garífuna, ODECO and OFRANEH, have different views and ways to engage with the government. ODECO is working together with the government on numerous initiatives, working from within the system. OFRANEH wants more radical change, and in a way ODECO demobilises OFRANEH’s efforts to engage with the government, as the government chooses to work with ODECO (Loperena, 2016). What may also contribute to the weaker mobilisation of indigenous peoples in Costa Rica, are their relatively low numbers. The indigenous population only constitutes about 3% of the total Costa Rican population (Camacho-Nassar, 2019). However, these numbers are not that much higher in Panama (around 13%) and Honduras (between 9 and 20%), where indigenous mobilisation has formed early and extensively.

Next to that, indigenous peoples in Costa Rica have less prior knowledge and activist experience than the indigenous population in the other two countries, as Costa Rica has no longstanding history of popular mobilisation. Because of this, indigenous peoples in Costa Rica have a smaller network than the indigenous in the other two countries. For example, the indigenous movement in Panama has strong ties with other social movements, like the peasant and worker

movement, and the indigenous movement in Honduras has strong ties with the resistance movement against the post-coup government, which gives them more nation-wide support and a larger voice when making demands to the government. However, this does not mean that the indigenous movement of Costa Rica receives no support at all from outside of the indigenous population. They receive support from environmental organisations, student organisations and international organisations. When looking at the strategies that indigenous organisations in Costa Rica employ, they employ more reformist and less revolutionary methods than in the other two countries. What is noticeable from analysing the strategies of indigenous organisations in the three countries is that they mostly try to go through official procedures to make their demands, for example by starting court cases and participating in congresses or discussions with politicians. However, when they are not heard or the government does not take into account any of their demands, they resort to more revolutionary strategies like organising protests and sit-ins. Indigenous peoples in Panama and Honduras have more often resorted to revolutionary methods, as their governments have been more repressive towards indigenous peoples than the Costa Rican government. This is especially the case in Honduras, where human rights abuses and impunity have increased tremendously under the post-coup government.

Yet, it seems like a unified indigenous movement is increasingly starting to take shape in Costa Rica. In 2019, indigenous peoples organised the first *Congreso Indígena Nacional* (COIN), where indigenous leaders of the Chorotega, Maleku, Bribri, Cabécar, Boruca, Bröran and Ngäbe peoples came together to discuss the issues they face and to make a joint indigenous agenda and statement on what they want from the government, including land recovery, autonomy, culture, traditional governance, identity, spirituality, and education (McPhaul, 2019; FRENAPI, 2019). Indigenous peoples in Costa Rica are thus increasingly making a unified and coherent approach towards the government to make their demands heard. There is less risk of internal agreement and more chance of influencing the government. The increasing mobilisation coincides with the creation of two new policies. Whether this might be a coincidence or not, it does mean that indigenous peoples have succeeded in increasingly putting indigenous issues on the agenda. The indigenous organisations have increasingly been calling for an end to impunity and a just justice system – which is represented in the Charter of Rights on Access to Justice for Indigenous Peoples – and for better representation and the respect for their right to consultation – which is represented in the General Mechanism for Consultation of Indigenous Peoples. Contributing to this is the international uproar that the murders on two indigenous activists – Sergio Rojas and Jehry Riveras – caused, which put a lot of pressure on the Costa Rican government to take action, especially related to creating a fair and representative justice system. In a way, this has created a window of opportunity for indigenous peoples to make use of this national and international network of support.

Collective action frame

Collective identity theory and frame theory argue that the creation of a collective identity and the adoption of frames by a social movement are important factors in sustaining mobilisation, especially for attracting members and getting support from other actors. Collective identities are established by interpreting and giving direction to grievances, thereby giving an interpretation of reality. When a movement constructs a cohesive collective identity that resonates with the target group or even with a larger public, a social movement is able to garner support and have impact (Lindekilde, 2014; Schapper, Unrau, & Killoh, 2019; Peoples, 2007). The case of Costa Rica is somewhat different to general trends in indigenous mobilisation in Latin America. In many Latin American countries, including Panama and Honduras, indigenous mobilisation started in the 1960s and 70s, when indigenous peoples joined national peasant and worker struggles for more rights. Indigenous peoples did generally not yet mobilise under their collective indigenous identity, as they were not yet recognised as a separate group from peasants or workers. However, by jointly mobilising with workers and peasants they were able to make some important first steps for the recognition of their rights (Korovkin, 2006; Yashar, 1998;

