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BETWEEN BEING AND NOTHINGNESS? INTERCULTURALITY IN PERUVIAN PUBLIC POLICY An analysis of the concept and of the constitutional and executive practice

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LIST OF ACRONYMS

APRODEH	Asociación Pro Derechos Humanos Perú
EBI	Educación Bilingue Intercultural (Bilingual Intercultural Education)
CENSI	Centro Nacional de Salud Intercultural
CIAS	Comisión Intersectorial de Asuntos Sociales
CONAPA	Comisión Nacional de Pueblos Andinos, Amazónicos y Afroperuanos
CVR	Comisión de la Verdad y Reconciliación (Truth and Reconciliation Commission)
COPAE	Abbreviation for Comisión Ordinaria del Congreso para Pueblos Andinoamazónicos, Afroperuanos, Ambiente y Ecología
DINEBI	Dirección Nacional de Educación Bilingue Intercultural
GTZ	German Technical Cooperation Agency
IDL	Instituto de Defensa Legal
ILO	International Labour Office
INDEPA	Instituto Nacional de Desarrollos de los Pueblos Andinos, Amazónicos y Afro peruanos
INEI	Instituto Nacional de Estadística e Informática
MED	Ministerio de Educación del Perú
MIMDES	Ministerio de la Mujer y Desarrollo Social
PCM	Presidencia del Consejo de Ministros
PUCP	Pontificia Universidad Católica del Perú
ROF	Reglamento de Organización y Funciones
UNEBI	Unidad de Educación Bilingue Intercultural

CHAPTER 1: CULTURAL DIVERSITY AND ASYMMETRY IN PERÚ: WHAT DOES 'THE INDIAN'/INDIGENOUS HAVE TO DO WITH IT?

1.1 Purpose

This paper wishes to contribute to the discussion around interculturality and intercultural policy in multicultural and plurilingual countries such as Perú. Intercultural policies address the issue of difference/diversity and inequity. How diversity is experienced, addressed, conceived of, managed, and continuously constructed, or imagined (both by the State and all other actors in society) is crucial for a more equitable, just and democratic development of multicultural countries.

More specifically, the main purpose of this paper is to examine the vision of interculturality the Peruvian State has and uses in public policy, and to identify the implications that our findings may have for inclusive public policy in Perú, -- which after Bolivia and Guatemala, is the country with the third highest proportion of indigenous population (47%) in Latin America and is also among the most unequal countries in a region where pervasive forms of exclusion and discrimination (especially those perpetuated by the State) persist.

Other authors have already undertaken similar studies often focusing only or mainly on one sector or one specific document (education, justice, the Constitution). (Fuller, 2002; López & Kuper, 2000; Ludescher, 1999; Rémy, 1994; Tubino & Zariquiey 2004; Van Cott, 1994; Yrigoyen, 2002; Zúñiga & Gálvez, 2002). These studies are very informative and insightful on the specific sector they discuss. However, none of them (except Tubino's & Zariquiey's) have attempted to make a systematic analysis of the concept to make an assessment of the Peruvian State as a whole regarding the issue of interculturality. At the same time, most of these studies point to the need of either addressing interculturality from a multisectoral perspective and/or further researching multisectoral intercultural commitments and initiatives. This paper builds upon those studies and a) develops a comprehensive version of interculturality for b) analyzing more thoroughly the conceptions of interculturality operating in a range of documents and agencies within the

Peruvian State, in order to c) provide a more encompassing map of what the Peruvian State's vision of (and perhaps commitment to) interculturality is (insofar as we can identify one).

1.2 THE SOCIETAL PROBLEM OF INTERCULTURAL RELATIONS: CONTEXT AND BACKGROUND

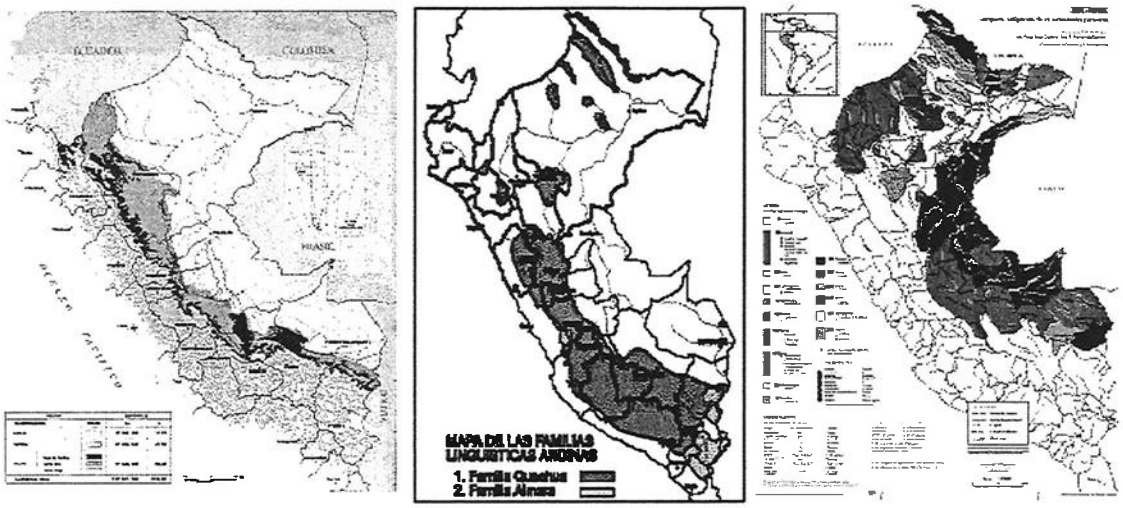
This section sets the background of diversity and asymmetry from where to argue for the relevance of bringing intercultural issues to the center of the table when discussing development and public policy in multilingual and multicultural Perú. In order to do this, this section explains why the indigenous 'problematic' is crucial for understanding intercultural politics in Perú and yet why intercultural politics are not only a matter of indigenous issues nor a matter of Intercultural Education alone (the *niche* where interculturality has been addressed).

Perú is a highly centralized country: more than 8 million Peruvians (almost a third of the total population of 27 million) live in Lima, the capital city situated in the coastal region. This region represents only 11% of the country's territory yet more than 14 million Peruvians (53% of the total population) live there. The Sierra (Andean Region) represents 26% of Perú's territory and is home to 37% of Peruvians. Only 10% of the total population lives in the Amazonía, which is the largest region – representing 62.7% of the country's area.

Within these different spaces we find various ethnic groups that make (of) Perú a multicultural and multilingual country where more than 40 languages exist. Approximately 40 Amazon languages (such as Arahua, Aguaruna, Ashéninka, Bora, Candoshi, Cashinahua, Ese eja, Huitoto, Harkmbut, Machiguenga, Shipibo-conivo, Urarina, Taushiro, Yanesha, among many others) are spoken by 130 000 Peruvians; Quechua and Aimara are originally Andean languages and are spoken by more than 3 million and 400 000 Peruvians respectively; and Spanish is the official language and is spoken as a first language by 73% of Peruvians (INEI,1993; Pozzi-Escot, 1998).

The following maps show (i) the three main regions of Perú[1] and the presence of the different (ii) Andean and (iii) Amazon languages in Perú :

(i) (ii) (iii)



The relationship between these languages (and cultures) is very asymmetrical. Spanish is the hegemonic language, because – as Tubino explains -- it is the functional language in the country: the public sphere in Perú is *in* Spanish. Spanish is the language of access to the market, to employment, to justice, to information, to politics, to health, to entertainment. It is the only language that is 'functional' beyond the private sphere (Tubino: [no date], 5).

In Perú, this asymmetry is intertwined with cultural and ethnical asymmetry. As much as Peruvian society is diverse, mestiza (the intermingling of Spanish and Amer-Indian[2]) and chola (Mestiza and Amer-Indian), it is racist and exclusionary as well. Although it is beyond the scope of this paper to thoroughly discuss the problem of entrenched racism in Perú (which is complex because it is intertwined with economic, class, cultural and gender factors, and because it is not overtly acknowledged by a majority of Peruvians) it is important to understand that racism is strong in Peruvian social dynamics. A number of Peruvian social and political studies point out racism as one of the gravest problems of the country that undermines the

[1] The Coast (yellow), The Sierra or Andean Region (brown), and the Selva or Amazonía (the three different shades of green).
[2] 'Indian' refers to the original/indigenous peoples (ethnically and culturally) in Perú vis a vis the Spanish colonizers. Historically, 'Indian' has had a negative/pejorative connotation.

possibility to construct national cohesion and inclusive democracy (Caillirgos, 1993; Degregori, 1999; Figueroa et. al, 1996; Flores Galindo, 1986; Manrique, 2004; Portocarrero, 1993; among others).

Very simply put: the more Indian (and/or indigenous) one is considered to be (by others and also by one self) the stronger the possibility/tendency to be discriminated against or looked down upon. This has strong political implications since the more discriminated against that a person is, the more excluded from social rights and from political processes of decision making. Social exclusion, as Figueroa et. al argue, is intrinsic to contemporary Peruvian capitalist democracy and "is not a random process: those with lower cultural assets (Indians) suffer the highest rate of exclusion" from the labour market (1996: 84). Being excluded from the labour market (economic rights) results in exclusion from access to social and political rights. This is how inequality is played out – at all levels—economic, social, political; in multiethnic and multicultural Perú.[3]

Indigenous movements in Perú are non existent or weak. There are no indigenous political parties nor broader political fronts or parties with strong representation of indigenous issues or that address social challenges in connection to the indigenous problematic. Thus indigenous movements in Perú have no or very little role in defining the national agenda -- unlike in Bolivia and Ecuador, where they are increasingly becoming crucial stakeholders in defining national agendas.