Assies, 2000). Costa Rica does not have such a long and deep history of popular mobilisation like many other countries in Latin America, arguably due to their early transition to democracy and relatively peaceful 20th century. In the late 1980s and early 1990s the separate indigenous movement really started to take shape in many Latin American countries. This happened in the context of globalisation, democratisation, and the adoption of multicultural citizenship and neoliberal reforms. Indigenous peoples were able to form transcommunity networks within and outside of their countries, as they connected under a common indigenous identity. It is important to note that there is not *one* indigenous identity. The many indigenous peoples and communities across the continent and in the rest of the world are all different, with their own ethnicity, culture and traditions. However, indigenous peoples found each other in the shared aspects of this culture and way of life, but also in their historic struggle against discrimination and exploitation. Indigenous peoples all over the continent became increasingly aware of their collective rights due to the development of the regional indigenous movement and the creation of international working groups and treaties (Assies, 2000). Overall, the indigenous movement in Latin America has been very successful in aligning their rhetoric with broader global discourses like the peasant and worker movement in the 1960s and 70s, the human rights movement of the 1970s and 80s, and the environmentalist movement from the 1990s onwards. This way they have been able to find many different international allies and widespread support (Assies, 2000; Bustamante, 2015; Pieck, 2006).

These developments also started to spill over to Costa Rica, where indigenous peoples started to mobilise under their collective indigenous identity from the late 1980s onwards, although more fragmented than in many other Latin American countries. Indigenous organisations in Costa Rica have adopted discourses that are similar to the Latin American indigenous movement's rhetoric and that relate to the environmentalist and human rights discourses, as they proclaim themselves as protectors of nature with their *buen vivir* and place respect for indigenous rights on the same level as respect for human rights. One thing that distinguishes the Costa Rican indigenous movement from other Latin American indigenous movements, is that they have not aligned themselves with a peasant or worker struggle. On the contrary, indigenous peoples and peasants in Costa Rica stand on opposite sides of the debate, as a lot of the issues that indigenous peoples in the country are dealing with has to do with the encroachment of indigenous lands and violent conflicts with non-indigenous peasants. This is in stark contrast to for example the indigenous movement in Panama where peasants were an important ally in the 2012 nationwide mobilisation.

2. What laws are in place for the protection of indigenous rights in Costa Rica and how are they implemented?

The second research question looks into the laws that are in place for the protection of indigenous rights and, especially, how these laws are implemented. This way, one can gain more insight into the political opportunity and citizen power that indigenous peoples in Costa Rica have. A social movement usually wants some form of social change. It can achieve this in a number of ways. A social movement can try to alter public opinion, for example by creating a collective action frame that resonates with society. In turn, this change in public opinion can influence the legal system, leading to the better implementation of current laws, law reform or even leading to the creation of new laws. Laws are a way for the government to respond to societal demands instigate social, economic or political change (Coglianese, 2001). Societal change is thus a two-way street, not just a top-down approach. Public opinion can influence the government and exert pressure on the government to implement existing laws or adopt new laws, and the process of law reform and the adoption of new laws can, in turn, alter public opinion and lead to socioeconomic changes.

Costa Rica has adopted a few policies for the protection of indigenous rights. In the 1970s, the government created the CONAI and the ADIs as representative institutions for indigenous peoples and

established the current Indigenous Law that officially recognised indigenous territorial rights and led to the creation of 24 indigenous territories. Consequently, Costa Rica seemed to be one of the frontrunners in terms of the protection of indigenous rights. However, the official state institutions are not representative of indigenous peoples and the Indigenous Law has proven to be ineffective, as it did not establish proper mechanisms to be able to expropriate non-indigenous landholders, and it has never been properly implemented. While the law states that only indigenous peoples are allowed to hold title over land within the indigenous territories, studies have revealed that that 6,087 non-indigenous people illegally occupy more than 43% of the total land area in the indigenous territories. In some territories this is even more than 80 or 90%. Only in two territories indigenous peoples are in possession of 100% of their land (MacKay & Garro, 2014). Furthermore, there have been cases where development projects in or close to indigenous territories have been pushed through by the private sector and the government without prior consultation of the indigenous communities that would be affected. The institutions that are responsible for the implementation of this law and that are supposed to represent indigenous peoples' interests are ineffective, do not adhere to traditional authority structures of indigenous communities, often do not act in the interest of the indigenous communities they represent, and have been accused of corrupt procedures where they still give out land titles to non-indigenous persons (Jimenez, Pasztor, Chambers, & Fujii, 2015). The fact that the institutions have been created by the state is already a problem in itself. The lack of implementation results in increasing tensions between indigenous communities and non-indigenous landholders – who often have never been fairly compensated, even though the law also promises this – that both make a claim to the land, often leading to violent conflicts when indigenous peoples decide to take measures into their own hands and try to reoccupy the land that they have the right to as established by national legislation. The violation of land rights and violent conflicts where indigenous peoples are harmed are often met with impunity, with two of the most exemplary cases being the murder on Sergio Rojas and Jehry Riveras. Non-indigenous peoples that are involved in violent conflicts are often not prosecuted or convicted and investigations are untransparent (Lawlor & Calí Tzay, 2020; Berger, Samantara, & Muñoz, 2020; Camacho-Nassar, 2019; MacKay & Garro, 2014).

In fact, Costa Rica had implemented no new laws for the protection of indigenous rights until 2018. It even continuously obstructed the law that was created in consultation with indigenous peoples to put into practice the rules and regulations of ILO C169 in national legislation, after which the law was shelved and not approved after a process of more than 20 years. After the ratification of ILO C169, indigenous peoples were hopeful and started a joint process of drafting the Autonomous Development Act that would have tackled the many facets of the indigenous struggle, including the right to autonomous development and self-determination, the recognition of traditional forms of organisation, FPIC, land rights, and access to basic services. However, despite continuous struggle and push by many indigenous communities and organisations, the law was never approved. Indigenous peoples even held a peaceful protest at the Legislative Assembly in 2010 to try to force the deputies to vote on the bill. The protestors were forcibly removed, and years later the law has been shelved (Hernández, 2019; Camacho-Nassar, 2019). According to some sources this is due to strong opposition from multiple actors like the private sector – that sees the law as a risk to new initiatives and investments in (extractive) industries – and resistance from a racist nature and a fear of loss of sovereignty by the government (Camacho-Nassar, 2019; MacKay & Garro, 2014; MNICR, 2015). Unfortunately, I was not able to find out who this lobby exists of exactly, as I was not able to conduct (expert) interviews.

Yet, in the past few years there seems to be some progress. In 2018, two new laws have been adopted by the Costa Rican government. The Charter of Rights on Access to Justice for Indigenous Peoples aims to ensure indigenous rights in the judiciary system, an important issue on top of the list of many indigenous communities and organisations considering the continuous violation of their land

rights and land conflicts with non-indigenous landholders that are often met with impunity. The General Mechanism of Consultation for Indigenous Peoples establishes a mechanism of consultation for indigenous peoples, further ensuring correct representation and the right to FPIC. In a way, it is a law that improves the Indigenous Law, as this law does set out a step-by-step consultation process that private and institutional actors have to go through when they want to implement a project in an area that would affect indigenous peoples, and it gives indigenous peoples a set out process they can go through when their (land) rights are being violated. This coincides with the increasing mobilisation of indigenous peoples in Costa Rica in the past years.

However, it is still to be seen if these new laws will have some actual impact, especially considering that the already existing Indigenous Law has never been properly implemented. There has been a standstill in the recognition of and compliance with (inter)nationally recognised indigenous rights since the 1990s. If there are laws and how these laws are implemented means something for the degree of citizen power that indigenous peoples in Costa Rica have. The lack of implementation of existing laws, the ineffective representative indigenous institutions and the continuous push against the Autonomous Development Act point towards a significant lack in decision-making power for indigenous peoples. The status quo has not changed. When considering the *Ladder of Citizen Participation* when looking at the implementation of laws, indigenous peoples only have reached a step three or four – *informing* and *consultation* – that are classified as *tokenism*. There often is a one-way flow of information with no effective channel for negotiation and ineffective consultation procedures give no guarantee that indigenous peoples' standpoints are actually taken into account by those in power. One could even argue that it is window dressing or a way to suppress widespread popular demand for systemic change. There cannot be true social change without the redistribution of power, and that is exactly what is lacking here. However, it is to hope that the new laws are a turning point.