But this is not all the story and reality is more complex. To begin with, the issue of the definition of who is 'indigenous' today is difficult and tricky. A generally adopted definition is one proposed by the Convention 169 of the International Labour Organization (ILO), according to which indigenous peoples: i) identify themselves as such, have: ii) historical continuity with pre-

[3] A different, recent source: *The World Bank report on Indigenous Peoples, Poverty and Human Development in Latin America* states that "income levels among these [indigenous] groups, as well as human development indicators such as education and health conditions, have consistently lagged behind those of the rest of the population." (World Bank, 2005:1). See Appendix A for a profile of indigenous peoples in Perú.

colonial societies, iii) strong link to territories, iv) distinct social, economic and political systems, v) distinct language, culture and beliefs, and vi) identify themselves as different from the national society (Gigler, 2005). But – in the case of Perú – many of the peoples to which criteria ii to vi apply, do not (want to) identify themselves as indigenous (for example, Indigenous Andean Peruvians are less likely to identify themselves as indigenous, while various Indigenous Amazon Peruvians do so). This brings us to another important fact: 'indigenous' peoples in Perú are various. Therefore it is unrealistic and unfair not to acknowledge that their identities are many and different.[4]

Having said this, the question/problem of who defines who is indigenous (and why) prevails. This, in turn, brings us to the question of 'the other.' Who defines 'the other' if not the other's 'other'?

As Vigil puts it, the problem in Perú is that "a minority defines who are citizens and identifies originary peoples in Perú as 'the other'" (Vigil, 2003:222). This fact has to be understood from a historical perspective and in connection to the strong centralized character of the Peruvian state and society. Centralization in Republican Perú (since 1821- when it achieved independence from Spain) is the continuation of the historic process of centralization around Lima since this city became the capital of the Spanish Viceroyalty of Perú in 1542.[5] Lima was the center of power and the center from which the Spanish colonial model was to be imposed. In this context, centralization implied not only the concentration of power and resources in the city of Lima but also the imposition—from the center—of a colonial-Spanish-European model characterized by the tendency to convert or 'de-indianize' the other.[6] The process of conquest and colonization of Spanish America had devastating effects on the indigenous populations. In México, the 25 million inhabitants at the time of the conquest were reduced to 1 million by the XVIIIth

[4] For a discussion on the differences between indigenous peoples in the Andean region and the Amazon region, and their implications for the specific forms of resistance and demands to the State by these diverse groups, see Espinoza (2003) and Vigil (2003) in Vigil & Zariquiey (2003).
[5] Lima was founded in 1535 and in 1542 became the capital of the Viceroyalty of Perú, the most important Spanish colony in South America.
[6] Literally, the Spanish legitimized themselves as colonizers assuming the mission to expand Catholicism: i.e. converting 'savage' Indians into 'civilized' persons through Catholic religion.

century. In Perú, by 1720, the population was only 600 000 compared to the 9 million inhabitants estimated to live in the Tahuantinsuyo (the Inca domain) in 1532 (Manrique, 2004:10)

Centralization notwithstanding, Lima has always been a diverse city: Spanish, Indians, Mestizos, Cholos and Blacks have lived there – but for more than four centuries Lima managed to maintain a White-Spanish-European image. This changed dramatically by the second half of the 20th century, when large migration movements from rural to urban areas (especially to Lima) began to take place in the 1960s. Today, 70% of Peruvians live in urban areas versus 27% that live in rural Perú. Migration movements have significantly transformed cities by massively bringing diversity into them to the extent that Lima (and other cities) has not been able to 'manage' diversity in ways it did before: rendering it almost invisible.[7] In fact, the processes of migration mentioned above have made of Lima (and other cities) the stages where struggles for recognition and redistribution, for citizenship and inclusion take place every day. Millions of Peruvians have managed both to adapt to and resist 'the center' and its pervasive effects (or requirements to be *included*) by developing hybrid identities that both contest and reproduce racism and discriminatory, exclusionary practices.[8]

Thus it can be argued that racism is found along the entire social spectrum in Perú. It is not a practice perpetuated only by the more dominant classes, cultures and/or ethnicities against 'the others.' It is something practiced by everyone against each other, and against one self. Indeed, racism in Perú is ever more perverse because it is directed towards one self (in the case of the majority of Peruvians who are mestizos and/or cholos) and this has severe and disintegrating effects on the (individual) identities of Peruvians and therefore on Peruvian society (on a collective identity) as a whole (Caillirgos, 1993: 36; Manrique, 2004: 32-50).

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[7] According to the 1993 census, around 10% of the population in Lima has Quechua or Aimara as mother tongue.

[8] See, for example: de La Cadena (2000) who discusses the complex process of 'de-indianization' of working class Peruvians in Cuzco. See also Caillirgos (1993) and Manrique (2004)

In this sense the indigenous and Indian element (vis a vis the White/Spanish 'model') is crucial for understanding social dynamics in Perú, but mainly as a reference point from where to start understanding the complexities and flux of Peruvian identities and of the inter relations among them. 'The problem of the Indio'[9] is indeed real and crucial to address but should not lead to rigid binary interpretations of the relation between the Indian and the Spanish (Fuller, 2002) or to *only* look into those groups of Peruvians that fall or fit into the official definition of what indigenous is. The dimension and nature of the problem is such, that it has pervaded all groups and their interactions in Perú, and thus requires to be discussed and addressed as a problem of inclusion, democracy and development of the country, as a problem of all Peruvians. Since a majority of Peruvians are mestizos and cholos this implies that the indigenous element (and history of exclusion of it) is in one way or another present throughout Peruvian social and political dynamics, so the theme of interculturality in Peruvian politics and public policy is very relevant to consider.

After the above, it is important to acknowledge the main Public Policy responses to diversity and inequity in Perú since the 1960s and their contribution towards the construction of a Perú of/for all Peruvians as well as their connection to the development of intercultural discourses and policies.

In 1969 the revolutionary (and military) government of General Velasco Alvarado drove an important democratization process with its reforms. The Agrarian Reform aimed to tackle the semi feudal and feudal situation of land in Perú and to end oligarchy in Peruvian society (López, 1997:242; Manrique, 2004: 48). Before the reform, 2% of the population owned the majority of the land in the country. The Agrarian reform legally recognized campesino

[9] 'The problem of the Indian/of the Indígena' is a phrase used differently along Peruvian history by different Peruvian thinkers, politicians, writers. Literally, for some Peruvians, the Indian, the Indigenous has constituted the main problem of Perú and the solution proposed has been to eliminate the 'Indianness' from Peruvian society, from Peruvian identity. 'De- Indianization' through the fostering of European immigration to the country and the 'whitening' of the Indian race has constituted a Peruvian State policy (see Manrique, 2004). At the other end of the spectrum are Peruvians who recognize that the problem of the Indian is the problem at the heart of exclusion and disintegration in the country and as such is the problem of all Peruvians and as long as it is not addressed, Perú will continue to be 'a state without a nation' (Manrique), 'a Republic without citizens' (Flores Galindo) or a republic where a majority is a 'second class citizen' (López).

communities and granted them the ownership of the land they worked in.[10] Today, there are more than 5000 campesino communities registered as such. Together, they own more than 40% of land in Perú. However, campesino communities have remained poor and excluded in different forms, especially from the policies that have promoted development and modernization of the Agro in the country (Eguren, 2005). Less than 10% of their land is 'de cultivo' (productive) and basically these communities produce for their own subsistence.

This reform deliberately opted for the recognition of 'campesino' (peasant) rather than indigenous or Indian communities, on the grounds that 'Indian' and 'indigenous' had a very negative connotation (this explains –at least in part-- the fact that 'indigenous' Peruvians in the Andean region identify themselves as campesinos and not as indigenous or Indian).[11]

Together with the Agrarian Reform, the Educational reforms of the revolutionary government aimed to redress profound discrimination practices towards the more indigenous populations. Quechua was declared an official language of Perú (together with Spanish) and it was declared that its teaching and learning would become mandatory from 1976 (Velazco was overthrown in 1975 and Quechua did not become mandatory). Velazco's idea was to construct a bilingual nation. Although these reforms have significantly contributed to the democratization of Perú, it can be argued that they still excluded many Peruvians to the extent that they constituted policies of recognition mainly of the Andean Quechua peoples (there are many more other diverse peoples in Perú).

It is against this context and background that discourses of interculturality begun to develop in close connection to demands for Bilingual Education

[10] The motive/slogan of the reform was: 'the land to those who work it' ('*la tierra para quien la trabaja*')
[11] The problem of the definition of who is indigenous (and/or identifies herself as such), together with methodological difficulties/inconsistencies for gathering reliable statistical data on the ethnic background and language of the Peruvian population, explain the different data resulting from different studies/organizations. For example, the UNDP (2004) finds that 47% of Peruvians are indigenous whereas the INEI (National Institute for Statistics and Informatics) finds that only 19.4% of Peruvians have a different mother tongue than Spanish.

which expressed a demand for social inclusion. Initially, Bilingual Education expressed the demand that the specific characteristics and needs of indigenous peoples be *included* in the national education system in order for them to have access to quality education. The concept of interculturality evolved as a more radical and elaborate demand for Bilingual Education which became Bilingual Intercultural Education (EBI).[12]

While the origins of interculturality and intercultural public policy are intimately linked to education, they represent struggles for recognition and citizenship that go beyond claims to the right to education. Thus it is a mistake and incoherent to confine interculturality and intercultural public policy only to the educational sphere since they are crucial for the development of inclusive democracy and citizenship in multilingual and multicultural Perú.