One positive about the existence of laws, is that it does give indigenous peoples a legal basis to build their cases on. A good example of this is the El Diquís dam that did not adhere to consultation rights and would violate the Indigenous Law. The dam was eventually stopped by the Supreme Court in 2016. However, it took many years of organised protest by indigenous communities and organisation which led to international critique and pressure on the government for the Supreme Court to get to that decision. While it is to wonder if without the meddling of the UN and investors in the project the dam would also have been halted, the legal basis that a law provides is a vital tool for indigenous peoples to make their cases nationally and internationally.

3. What collective action frames do indigenous organisations in Costa Rica employ?

The third research question looks into the framing capacities of indigenous SMOs in Costa Rica, specifically of three of the larger indigenous organisations: the *Frente Nacional de los Pueblos Indígenas*, the *Mesa Nacional Indígena de Costa Rica* and the *Ditsö Costa Rica*. This can give more insight into the issues and solutions that indigenous organisations in Costa Rica identify, how they garner support and what larger societal movements they align with. Frame theory argues that framing is an important task for SMOs. SMOs act as *signifying agents* that produce and maintain meanings and ideas that resonate with the target group (Peoples, 2007). SMOs can employ three types of frames: 1) diagnostic frames that identify an issue or social condition that they want to change and someone or something that they see as responsible for this issue or social condition, 2) prognostic frames that identify solutions to the identified problems, and 3) motivational frames that aim to engage the target group, attract new members and incite action (Snow & Benford, 1988). This connects to the collective identity theory, as the frames that a movement uses produce and reinforce a sense of collective identity and a common goal. By adopting certain frames, an SMO can align itself with a larger national or international movement. Within a movement, new organisations can be

created that align themselves with the approach or ideology of that larger societal movement, but in turn these organisations can also influence the larger societal movement by for example raising new issues and ideas.

When looking at the frames that the three indigenous organisations employ, one can identify a few main issues that they are concerned with: impunity, land rights, environmental issues and inequality. These issues are linked to each other. The lack of implementation of land rights – caused by historic inequalities and discriminatory and racist practices that are entrenched in national institutions – leads to land conflicts and environmental issues. These land conflicts are then often met with impunity, which is also caused by a deeply rooted discriminatory system that is not representative of indigenous peoples and that often favours non-indigenous landholders or private interests. The organisations also identify who is to blame for these issues: the government, the judiciary system, the police, the private sector, and non-indigenous landholders that all represent neoliberal and discriminatory ways of thinking. This way, the indigenous organisations criticise the status quo and the powerholders in the country. The solutions that the organisations then foresee, based on the prognostic frames, mainly relate to the implementation of laws and international treaties for the protection of indigenous rights and respect for their self-determination. They want the recovery of their land, respect for the right to consultation and justice in land conflicts; thus, the implementation of the *Indigenous Law* and ILO C169. The underlying goal or solution that they propose is systemic change of a system that causes these issues.

This is in line with the joint statement that was brought out after the first national indigenous congress, COIN, where indigenous leaders from across the country came together to establish a joint indigenous agenda. Here, the indigenous leaders denounce the climate of violence against indigenous peoples that the government has created by failing to comply with the laws. They reject the imposed state institutions that are supposed to represent them – the CONAI and the ADIs – and denounce the ineffectiveness of state structures and the neglect of the state's duty to protect indigenous rights and territories. They identify the common priorities of their struggle: the recovery of lands, spirituality, autonomy, culture, traditional governance, identity, self-education, the unity of the indigenous peoples of Costa Rica, and the eradication of imposed state bodies such as the ADIs, the CONAI, but also the MNICR. As a solution they demand that the government respects international declarations like ILO C169 and UNDRIP, implements existing laws, implements land rights and removes non-indigenous peoples that own land in indigenous territories, and protects indigenous peoples through a just justice system (FRENAPI, 2019).