As we have seen, the State (with Velazco) responded to these demands in a progressive form. The 1972 Peruvian National Policy of Bilingual Education expresses an integral conception of such education that is oriented to overcome the situation of poverty of indigenous peoples without undermining their cultural traditions. The Policy states that the ultimate goal of education is to redress historical socioeconomic inequalities that have especially affected indigenous peoples in Perú (Zúñiga and Gálvez, 2002:315)

The 1960s and 1970s unfolded important democratization processes in Perú but after Velazco, the different governments have not been equally committed to the reforms initiated. Hence the fact that 40 years later – although there is progress towards a more just and democratic Perú – still massive social inequality, injustice and exclusion linked to cultural and ethnical diversity (and asymmetry) persist in the country. The Final report of the Peruvian Truth and Reconciliation Commission (2003) gives extensive evidence of this (as we will see in chapter 3, section 3.2.3).

[12] For an informative account of the history of EBI in Latin America, see López and Kuper (2000)

The following chapters investigate interculturality as a developing political-ethical discourse that emerges as a response to the Peruvian context and background of social disintegration and inequity described above, and its presence/use in Peruvian Public Policy.

1.3 THIS STUDY

1.3.1 Research questions

While intercultural discourses and policies are very important for the democratic development of all Peruvian citizens, 'interculturality' remains an unfinished, contested, and polemical concept and practice. Given the strong ethical, political and public policy implications that different conceptions of interculturality may have, it is important to have some initial clarity of what the different conceptions and uses are, and of *where* and *how* intercultural policy is present (defined and used) in the Peruvian State. Therefore, this paper undertakes the preliminary yet fundamental task of working through the complex conceptions of interculturality in order to have a clearer perspective of the intercultural vision (or visions) of the Peruvian State and to assess how strong or weak it is, how coherent or ambiguous or contradictory it is, in the first place. This can serve as a base from which to pursue further inquiries.

The main research question is:

What can we say about the Peruvian State's vision of interculturality on the basis of its use (presence and character of the concept) in its public policy commitments?

Sub questions:

1. What is interculturality? Why is it relevant?
2. How to distinguish different versions or uses of interculturality?
3. What versions/uses of the concept are more prominent in a set of key instances in Peruvian public policy?
4. Is there one coherent/dominant concept/version of interculturality across different sectors/official documents? Is there more than one? Are the different visions compatible or contradictory?

1.3.2 Methodology and Limitations

A) The main method used in this study has been analysis of policy documents (Constitution, Laws, strategic Plans, among others) of the Peruvian Public Sector accessible to the general public, via direct request or via official web pages (of the different ministries, institutions, etc).[13] Different instances within selected sectors and institutions of the Peruvian State with significant assigned responsibilities regarding intercultural policy, have been examined. In addition, relevant secondary literature sources on interculturality have been consulted.

B) Key reference actors from different sectors, regarding interculturality in Perú. have been interviewed (by e-mail). Interviewees include (i) public officers from relevant units within Ministries, such as ex-members and current representatives of the National Direction of intercultural Bilingual Education of the Ministry of Education (DINEBI), (ii) members of intersector commissions within the Presidency of the Council of Ministers (PCM), (ii) a member of the Ombudsman office, (i) a members of the legislature working on the parliamentary commission dedicated to issues of interculturality; (v) academics and researchers that address interculturality in their academic work and also have relevant field or advocacy experience; and (vi) members of NGO's (such as the GTZ) that develop intercultural programs. A sample of the questionnaires and a profile of the interviewees that responded to the e-mail communication are provided in Appendices E and F.

C) This paper develops a typology (explained in Chapter 2, section 2.4) of three different aspects of interculturality that results in a comprehensive conception useful for analyzing different versions of interculturality in Peruvian Public Policy. This has been done on the basis of i) a study of literatures of interculturality and public policy; as well as ii) the researcher's own relevant academic and field work experience and iii) the documents and interviews already mentioned.

[13] A list of web pages visited is included after 'References' and 'Other works consulted.'

Limitations of this study are the following:

1) It has not been possible to look into all sectors and all relevant institutions regarding interculturality due to limits of space and time. This paper has strategically selected what public sectors and policy documents to focus on. (The selection is justified at the beginning of Chapter 3).

2) It has not been possible to interview many people whose views would have enriched our sources for analysis. In particular, the views of those whom the state is supposed to represent and favor with intercultural policy have not been explored. This limitation reflects the deliberate and necessary focus of this paper within the time and space available, which is to analyze the State and State policy.

3) Since it was not possible to travel to Perú, the basis of this work has been the analysis of different literature and policy documents available from the Netherlands or sent to the researcher from Perú. Although qualitative data in the form of electronic (e-mail) interviews to relevant/key representatives of main stakeholders regarding interculturality has been included, face to face interviews would have certainly enriched the data to be analyzed.

1.3.3 Organization of the paper

This paper is organized in 3 further chapters. Chapter 2 develops the theoretical and conceptual framework. It has four sections. The first three focus on interculturality as an ethical and political project drawing upon -- but different from – multiculturalism. Together they put forward an understanding of the concept that has close links with democracy and human development, as well as with inclusive democratic public policy in Latin America, and Perú. On the basis of sections 2.1 to 2.3, section 2.4 develops a methodological framework consisting of a comprehensive conception of interculturality that serves as the basis for the analysis in the following chapter (3). In Chapter 3, three main tasks are undertaken: i) the justification of the instances (sectors, offices, policy documents) selected to be investigated (3.1); and ii) their description and iii) analysis (3.2 and 3.3); in terms of the main and secondary research questions and on the basis of our theoretical and methodological framework developed in Chapter 2. Chapter 4 summarizes the findings,

reflects on them and draws implications regarding intercultural politics and public policy in Perú. Also, this final chapter suggests relevant further research.

CHAPTER 2:[14] INTERCULTURALITY AS A PUBLIC POLICY FOR SOCIAL INCLUSION

The chapter asks four main questions: (2.1) What is interculturality? (2.2) Why interculturality? (2.3) How is interculturality different from multiculturalism? and (2.4) What are the main different versions or uses of interculturality?

2.1 What is Interculturality?

> *In Latin America in general, and in the Andean region in particular, there is a new attention to cultural diversity that is expressed in juridical recognition and in an increasing need to promote positive relations among different cultural groups, to confront discrimination, racism and exclusion, to form citizens who are conscious of differences and capable of working together for the development of our country and for the construction of a just, equitable and plural democracy (Walsh 2000: 7)*[15]

Interculturality has both a descriptive and a normative meaning. At a descriptive level – following its literal form -- the term *inter-cultural* refers to any kind of relation that actually takes place between cultures in social life. Thus intercultural relations between cultures can take several forms including acculturation, mestizaje, syncretism, hybridization, cultural diglossia, among others (Tubino, 2002b: 73).

At the normative level, interculturality constitutes an ethical and political project for organizing social life. This section focuses on this normative meaning of interculturality. This does not mean that we lose sight of how different cultures and groups actually interact among one another in real life. It is precisely on the basis of the observation -- in practice -- of unjust/undesired asymmetric forms of relations among cultures that we begin to conceive of, and develop projects and policy for alternative forms of interrelation.

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[14] This chapter draws especially on Fidel Tubino's work (see: Tubino 2002a,2002b, 2003, 2004).
[15] Walsh's paper, as several other literatures referenced and/or quoted in this paper, are in Spanish. The quotations and/or paraphrasing are my own translation.

As Tubino explains, interculturality as an ethical and political proposal has mainly developed in Latin America and in some European countries.[16] In the case of Latin America, intercultural discourses and policy proposals began to develop as a response to the problematic around Bilingual Education for Indigenous People in the region (2002b: 73) yet today they aim to transcend the education sector and to influence public policy as a whole. Catherine Walsh (2000) articulates a good initial description of interculturality:

> *As a concept and a practice, interculturality means "between cultures", but rather than simply a contact between cultures it implies an exchange on the basis of equitable terms and conditions [...] In itself, interculturality strives to break with the hegemonic history of a dominant culture subordinating others. In this way, interculturality aims at strengthening traditionally excluded identities in order to construct in everyday life, modes of living together based on respect [...] Apart from being a goal to achieve, interculturality should be understood as a permanent process of interrelation, communication and learning between and among different persons, groups, knowledge, values, traditions; oriented towards the generation, construction and fostering of mutual respect and to the full development of the capacities of people regardless of their cultural and social differences (Walsh 2000: 7; emphasis added).*

Her description is useful to begin reflecting on what the conception of interculturality implies and requires as a normative ideal that grows out as a critique of current reality. The following broad features are meant to highlight different key aspects that the developing conception of interculturality *can* entail, and that are important to have in mind as ideas that give form and content to intercultural philosophy and ethics.

1. Unfinished character:

- Interculturality is a difficult concept to define since it refers both to ideals (goals to achieve) and existent practices, both to specific policies and objectives as well as the actual (or not actual) implementation of these.
- Interculturality is also difficult to define in just *one* way since different conceptions of equity, social justice, democracy and development shape, to a large extent, different versions of interculturality.

[16] In Europe, intercultural discourse and policies have developed as a response to the social and cultural problematic resulting from the increase in migration from the south (Tubino, 2002b: 73) We should also have in mind India and (post apartheid) South Africa, for example, as countries elsewhere in the world that are engaging with the issues of multicultural and intercultural democracies.

- The concept is complex in that it aims to cross various spheres of social life (including the political, the judicial, psychosocial, educational, etc.) and to permeate the private and the public, the micro and the macro levels. In this sense, it is also an 'unfinished' (un realized) project.

2. Dialogue and Recognition

- Interculturality implies and/or requires dialogue and encounters/exchanges between peoples. Dialogue is the basis for recognition because it is through dialogue (in its broadest sense) that one gets to know the other, to re-cognize the other.
- More specifically, interculturality is concerned with dialogue and mutual recognition around issues of social justice and inclusion.
- Intercultural dialogue is based on the recognition, respect and value of diversity and plurality of people and peoples (cultures, forms of life, forms of knowledge) that exist in our societies because it conceives differences as opportunities for mutual learning and mutual development/realization (of all).
- Interculturality –as Intercultural Education – is relevant *for all* and not only for indigenous peoples because every social relation (and dialogue) involves at least two parties. Also, the idea is that all groups interact and construct knowledge by gathering (including, integrating) one's own with that of 'the different,' 'the other.'

3. Solidarity, Inclusion, Justice

- Dialogue and Recognition are in turn intimately linked with solidarity, inclusion and justice which are also key aspects of interculturality: "the concept of interculturality emerges in close connection to the vindication of the other, the other which is ignored, the other that is not taken into account, and which – ironically, is also part of our own/self." (López, 1999:2)
- Interculturality is intimately linked with the radical democratic project of developing just, equitable and inclusive societies for all. Interculturality questions and seeks to transform intolerance, discrimination, exclusion, abuse of power, authoritarianism.

4. Critical and Historical Consciousness

- Interculturality is concerned with the conditions that impede (and that would allow for) authentic dialogue and therefore it addresses structures of power and power relations in our societies as well as historic patterns of inequity and exclusion.
- Interculturality realizes that part of the process of respecting and recognizing 'the other' is to understand and respond to the particular context and history where 'the other' is situated and comes from.

5. Openness

- Interculturality requires an attitude of openness and responsibility (with oneself and with the others – inside and outside) in order to engage in critical and auto critical consciousness, and to engage in dialogue with 'the other.'
- Interculturality (ideally) conceives of peoples, cultures and identities as dynamic and open (rather than closed, fixed, or static). Cultures and identities are always in the making. Interculturality does not reduce (nor convert, assimilate, nor conquer) one's own identity or others' identity.
- Interculturality does not propose a return to tradition and/or the past for the sake of fixating it or for it to remain intact. Rather, it proposes re-valuing one's own culture and identity (which include our traditions and history) in order to move forward on more solid grounds; in order to be in better conditions – with a stronger self esteem and identity – precisely to open up to 'the other', to 'the different' (out there and also within our selves) in more solidary and authentic ways.
- Interculturality believes that sounder and more profound encounters and dialogue with oneself and with the others are desirable and possible.

These features are intertwined. One possible way (among others) to visualize their interconnection is the following:

Interculturality

IS

↓

an unfinished concept and ethical/political project

FOR:

↓

Inclusion, Justice, Solidarity

BASED ON:

↓

Critical and Historical Consciousness, as well as Openness

THROUGH:

↓

Recognition, Dialogue (of what is of justice)

Together, these features constitute the broader foundation from where a comprehensive conception of interculturality is formulated in section 2.4 in order to be used for the analysis of Peruvian Public Policy in chapter 3. [17]

2.2 Why Interculturality?

> *We use the term democracy to refer to, broadly speaking, a free society which is not oppressed by a non controllable political power, nor dominated by a closed and restricted oligarchy; a society where those who govern 'respond' to those who are governed. There is democracy when there is an open society in which the relationship between those who govern and those who are governed is understood as that of the State which is there to serve citizens, the government exists for the people and not vice versa.* (Sartori, 2003:47)

Having introduced the content of Interculturality, it is now important to establish its close connection with inclusive democracy and human development.[18]

[17] The list of key aspects and their content are the researchers own attempt to gather, organize and connect ideas developed by various authors on interculturality (Ardito, 2001;Fuller, 2002; Fornet-Betancourt, 2001; Heise, 2001; Hopenhayn, 1999; López (1996, 2000); Pérez Tapias, 2003; Tubino (2002a,2002b, 2003, 2004); Vigil, 2003;Walsh, 2001; Zavala & Córdova, 2003; Zavala & Cuenca, 2005; among others)

Interculturality addresses historic, deeply rooted asymmetric and unjust relations among different peoples within our societies in order to redress them and allow for mutual respect and recognition among individuals and peoples to develop.

This is at the heart of social justice and inclusive democratic projects in our societies, and in Perú. The question of justice in this country is one that demands responsibility (ability to *respond to*) both at the more personal and micro levels as well as the more public and institutional (macro) levels. The question of social justice is the question of *responding* to the other's claims for recognition and inclusion. As Tubino (2003) argues, it is crucial to 'interculturalize' the public spheres and build pluralist public rationalities that are able to embrace all who are part of our diverse societies. Indeed, this is the only way to allow for real democratic processes of opinion formation and decision making, especially around issues as central to social life as what is just. In Pérez Tapias words:

> *The ample spectrum of questions about which we can dialogue should not let us lose sight of the most important one: dialogue between different persons and peoples ought to construct or look for a shared recognition of 'what is just', that is, of what we owe to one another for dignity reasons.*(Pérez Tapias, 2003:142)

Today, one (at least declared) shared recognition of what is just or fair is that our societies, our democracies should include all their members as citizens and work for the development of all. A key condition of citizenship in democracies is the principle of autonomy: "the capacity of human beings to reason self consciously, to be self-reflective and to be self-determining" (Held, 1987: 270). More specifically: autonomy is about: equal votes, effective participation, proper political understanding and equal control of the political agenda (282). In the view of democratic theorist Jurgen Habermas, the democratic project is the historical project – an *unfinished* project -- to give *all* citizens equal rights so that *all* have equal possibilities of self-realization. (1998: 471)

Along similar lines, Human Development "can be expressed as a process of enlarging people's choices" (UNDP, 1996:49) As Des Gasper explains, in this conception development embraces not only access to goods and services,

but also the opportunity to choose a fully satisfying, valuable and valued way of living together, the flourishing of human existence in all its forms and as a whole (2004:37). Moreover, as the Human Development Report 2004 *Cultural Liberty in Today's Diverse World*, points out, democracies today face the great challenge "of promoting diversity and expanding the cultural choices of all people" (UNDP, 2004: 27).

It is impossible to conceive the integrity of the individual (her freedom, her identity, her self-realization) as being separate or independent from the social dynamics, structures and context where she is situated. If the system of rights and the State do not guarantee that these dynamics and structures enable and support individual freedom and well-being, then neither Law, nor the State and its policy are fulfilling their purpose.

Although inclusive democracy and human development have increasingly been put at the top of the declared development agendas, marginalized, disrespected groups, cultural or ethnic minorities or majorities in Perú and in Latin America, are not – in fact – recognized as equal bearers of rights. Systematically, the legal system tends to treat members of these marginal groups as second class citizens. The entrenched exclusionary structures in place impede the proper exercise of their rights and create more inequality, as we saw in chapter 1, section 1.2.

We discussed there the origins of interculturality in close connection to demands for social inclusion in the form of Bilingual Intercultural Education for indigenous peoples. The consistent actualization of rights implies that the democratic state and law have to take into consideration socioeconomic and cultural differences of distinct communities and groups. More so, when cultural and ethnic differences do count as assets for inclusion/exclusion in the labour market, and through it, for inclusion/exclusion in the social and political sphere (Figueroa et. al, 1996; Manrique, 2004). Thus interculturality and inclusive democracy in Perú and Latin America necessarily require addressing both the issues of recognition and redistribution. As Sieder

recognizes in her introduction to *Multiculturalism in Latin America. Indigenous Rights, Diversity and Democracy*,

> *Cementing the basis of a new pact for common citizenship involves the twin dimensions of celebrating difference and heterogeneity, but also addressing indigenous poverty and social marginalisation. In this sense the politics of difference in the region cannot be separated from the politics of social justice* (2002:16).

Along these lines, Nancy Fraser (1997:12) had argued that "justice today requires *both* redistribution *and* recognition." Moreover,

> *Despite the differences between them, both socioeconomic injustice and cultural injustice are pervasive in contemporary societies. Both are rooted in processes and practices that systematically disadvantage some groups of people vis-à-vis others. [...] In practice, the two are intertwined. Even the most material economic institutions have a constitutive, irreducible cultural dimension; they are shot through with significations and norms. Conversely, even the most discursive cultural practices have a constitutive, irreducible political-economic dimension; they are underpinned by material supports. Thus, far from occupying two airtight separate spheres, economic injustice and cultural injustice are usually interimbricated so as to reinforce each other dialectically*. (Fraser, 1997:14-15 emphasis added)

Thus, if the state and public policy are to recognize and protect the rights of the members of all groups (especially those with more disadvantages), they have, firstly, to recognize the way that the positions/locations of those groups are disadvantaged. The state has to understand that justice cannot be reduced to *distributive* justice. Rights are not goods to be merely *distributed*. They have to be enacted and exercised.

In the sense that interculturality aims at guaranteeing the exercise of rights (of freedom and realization) for all citizens, and to foster forms of interaction among different peoples beyond tolerance and the avoidance of conflict, towards more equitable encounters and more profound forms of recognition, it represents an ethical and political project intimately linked to inclusive democracy and human development.