The organisations try to achieve these changes through a number of strategies, both reformist and revolutionary. Firstly, they try to engage with the government and go through official procedures to make their voices heard, for example by writing letters or making requests to government institutions and participating in discussions with (local) governments. The Costa Rican political system has space for this: Indigenous peoples have enough citizen power to reach the government and make demands. However, as Arnstein (1969) argues, there is a critical difference between participating in politics and having real power. That indigenous peoples are able to participate in elections and can contact the government, does not guarantee that the government takes into account their demands when making decisions. When going through official channels leads to nothing, indigenous organisations opt for revolutionary methods like organising protests, recovering land in indigenous territories themselves, or holding a national congress as an alternative to official indigenous representative institutions.

The frames that the three indigenous organisations employ also relate to larger regional and global social movements. Aligning the national paradigm of indigenous peoples with a regional or

global discourse can garner widespread support and places the national indigenous movement in a transnational network that can give indigenous organisations in Costa Rica the five Cs: cash, courage, contacts, consciousness, and campaigns (Martí i Puig, 2010). The transnational networks and international attention to indigenous issues of the 1990s inspired indigenous peoples in Costa Rica, as they became more conscious of their rights and the fact that the issues they experience are not unique, but part of a larger problem. By adopting the common identifier of *indigenous* the three organisations align themselves with regional and global debates on indigenous rights and thus with the Central and Latin American indigenous movement. Next to that, by identifying environmental issues and referring to themselves as guardians of nature, the indigenous organisations align themselves with the global environmental movement that aims to protect natural resources and combats climate change. While framing processes are not always conscious decisions, aligning your rhetoric with a global debate means that an organisation or movement can count on more international support, which is an important tool in putting pressure on the government to instigate change.

8.2 Indigenous mobilisation in Costa Rica: One social movement?

This research has sought to examine how indigenous peoples in Costa Rica have organised themselves. By taking social movement theory as a basis, one can determine if indigenous mobilisation in Costa Rica can be seen as a social movement and if this mobilisation has influenced existing societal and political norms and values. A social movement usually emerges when a marginalised group lacks the resources or the access to the political system to bring about some form of social change that would improve their position in society. A movement is fluid, meaning that it is not bounded in time and space. It is a mixture of spontaneity and organisation. It consists of multiple organisations that create their own meaning or direction within the movement: The movement influences the organisation, and the organisation influences the movement (Turner, Smelser, & Killian, 2020; Peoples, 2007). This makes it difficult to grasp the essence of a certain social movement. This is especially the case with social movements that transcend national boundaries, like the indigenous movement. Especially since the end of the 20th century, movements have become more transnational. This is due to the draw-back of the state, the increasing importance of the (global) economy and globalisation (Voss & Williams, 2009). A transnational movement consists of organisations or activities that differ in scope. There can be international SMOs, but there are also regional, national and local and community-based SMOs that align themselves with the broader ideology or rhetoric of a transnational movement.

The question if there is *one* indigenous movement in Costa Rica or if the indigenous movement in Costa Rica is part of the Latin American indigenous movement might not be the right question to ask. This is explained by the critique on social movement research that focuses on national or global movements by Voss and Williams. Voss and Williams (2009) argue that most social movement research neglects the importance of local, community-based organisation for modern social movements. They utter critique on the political opportunity theory – the theory that has gained the most importance in social movement research – that focuses on high profile national or global protest events and does not take into account the new reality of globalisation and neoliberalism where the state has less importance, while it is precisely the local community-based organisation that is a new but key dimension of modern social movements. It is not mobilising on the national level anymore that is the most important for social movements, but *organising* on the local level to build the capacity of civil society and *networking* to build activist linkages on the national and international level.