2.3 From Multiculturalism to Interculturality

The main purpose for distinguishing interculturality from multiculturalism here is to underscore the fact that, as discourses and political projects – although they share general ideals related to democracy – they respond to *different* contexts, problems, and potentials. Multiculturalism is a response of *already* established western liberal and/or social democracies -- that have actually achieved the guarantee of a 'higher' level of exercise of rights of all their citizens -- to 'new' situations of diversity in those societies. Therefore, the social, political and economic effects (advantages and disadvantages) of the implementation of multicultural politics in the north can not be simply anticipated or expected to occur in the same form in the Latin American context. Furthermore, models of multiculturalism from the north[19] as well as critiques to multiculturalism are 'transferable' or useful to the Latin American (and Peruvian) context only to a limited extent. [20]

In Perú, democracy has not been realized precisely because a large majority of the population has remained excluded. Most Latin American countries have never achieved the levels of guaranteeing equality and justice to the majority of their citizens. Intercultural politics do aim to achieve multiculturality in the sense of constructing a broader leveled base where different groups co-exist in much more symmetric relations. But to do so, it necessarily aims at the transformation of profound asymmetric relations between groups in our societies.

Thus whereas in developed/western democracies one could see multicultural politics as seeking to deepen democracy and strengthen it given the relatively 'new' situation of diversity, in Latin America, given the fact that large parts of the population remain excluded, intercultural politics constitute an essential element of the democratic project in itself to be realized in the first place. This is to say, any authentic-inclusive-democratic project has to be intercultural and address the entrenched forms of inequity and exclusion in Latin America.

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[19] See, for instance: Habermas, 1994; Kymlicka, 1996; Taylor, 1994; Walzer, 1993.
[20] See Sieder (2002:6-7), for a firm response to Brian Barry's attacks on multiculturalism.

To distinguish multiculturalism and interculturality is relevant also because intercultural approaches and projects coming from Perú and Latin America address the issue of difference and inequity between groups in these countries and hence constitute potential alternatives for the democratic development of our countries that come from *within* our countries. Increasingly in development studies and practice there is the recognition of the importance of ownership of projects and programs of development cooperation by the recipient countries. Interculturality and intercultural politics are evermore necessary and worthwhile to consider precisely because they come from *within* these societies, and to place them at a central stage in the national and international agendas would also be an expression of an effort to put ideas, initiatives, social models coming from 'the South' at the same level of discourse and alternatives coming from 'the North.

2.4 What are the main different versions or uses of interculturality?

We have seen in sections 2.1-2.3 that interculturality is not an easy concept to define. Therefore it is important, before we proceed with the examination of interculturality in Peruvian Public Policy, in chapter 3, that we establish some consistent distinctions that will allow us to identify different "versions" or uses of interculturality.

Taking into account the broader key aspects identified at the end of section 2.1 for reflecting on what the conception of interculturality implies and requires, it is possible to construct a comprehensive and normative conception of interculturality which would allow us to contrast/differentiate it with other possible (less comprehensive) conceptions or versions of interculturality.

Very close to what Tubino & Zariquiey call *critical interculturality* (see Tubino & Zariquiey, 2004), this study proposes a comprehensive conception of interculturality that includes the following three elements (all three elements are present in this comprehensive conception):

Elements of a comprehensive conception of interculturality:

***C1. Central role of interculturality for human development*:**

Such a conception proposes the value of the diversity and plurality of peoples in our society in connection to their potential for contributing to the development of all (and not only the development of *those* peoples). Or, in other words, when the recognition and value of other's identity and culture are not only considered a matter of respecting and protecting those others' rights, but also a matter of allowing for a fuller exercise of the rights of all.

C2. *Structural Critique:*

When the conception addresses the general and specific structural (and historical) conditions of the interrelation between different groups and cultures, and hence the forms of inequity that have to be transformed in order for inclusion, social justice and mutual recognition and respect to be possible.

C3. *Universal relevance and implementation:*

When the concept expresses the belief that its practice is meant for all and not only for a certain group of people or peoples– even thought it may stress and focus on the need to pay special attention to a certain group of people or peoples.

For each of these three elements it is possible to identify a counterpart or restricted form:

***R1. Narrowly functional role of IC for development* (rather than major/central):**

Diversity and Plurality are considered positive assets or accessories of/for the country but not central to the development of the country. And/or,

Difference and Diversity are considered only as causes of negative or undesired conditions that have to be transformed, overcome or eliminated in order for things to function well. For example, when difference is seen as *only* creating conflict, and as impeding unity or harmony in the country.

***R2. Status quo* (rather than structural critique)**

When the concept recognizes the value of the diversity and plurality of peoples in our societies but does not address the asymmetric relations between them, nor the structures of power and thus leaves the status quo (inequity) unquestioned.

***R3. Restricted Relevance* (versus universal relevance)**

When the conception, no matter how critical it is (or is not), and/or how much it declares to value diversity, eventually stays or fixates itself in a certain group of people or peoples in such a way that the essential (ideal) dialogical or relational character of interculturality is missed or forgotten. An example of this is when intercultural Education is proposed *only* for a specific target group and not for all.

Certainly, there can be a number of versions or uses of interculturality (in addition to the comprehensive version) resulting from possible combinations between the elements. However, the central role conception cannot be combined with the narrowly functional one, nor can it be combined with other two mutually exclusive elements. This still leaves 3 possible versions in addition to the comprehensive one: i) central + structural critique+ restricted relevance, ii) central + status quo + universal relevance, and iii) central + status quo + restricted relevance.

In the following chapter, this identification of comprehensive elements versus their restricted forms will be used for the analysis of the commitments to interculturality that are made in the Peruvian State.

CHAPTER 3: INTERCULTURALITY IN PERUVIAN PUBLIC POLICY – FOUNDATIONAL COMMITMENTS AND EXECUTIVE AGENCIES

This chapter first (section 3.1) justifies the selection of the instances, sectors, offices to be investigated. Then, sections 3.2 and 3.3 describe and analyze each selected instance of the Peruvian State in the light of the main and secondary research questions (Chapter 1) and on the basis of the theoretical framework developed in Chapter 2.

3.1 Selection and Justification of documents and agencies to study

This paper analyzes the conceptions of interculturality in a) three foundational commitments of the Peruvian State (The Constitution, The National

Agreement and the Truth and Reconciliation Commission), and b) three executive agencies (The Presidency of the Council of Ministers-PCM, the National Directorate of Intercultural Bilingual Education-DINEBI within the Ministry of Education, and the Ministry of Women and Social Development - MIMDES).

The three foundational commitments have been selected because they lay down the principles upon which the Peruvian State and the national agendas are to be constructed. What they say – or do not say – about interculturality is of special significance since public policy is designed and implemented on these bases.

The Council of Ministers has been selected because it is the instance of the Executive with the power and mandate to coordinate national policy across the state: within and between sectors and ministries as well as between the Executive, the Judiciary and the Legislative. It is responsible for guaranteeing coherent, intersectoral public policy and implementation in the light of the broader national objectives enshrined in foundational commitments such as the ones selected for analysis here (The Constitution, The National Agreement, and the Truth and Reconciliation Commission Final Report). Therefore the conception(s) and use(s) of interculturality that we find there are also significant and have important public policy implications.

The National Directorate of Intercultural Bilingual Education--DINEBI-- within the Ministry of Education has been selected because it is the executive agency explicitly created to implement intercultural policy and because it can play an important role in lobbying for intercultural initiatives outside the education sector.

The Ministry of Women and Social Development –MIMDES-- has been selected because it is a relative new executive branch responsible for guaranteeing access to basic social services to the more vulnerable, and because it explicitly includes interculturality in its policy although it does not include any office explicitly responsible for interculturality.

For this paper, preliminary work on the following instances/documents was also done: Decentralization and Regional Government Legislation, The National Institute for the Development of Andean, Amazon and Afro Peruvian Peoples –INDEPA, the Congress Permanent Commission for Andean, Amazon and Afro Peruvian Peoples and Environment and Ecology, the National Center for Intercultural Health –CENSI-- within the National Institute for Health, and the Judges of Peace within the Judiciary.[21] This work has not been included because a) the information gathered was less complete, b) the preliminary results pointed to the same ideas that the analysis of the six selected instances above suggests, and c) because of space constraints. Still, two informed opinions, one on the Judges of Peace and another on increasing importance of intercultural health are worth including here. They suggest these places within the Peruvian State are worth looking into (in further research). Interviewee 5, a Human Rights Lawyer responded that:

> *[...] perhaps Justice of Peace is the only space where interculturality is more present in the Peruvian State. Many magistrates know that the Judges of Peace make decisions according to another culture and they respect that. In some occasions, they respect decisions that go against more occidental values. This does not take place in other sectors of the State because there is much more control in those other sectors. Because of the abandonment in which they find themselves (isolated) the Judges of Peace are freer than the teachers or nurses, and also, the local population is the one to elect them.*

With regards to the recent attention that is given to diversity and health issues, interviewee 6, from the Ombudsman office comments:

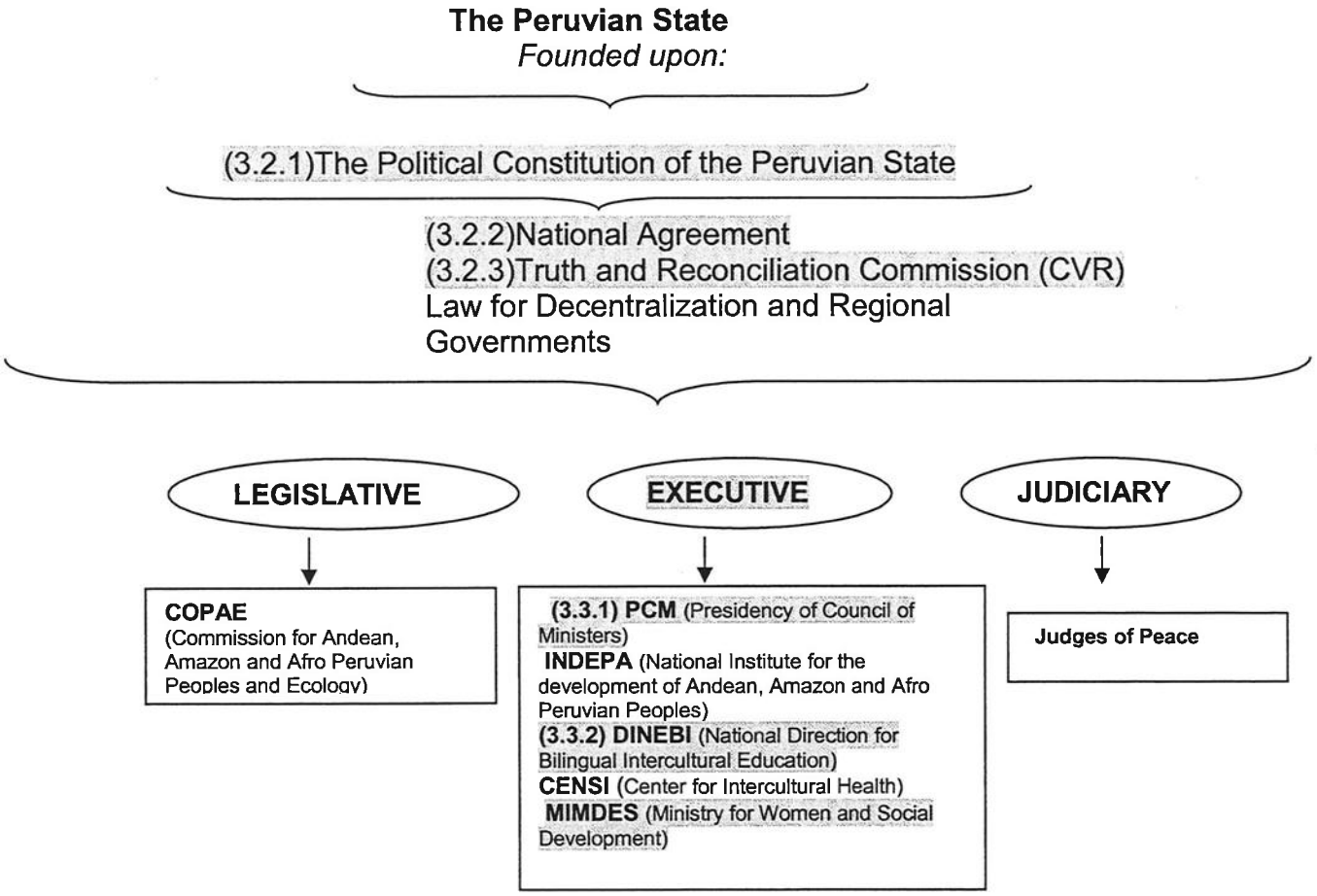
> *Only recently, the health sector is acknowledging the need for doctors and obstetricians that serve in rural areas to be able to perform vertical labor. In some communities of the Amazon region – for cultural reasons, women give birth to their children in vertical position. At this point in our history this is now seen as a novelty.*

Certainly, a longer study should look into other sectors and key instances (such as the Judiciary and the Health Sector) of the Peruvian State and assess to what extent intercultural policy is developed there. Yet, the analysis

[21] There are 5115 judges of Peace throughout the country administering justice in an alternative form to the ordinary judicial system. More than 50% of the Judges of Peace have Quechua, Aimara or other language as mother tongue. In the Andean region, this percentage raises to 66.84. For more information see: http://www.idl.org.pe/jueces/peru/justicia.htm

of the conceptions and uses of interculturality in the key documents and instances selected here should provide a limited but still informative picture of the Peruvian State's vision of interculturality.

The following diagram highlights the different instances/documents analyzed here against the larger terrain across the State where intercultural policies can be investigated.



3.2 Three Foundational Commitments

3.2.1 The Peruvian Constitution (1993)

Where and how is interculturality present in the Peruvian Constitution?
The term 'intercultural', as such, only appears in Chapter 2 of the Constitution – on Social and Economic Rights—and it appears linked to Education. Article 17 reads:

> *The State guarantees the eradication of illiteracy. The State also promotes Bilingual and Intercultural Education according to the characteristics of each*

zone. The State preserves the diverse cultural and linguistic manifestations of the country. The State promotes national integration.

Interculturality here is: a) confined to Education (eradicating illiteracy) and the preservation of culture and languages in the country, and b) linked (somehow) to the objective of national integration. At the same time, this article expresses the recognition of diversity in the country and of an important implication of it: that the State responds to the specific, diverse characteristics of Peruvians.

Another place in the constitution that gives some information on the conception of interculturality used there, is Chapter 1 on the "Fundamental rights of each person." Article 2.2 reads:

Every person has the right to equality before the Law. No person should be discriminated for reasons of origin, race, gender, language, religion, opinion, economic condition or any other category.

The right to difference is linked to the right of equality of each individual, and no mention of culture is made (although it could be included under 'any other category'). Only later in the chapter, article 2.19 addresses the issues of ethnicity and culture:

Every person has the right to her/his own ethnic and cultural identity. The State recognizes and protects the ethnic and cultural plurality of the nation. Every Peruvian has the right to use her/his own language before any authority through an interpreter. Foreigners have this same right when they are required to appear before any authority.

Three points are worth noting. This is the first moment in the constitution that there is a reference to the multicultural character of the nation. In contrast, the Bolivian (1994) and Ecuadorian (1998) Constitutions begin by recognizing (in article 1 of both constitutions) that their countries are pluricultural and multiethnic.[22]

Second, although article 2.19 recognizes the diverse character of the nation, later in Chapter 4, Section 2: "On the State, the Nation and territory" the

[22] See Appendix B for a table of comparison of Constitutional recognition of indigenous law in the Andean countries by Yrigoyen (2004).

Peruvian Constitution defines the nature of the Nation and State without including its diverse character.[23]

Third, If we look closely at how the second part of article 2.19 is formulated, it could be argued that Peruvians with a different language than Spanish are considered and treated as foreigners in their own country since they are granted the right to *use* an interpreter but not to demand the State to provide for one. That is to say, it is not explicit that the State should ensure either public officials/authorities able to serve the Peruvian citizens in the other official languages of the country or official translators to serve the citizenry. In any case, the State, in practice, does not provide interpreters. Often, Peruvians with a mother tongue other than Spanish (and knowing little or no Spanish) end up not receiving adequate social services (such as justice) due to the language barrier unless they themselves hire an interpreter or find someone to help them.[24]

With regards to language, article 48 (under Chapter 4) states that:

> *the official languages are Spanish and – in the areas where they predominate – so are Quechua, Aimara and the other aboriginal languages, according to Law.*

Only Spanish is official in all the country and the others are only so in the areas where they predominate. Thus Spanish is "more" official than the other languages in Perú.

Finally, the Peruvian Constitution recognizes native and peasant communities as juridical subjects -- that is, as entitled to property rights as well as political and judicial rights.[25] Customary Law is recognized *"as long as it does not violate fundamental rights of each person"* (Art.149, Chapter VIII), and this

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[23] Article 43 states: "The Republic of Perú is democratic, social, independent and sovereign. The State is one and indivisible. Its government is unitary, representative and decentralized and is organized according to the principle of the division between powers." The difference of this self definition compared to those of Bolivia and Ecuador is noteworthy. (See table in Appendix B)

[24] Evidence for this is shown in the Documentary by IDL (Instituto de Defensa Legal-Perú) "Barreras Linguísticas para el acceso a la Justicia" Area de Justicia de Paz, Mayo 2004.

[25] As Diez notes, the special rights granted to these communities as distinct groups within our nation, are --to a large extent-- *functional* to the rights of free association oriented to the administration of property (Diez 2005:7).

article is the basis on which the system of Judges of Peace (briefly mentioned in the introduction of this chapter) has developed within the Judiciary.

Overall we find that within the constitution interculturality is present in scattered and weak forms. The Constitution of Perú operates with a narrowly functional, status quo, and restricted relevance conception of interculturality.

- It is a functional conception because diversity and plurality are considered valuable accessories of the country but not as centrally important either to the 'identity of the nation' nor to the development of the country.
- Also, difference is associated with negative or undesired conditions (i.e. illiteracy) and difference becomes important for the development of the country in the sense that it has to be eliminated so that the country is able to develop and be 'one.'
- It is a status quo conception because although the Constitution recognizes the importance of non exclusion and non discrimination it does not point to the structural conditions underpinning them (when using the term 'interculturality'). Language and land property rights are presented as logical corollaries of individual rights, not as basic rights required for the inclusion of many Peruvian peoples.
- It is a status quo conception also, because it reinforces the asymmetric relation between Spanish and the other languages in the country by declaring that the latter are also official but only where they predominate, whereas Spanish is official everywhere.
- It is a restricted conception of interculturality because it focuses only on education of/for indigenous peoples and not on intercultural education for all.

3.2.2 The National Agreement (El Acuerdo Nacional)

In July 2002, during the new democratic government of president Alejandro Toledo, representatives of political, religious, civil society organizations and of the government, came together to establish a set of State Policies that would constitute a National Accord or Agreement expressing a commitment of

different sectors of society to the transition and consolidation of democracy in Perú, after a ten year period of Fujimori's authoritarian and corrupted regime. This Agreement constitutes an important reference point guiding Public Policy in the country. As we shall see later (section 3.3.1) the National Accord appears as an important reference-point in several documents of multi and inter sector work under the responsibility of the Presidency of the Council of Ministers (PCM).

The National Agreement has established 31 State policies aimed at achieving four main objectives: 1) Democracy and Rule of Law, 2) Equity and Social Justice, 3) Capacity to compete (competitividad), and 4) An efficient, transparent and decentralized State. [26]

Considering our comprehensive conception of interculturality the objective of Equity and Social Justice seemed a good place to look for interculturality. This is what was found: Similar to the case of the Constitution, the term 'intercultural' appears together with educational concerns under State Policy 12:"Universal Access to Free Public Education of quality." Commitment "n" (or 14 out of 14) of this policy affirms that the State "will promote and strengthen bilingual education in an intercultural context." Read alone, one can understand either that there are only some intercultural contexts in our country (and that it is only there that bilingual education will be promoted and strengthened) or that the context of our country as a whole is intercultural (which would imply promoting and strengthening bilingual education everywhere). Once we read this together with all the section describing this state policy (12), it is more likely that the vision expressed here is that of interculturality being connected only with bilingual education for indigenous peoples. Indeed, before enumerating the 14 commitments under this objective, the text reads: "Peruvian education will put emphasis on ethical, social and cultural values, on the development of an ecological consciousness and on the incorporation of persons with disability." If emphasis on inclusion (incorporation) is made, this would in turn incorporate all those excluded and

[26] See Appendix C for a list of the 31 policies.

not only those excluded because of disability. The last part of the sentence "emphasis on the incorporation of people with disabilities," implies that a) everyone else has already been more or less incorporated except people with disabilities and hence the emphasis, or that b) even though there are others excluded the emphasis is still on people with disability. In both cases, not enough attention is given to forms of (historical) exclusion linked to culture (language) and ethnicity.

Elsewhere, under State Policy 11 "Promotion of Equal Opportunities without Discrimination", Commitment f (also the last one – 6th out of 6) is to "promote and protect the rights of members of discriminated ethnic communities, fostering social development programs that favor them in integral ways." This follows, in turn, from the introductory lines to this 11th policy: "we recognize that there are diverse expressions of discrimination and social inequity in our country, particularly against women, children, old adults, members of ethnic communities, persons with disability, persons without sustenance, among others [...]".

Overall, cultural and ethnic differences are treated as one more factor of discrimination at the same level of gender, age, and socioeconomic differences among Peruvians. This way of presenting the problem of discrimination in Perú hides or downgrades the fact that all those factors being true, the fact of being a member of indigenous ethnic communities significantly increases the chances of being discriminated against and/or excluded.[27] That is, indigenous women, indigenous children, indigenous old adults, indigenous persons with disability are likely to be *more* discriminated against and much more seriously excluded than non indigenous women, children, old adults and non indigenous persons with disability.

In addition to Objective 2, let us look at Objectives 1 and 4, leaving aside only the competitiveness objective. Two related state policies (3 and 30) give us more elements to analyze the National Agreement against the yardstick of the comprehensive conception of interculturality used here. State Policy 3 is "to

[27] See Appendix A.

Affirm the National Identity" and it is part of Objective 1 (Democracy and Rule of Law). The text reads:

> *We commit ourselves to consolidate an integrated Peruvian nation, respectful of its values, of its ancient patrimony, and of its ethnical and cultural diversity [...] In order to achieve this objective the State: (a) will promote the protection and dissemination of the historical memory of the country; (b) will develop actions to promote solidarity as the foundation of living together, to affirm coincidences and to stimulate tolerance and respect for differences, to construct an authentic unity between all Peruvians; and (c) will promote a shared vision for the future with values that lead to the individual and collective promotion in order to allow for an harmonic national development and open to the world.*

Although ethnical and cultural diversity are recognized and included as valuable elements for the development of the Peruvian national identity, and although terms such as respect, solidarity, individual and collective promotion, are used, the text does not explicitly address the need to transform discriminatory and exclusionary practices in order to *consolidate an integrated Peruvian Nation.*

State Policy 30 is part of the Fourth Larger National Objective: "Efficient, Transparent and Decentralized State," and is entitled: "Elimination of Terrorism and Affirmation of National Identity." Although the last commitment to achieve this objective (f) is *"to promote actions geared towards eliminating structural factors of violence,"* in the text of this particular policy there is no mention of discrimination, exclusion or social injustice and the factors determining them. Although poverty is highlighted and is part of the strategy to eliminate terrorism, the text also states that *"only in a climate of peace and concordance Perú will be able to overcome poverty and achieve wellbeing."* But poverty may well exist in peaceful conditions and where there is 'concordance.' Missing here is the explicit connection between poverty and structures of inequity, exclusion and social injustice.

When analyzing all the above in the light of our comprehensive conception of interculturality, we find that the National Agreement operates also (like the Constitution) with a more narrowly functional, status quo and restricted conception. Although Objective 2 includes a structural critique when recognizing patterns of inequities and exclusion, the status quo conception is

more prominent. Policies 3 and 30 do not emphatically recognize structures of exclusion and disintegration. Policy 30 uses interculturality in a narrowly functional and restricted manner: to prevent violence and destruction by concentrating (only) on the more vulnerable.

3.2.3 The Truth and Reconciliation Commission (Comisión de la Verdad y Reconciliación -CVR)

Between 1980 and 2000, Perú underwent an unprecedented political violence situation that left a painful balance of assassinations, kidnapping, forced disappearance, tortures, unfair detentions, serious crimes and violations to human rights. The Provisional Government led by Valentín Paniagua created the Truth Commission on June 2001, which, under the government of newly elected president Toledo, became the Truth and Reconciliation Commission under the Presidency of the Council of Ministers (PCM), the body with the power to direct multi and inter sector policy across the State.
The mandate of the commission was to clarify the process and events, as well as the corresponding responsibilities (of terrorist organizations, the State and society), and to propose initiatives to strengthen peace and reconciliation among all Peruvians. Moreover, the Supreme Decree that created the CVR establishes that the recommended institutional, legal, educational and other reforms be followed up through legislative, political and/or administrative initiatives. This means that the State has a responsibility to act in order to allow for the recommendations to be implemented.

The results of the work of the commission were presented in a Final Report which is in the public domain and was published for dissemination.[28] This report explicitly addresses the issue of interculturality in its recommendations for institutional reforms. It can also be argued that it addresses the issue throughout the report by recognizing that social exclusion and discrimination not only played an important role as factors of how violence took root but of how violence fell (differently) upon different cultural groups in Perú. General conclusions 1, 4-6 and 9 are eloquent in this regard:

[28] See: www.cverdad.org.pe

> ***1.*** *The CVR has established that the internal armed conflict experienced by Perú between 1980 and 2000 constituted the most intense, extensive and prolonged episode of violence in the entire history of the Republic;* ***It was also a conflict that revealed deep and painful divides and misunderstandings in Peruvian society.***
>
> ***4.*** *The CVR has established that there was a significant relationship between poverty and social exclusion and the probability of becoming a victim of violence. [...].*
>
> ***5.*** *The CVR has established that the peasant (campesina) population was the principal victim of the violence. Of the total victims reported, 79 percent lived in rural areas and 56 percent were engaged in farming or livestock activities [...]*
>
> ***6.*** *The CVR has been able to discern that the process of violence, combined with socioeconomic gaps,* ***highlighted the seriousness of ethno-cultural inequalities*** *that still prevail in the country. According to analysis of the testimonies received, 75 percent of the victims who died in the internal armed conflict spoke Quechua or other native languages as their mother tongue [...]*
>
> ***9.*** *The CVR has established that the tragedy suffered by the populations of rural Perú, the Andean and jungle regions, Quechua and Ashaninka Perú, the peasant, poor and poorly educated Perú, was neither felt nor taken on as its own by the rest of the country.* ***This demonstrates, in the CVR's judgment, the veiled racism and scornful attitudes that persist in Peruvian society almost two centuries after its birth as a Republic*** *(emphasis added)*

Given these conclusions, one first set of recommendations is proposed in order *"to achieve the presence of democratic authority and services provided by the State across the entire national territory, in a way that uses and respects popular organizations, local identities and cultural diversity and that promotes citizenship participation."*[29]

As part of the strategies to do so, the CVR specifically recommends that:

- interculturality be a state policy, and that on the basis of it:
- all indigenous languages should become official,
- all public officers working where these languages are spoken would have to know the language,
- Bilingual Intercultural Education should be developed, including capacity building for teachers, as well as the development of curricula and educational materials,

[29] Recommendation A of axis 1.

- Intercultural Health should be promoted. This implies the formation/capacity building of adequate personnel, the development of participatory and decentralized preventive health programs and the increase in coverage of basic services to all indigenous peoples.
- In addition, the CVR recommends strengthening and supporting traditional mechanisms of alternative Justice (such as the Judges of Peace) the creation of an institution or state organ that would design and implement policy regarding indigenous and ethnic issues *(CVR Final Report Chapter 2: Recommendations, p.118)*

On the basis of these contents, this paper concludes that the CVR's Final Report (including its recommendations) considers the issue of interculturality in stronger ways than in the previews documents analyzed (The Constitution and the National Agreement). All three elements of our comprehensive conception of interculturality are more prominent here. The report and its findings clearly:

- claim that interculturality is central to the development of the country (central conception of interculturality),
- address, investigate and analyze structural and historic patterns of exclusion and discrimination (structural critique), and
- propose work and efforts to be done from all Peruvians, especially those who remained indifferent or irresponsible in the face of massive injustice (universal relevance).

However, at some moments a more restricted conception operates in the recommendations when the term 'intercultural' is used more prominently in connection to services (education, health, a state organ to promote rights) only *for* indigenous people. Overall, however, the work and final report of the CVR constitute genuine efforts of openness, critical and historic consciousness, dialogue, solidarity and search for inclusion and justice: all of the key aspects of interculturality that we identified (in section 2.1 of Chapter 2).