When linking this to indigenous mobilisation in Costa Rica, it might thus be less important to determine if you could speak of *one* national indigenous movement, then it is to look at local grassroots indigenous initiatives that try to change the local status quo, thereby also influencing the national status quo. Determining if there is an indigenous movement in Costa Rica thus does not mean that there has to be one representative organisation that shapes and forms the movement, but one can

also look at the multiple, smaller, community-based movements and organisations that have adopted the common identifier of an indigenous identity, but are based on a local struggle and give meaning to this indigenous movement based on these local circumstances. This way, these local movements are shaped by the (trans)national movement, but the (trans)national movement is, in turn, influenced by the local movements. This can be seen in Costa Rica, where there are a lot of different indigenous organisations, all differing in size, scope or focus. Indigenous peoples are organising on the local level and creating linkages with other locally based organisations that together form a social movement or are part of the larger transnational indigenous movement. Grassroots organisations can play a large role in increasing the resilience and development of the people they represent, can build citizen power and can influence political decision-makers (Wageningen University & Research, sd). They can contribute to the redistribution of power from the powerholders to the have-nots.

Yet, instigating societal change requires both a national and a local effort. Local efforts might not be enough to bring about the systemic changes that are required to increase indigenous peoples' citizen power. The reality is that the state still determines a large part of their citizens' daily life, despite the fact that economic and private interests have increased in importance. A large part of the indigenous struggle in Costa Rica is related to the lack of implementation of the laws that are in place for the protection of indigenous rights. While local governments, institutions, judiciaries and police also play a part in this implementation, a top-down approach or reform could significantly help the local struggle for the recognition of land rights and could help the fight against discriminatory practices of a system that has been built upon historic inequalities that have been established in the colonial era and the nation-building practices of the 19th and 20th century. To do this, indigenous peoples should collectively engage with the government in a unified national agenda. The national and international network of SMOs can play an important role in influencing and putting pressure on the government to take action. All in all, societal change is a complex, multidimensional interaction of all the different actors (e.g., national and international civil society including social movements, the judiciary, the local and national governments, international institutions) influencing each other. With the first National Indigenous Congress – COIN – in 2019, indigenous leaders of different indigenous communities have been able to establish and make known this unified national indigenous agenda. The upcoming years will show if the new policies that have been adopted by the government and this unified national indigenous agenda can contribute to working towards the systemic change that will be required to actually “solve” the issues that indigenous peoples in Costa Rica face. However, this will be difficult in the current economic and political reality, as redistributing power and gaining influence in political decision-making processes as a minority is not something that is easy to achieve, especially considering that for the past 30 to 40 years no real progress has been made.

8.3 Reflection on methodology

In this research I have chosen for certain methodological and theoretical approaches to examine how indigenous peoples in Costa Rica have mobilised and to what extent they are able to participate and have influence in political decision-making processes. Because of the COVID-19 situation, I had to depend on methods that I was able to apply from behind the desk. This means that the methods I have used, and the direction of the research, have relied more on the theoretical framework, literature, and secondary sources than initially planned. While the research is extensive and I have been able to use online primary sources produced by indigenous organisations themselves, not being able to conduct expert or in-depth interviews can be problematic for the accuracy or the depth of the research. This has also left me with some questions that I have not been able to answer, like: Which (private) actors have actively worked against the Autonomous Development Act? How do the different indigenous organisations relate to each other and to what extent do they communicate or align their agenda with each other? What political parties or actors support the indigenous struggle? What do the indigenous peoples and organisations themselves think about the two new laws that have been implemented in

2018; do they think this will improve their situation? What exactly has led to the establishment of the new laws; why now and why these laws and not the Autonomous Development Act?

To examine indigenous mobilisation in Costa Rica I have chosen to take social movement theory as a basis. Social movement theory examines the factors that are important for mobilisation or forming and sustaining a movement, with some of the most important factors being inequality, political opportunity, organisational capacity, and collective action frame. This has given a clear direction and a demarcated approach to the research. However, this might also be a limitation to the research, as the focused approach might cause one to overlook other factors that have been important for the mobilisation of indigenous peoples in Costa Rica. This can also be the case with the content analysis that relies on predetermined codes that have come up as the most important in the literature on indigenous mobilisation in Latin America and Costa Rica and from doing a quick scan of the Facebook pages and social media posts of several indigenous organisations. While I have tried to include everything that I thought was important and would cover all the facets of the frames that the indigenous organisations use, I do recognise that this might have pushed me in a certain direction and could be biased because of this. Yet, by creating an “other” category and completely reading every post that was selected for analysis, I hope to have limited this bias.

Opting for an approach that looks at the national experience of indigenous peoples and is based on the political opportunity theory can be risky as it fails to take into account the different experiences of the different indigenous peoples in Costa Rica. There is not *one* indigenous identity and every indigenous community or territory might experience different issues. For example, there are two indigenous territories where 0% of the land is occupied by non-indigenous peoples: Telire and Tayn . This stands in stark contrast to, for example, the China Kich  and Altos de San Antonio territories where, respectively, 97% and 98% of the territory is in the hands of non-indigenous peoples (MacKay & Garro, 2014). The political opportunity theory focuses on national institutional factors that influence a marginalised group and social movements. While this is definitely important, it is also vital to look at local community-based organisations and international networks and processes. By comparing the case of indigenous mobilisation in Costa Rica to the cases of Panama and Honduras and by linking this to general trends in indigenous mobilisation in Latin America, I was able to examine what factors have been important for the development of indigenous mobilisation in Costa Rica. Research with field work would make it possible to examine further the different local experiences of the different indigenous communities and organisations and what these experiences contribute to the national and international indigenous movement. Also, field research and conducting expert interviews could give more insight into the organisational capacity of the different indigenous organisations and into how they interact with the government behind the scenes of what they post on social media, thereby creating a more complete picture of the indigenous movement of Costa Rica. This would be especially relevant and would contribute greatly to creating the full picture of indigenous mobilisation in Costa Rica, considering the critique on the political opportunity theory of Voss and Williams (2009) that states that local community-based organising is a key dimension of contemporary social movements.

Lastly, taking the *Ladder of Citizen Participation* of Arnstein (1969) as a way to analyse the extent to which indigenous peoples have been able to participate in political decision-making processes has been valuable. Using this theory has really shown that there is a difference between participating in politics and having real citizen power. While indigenous peoples in Costa Rica have been able to vote since 1994 and there are several representative institutions for indigenous rights, it is clear that they still lack real decision-making power. A redistribution of power, a change in the status quo, is necessary to really improve the position of indigenous peoples in Costa Rica.

9. CONCLUSION

This thesis has sought to understand what factors have been important for the mobilisation of indigenous peoples in Costa Rica and if indigenous peoples have actually seen an increase in their citizen power in the past few decades especially. Despite increasing mobilisation of indigenous peoples in Costa Rica since the late 1980s, indigenous peoples have not seen a substantial increase in citizen power. While Costa Rica has several laws for the protection of indigenous rights and has ratified international conventions like ILO C169 and UNDRIP, no real systemic changes have been made that have changed the status quo. The laws and international conventions are not properly implemented and no real progress seems to have been made, as indigenous peoples still experience the same issues of exclusion they experienced a few decades ago. These issues have in a way even been exacerbated by neoliberal reforms that have deepened existing socioeconomic inequalities and have commodified land and natural resources, thereby increasingly threatening indigenous rights to territory and self-determination. The lack of implementation of the Indigenous Law means that indigenous territories are still largely inhabited by non-indigenous landholders, causing many violent land conflicts that are often met with impunity. National development projects and private interests – like hydroelectric dams that on paper are great for sustainable development as it provides renewable energy sources, but threaten indigenous peoples' livelihoods – seem to be more important than indigenous human and territorial rights. Arguably, the state of Costa Rica is guilty of neoliberal multiculturalism, as it has only participated in window dressing by adopting superficial laws that are not even implemented, but that make it seem like they are concerned with indigenous issues, thereby demobilising indigenous resistance and decreasing international pressure. Especially exemplary is the case of the Autonomous Development Act, the law that would put into practice the rules and regulations of ILO C169 but that was never approved by the government and was even deliberately shelved. This shows the unwillingness by the government to actually implement the rules and regulations in national legislation as laid out in the international conventions it has ratified, which would make it more binding. Recently, Costa Rica adopted two new laws for the protection of indigenous rights, which seem to be very promising in ensuring consultation and judicial rights. However, it is too early to tell if this new legislation will actually make the substantive change that is needed or if it is just another band-aid that only targets some of the symptoms of the root causes, instead of the root causes of the indigenous struggle themselves.

When looking at the factors that are important for mobilisation as proposed by social movement theory, shows that all factors combined in some way determine the extent to which indigenous peoples have mobilised. The sense of inequality – in the form of the violation of their land rights, having less access to basic services, being overly represented in the poor segments of society, and impunity which are caused by systemic issues of institutions that are built on racist and discriminatory historical power structures – has given indigenous peoples the reason *why* to mobilise. This also comes forward in the frame analysis of the frames that indigenous organisations in Costa Rica employ. Political opportunity has played a significant role in the mobilisation of indigenous peoples of Costa Rica. In a way, indigenous peoples had “too much” perceived political opportunity over the years which has made it less necessary to mobilise. When comparing the case of Costa Rica to many other countries in Latin America, its early transition to democracy, the abolishment of the military, the relatively social and environmentally friendly policies, and the strong ties with civil society organisations has worked against indigenous mobilisation. Costa Rica also seemed to be a frontrunner in the recognition of indigenous rights with its creation of the CONAI, the ADIs and the Indigenous Law in the 1970s. Indigenous mobilisation really started to take off by the end of the 1980s, especially due to the window of opportunity created by globalisation, the take-off of the Latin American indigenous movement, and the increasing international attention to indigenous issues, which made indigenous peoples in Costa Rica aware that their issues were not unique and that they could require change.

However, due to the differences in political opportunity, indigenous mobilisation in Costa Rica seems a bit more fragmented and less organised compared to indigenous mobilisation in other Latin American countries, where indigenous peoples have become a political force to be reckoned with. Indigenous peoples and organisations in Costa Rica have less prior activist experience and a smaller network of support due to the lack of wider popular mobilisation of, for example, peasants and workers. Yet, they have formed ties with other indigenous organisations in the region and beyond, as well as with national and international NGOs, and student and environmental organisations, providing a transnational network of support that can put pressure on the government when making demands. This has, for example, proven to be very successful in the case against the El Diquís dam, where international pressure has led the Supreme Court to rule it to be illegal.

However, while indigenous mobilisation in Costa Rica is more fragmented, this does not mean that mobilisation cannot be effective. In modern social movements that have become more transnational, it is important to look at local grassroots organisations that have the ability to change the local status quo, thereby creating a triple-up effect that can influence the national and international status quo. All the smaller, locally-based indigenous organisations give their own meaning to the Latin American indigenous movement based on their local circumstances and form transnational links with other organisations, thereby contributing to the local, national, regional, and global indigenous movement. Yet, this might not be enough to create the long-lasting, systemic change that is needed. This might require a national and international institutional approach to ensure that societal change is being pushed not only from the bottom-up by civil society, but also from the top-down. It is important that indigenous peoples collectively engage with the government and propose a unified national agenda. And it seems like indigenous peoples in Costa Rica have increasingly been able to do this, which is shown by the first National Indigenous Congress that was held in 2019, where indigenous leaders came together to discuss a national indigenous agenda in which they made demands to the government.

When looking at the *Ladder of Citizen Participation*, indigenous peoples have never really moved beyond step three to five – informing, consultation and placation – meaning that indigenous peoples are often informed, consulted with or asked for advice, but that there is no assurance that the powerholders will follow through and take their views into account when making decisions. They have no real citizen power. For something to really change, a redistribution of power and systemic change to a system that is built on historical inequalities and focuses on economic growth is necessary. To achieve global sustainable development and to achieve the targets of the SDGs, it is necessary that everyone is included, the multiple dimensions of poverty are eradicated, unequal power relations are tackled, and inequitable growth is counteracted. Ensuring indigenous peoples' collective rights to land, territories and natural resources is vital in the global fight against poverty, inequality, climate change and the loss of biodiversity. Indigenous rights seem to be getting more and more international attention due to growing concerns related to climate change and the depletion of natural resources, which is positioned in a growing critique on the global economic system that seems to be exacerbating these issues. Indigenous peoples have been at the forefront of this global movement that is concerned with climate change and growing inequalities. However, it is to be seen if real systemic changes can be made that are needed to redistribute power to protect indigenous peoples' collective rights, to ultimately guarantee sustainable development as laid out in the SDGs. Change does not happen overnight by simply establishing a law or policy, but it has to be a collective effort by indigenous peoples, the judiciary, the government, the private sector, NGOs, and the international community.

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