The work of the CVR officially ended with the conclusion of the Final Report in August 2003, which was presented in a public ceremony to the President of

Perú, the State and Civil Society. The complete report (including the recommendations) were officially received and accepted by the President and the government. Unfortunately there is a general opinion by those who support the commission's work that very little attention has been paid to it and that there is no serious commitment by the State (nor the society in general) to implement the recommendations.[30] Although it is now the State's turn to continue with the process by implementing the (approved) recommendations, the ex-members of the CVR (whose mission and mandate are over) have had to lobby the general public and the State, several times, to follow the recommendations.

3.3 THREE EXECUTIVE AGENCIES

3.3.1 The Presidency of the Council of Ministers-PCM

The PCM is a technical-administrative organ, created by the Executive to coordinate and follow up multi sector policies and programs, coordinate with the Legislature and with autonomous constitutional organs as well as with other entities and commissions of the executive, focusing on priorities in order to assure the achievement of national objectives.

In the regulations for the organization and functions (ROF) of the PCM we find that one of PCM responsibilities (3.13) is "to supervise the development of the policies approved by the Forum of the National Agreement" (which has been discussed in section 3.2.1)

Within the PCM there are several permanent commissions that coordinate between ministries. Among these, the Inter ministerial commission for Social issues (CIAS) is in charge of coordinating social policy and thus we should examine whether important intercultural policy is being developed there to be implemented across the State.

[30] Evidence for this are the numerous editorials and press notes from Peruvian newspapers and political journals since the Report was presented.

The two members of the PCM that we interviewed judged that the presence of interculturality in their Ministry and across the Peruvian State is still very weak. One of them (a member of CIAS) expressed the following:

> *[...] interculturality is still a very weak policy although DINEBI (Dirección Nacional de Educación Bilingue Intercultural) has made some progress but with little impulse, and the Ministry of Health is also working on aspects of health with a perspective of respect for interculturality. Respect for interculturality is not yet an evident policy, although we have been part of the creation and implementation of the National Program JUNTOS,*[31] *where we have included a design that addresses heterogeneity and focuses on the participation of the communities, recognizing their cultural identities, taking into account their knowledge, their Cosmo visions, all this through social governance with a territorial focus. However, we are still working on this and there is a lot of pressure for doing things the conventional way.* ***We do not know yet how to apply interculturality*** *(Interviewee 1, member of CIAS Technical Secretariat; emphasis added).*

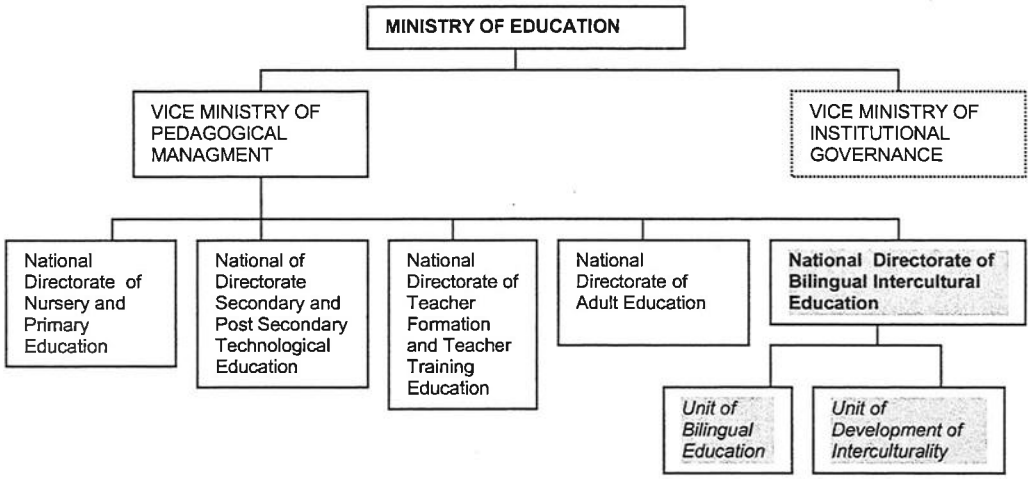
Her final remarks point to the unfinished ("difficult to put in practice") character of interculturality. Along these lines, the second member of the PCM that we interviewed did not respond right away to the questions but asked first that we define what we meant by interculturality in order for her/him to respond to our questionnaire. These two responses highlight the unfinished character of the concept and political project.

What version of interculturality is more prominent in this coordinating state agency? We are unable to answer this question other than through the above indications in the interviews. Since the content of the strategic documents of this agency -- mainly a coordinating body – only establish general ways on what and how to coordinate, the PCM does not use and is not committed to any specific conception of interculturality other than those used in key foundational documents and commitments such as the three analyzed earlier. Moreover, the PCM uses the various conceptions of interculturality operating in the myriad of documents, policies, initiatives, programs and projects that this Ministry coordinates and deals with. Thus the presence of interculturality in the PCM is – to a large extent -- the reflection of the presence of it in the different sectors being coordinated by this Ministry.

[31] "Juntos" is a recent social program that consists of giving cash (100 soles – around 25 Euros) monthly to very poor families as an incentive for them to send their children to school and visit health care centers.

3.3.2 National Direction of Bilingual and Intercultural Education - DINEBI[32]

The DINEBI is one of the five Directorates of Pedagogical affairs within the Ministry of Education. DINEBI is divided into the Unit of Bilingual Education and the Unit for the Development of Interculturality. A simplified map of the organization of the Ministry and DINEBI's place in it looks as follows:



Bilingual Intercultural Education has been put at the level of the other four main Directorates since 2001 (it used to be a unit of the Directorate of Nursery and Primary Education). What does this imply? As interviewee 4 explains[33]:

> *The fact that UNEBI (Unit of Bilingual and Intercultural Education) became DINEBI (National Direction of Bilingual and Intercultural Education) implies that the State recognizes the importance of Bilingual and Intercultural Education and decides to visualize it or stress it more. However, in practical terms, the shift or change does not necessarily translate into more resources – which are very important especially when one pretends to actually do relevant things.*

Interviewee 4 also remarks that, paradoxically, *"making units more autonomous – giving them the status of National Directorate for example – can at the same time cause disarticulation."* This comment is particularly relevant given that interculturality is supposed to run across the entire

[32] Spanish acronym for "Dirección Nacional de Educación Bilingue Intercultural."
[33] Interviewee 4 is a public officer within the Ministry of Education working under the Secretariat of Strategic Planning within the Vice Ministry of Institutional Governance.

educational system and curricula. Indeed -- as stated in the General Law of Education – interculturality is both one of the principles of Peruvian Education as well as one of the transversal contents of the curriculum.[34] And the first objective of DINEBI is to *"incorporate interculturality throughout the education system in Perú."* The list of achievements of DINEBI includes several efforts of this Directorate to infuse interculturality throughout the system, such as: the incorporation of EBI in the National Plan for 'Education for all', the reorientation of teacher training incorporating etnoscience, the organization of a team of official translators of the Ministry of Education, a pedagogical intercultural proposal for Spanish for monolingual Spanish students, among others.[35] In addition, DINEBI has made important efforts to bring the issue of interculturality in the political scene. Among them: a proposal for a National Law of Languages presented to the Legislature and the inclusion of EBI in the project for Constitutional Reform.[36] Furthermore, there is other evidence -- found in the conceptions of interculturality developed in a) educational materials for teachers and students by DINEBI; b) articles and documents on interculturality written by members, ex members and other actors connected to DINEBI's work or that influence DINEBI's work – that this Directorate has been developing a vision of EBI more aligned to the comprehensive conception of interculturality in that it seeks to transcend the education sphere and call attention to the broader social and political implications interculturality has.

However, as an ex member of DINEBI expresses, DINEBI has remained a ghetto within the Ministry where EBI is developed:[37]

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[34] In Perú the National curriculum establishes the general objectives, competences, and contents for each subject and grade, all of which are expected to be 'diversified' and adapted/developed according to the characteristics of each school and its context. In addition to this, EBI is a real category of schools in Perú. This means that there are schools in Perú officially recognized and categorized as EBI (where education and learning take place in both an indigenous language and Spanish). For an informative account of the EBI program and EBI schools in Perú see Chapter 2 of Gabriela Guerrero's Research Paper: *"Easier said than done: An analysis of the implementation of the National Policy of Bilingual Intercultural Education (EBI) in Puno, Perú"*.

[35] See the list of DINEBI's Achievements in Appendix D.

[36] See the list of DINEBI's Achievements in Appendix D.

[37] The scope of work of DINEBI in terms of numbers of EBI students attended is very small in comparison to non EBI schools. In 2004, DINEBI served 634 teachers of Nursery Education and 7,924 teachers of primary education, benefiting 11,412 and 198,000 children respectively. Whereas the total number of teachers in the public system for that same year is 26,584 (Nursery Education), and 139,000 (Primary Education), and the total number of registered students for the nursery and primary levels are 922,379 and 3'371,721 respectively. DINEBI does not serve high school level yet. Source: Estadística de la Calidad Educativa, Ministerio de Educación, available at: http://escale.minedu.gob.pe

> *Interculturality does not have a place even within the Ministry of Education because even though there is a Directorate called EBI (DINEBI) there is no work in the other directorates to see how to incorporate EBI across the entire system. Moreover, within DINEBI there is a fracture: Some members that work on the Andean languages area have the opinion that EBI is an education for indigenous peoples, there is a very strong Andean bias in the directorate. There is no presence of Amazonean cultures and one feels marginalization towards those there that do not speak any indigenous languages. That is: there are conflicts in the intercultural relations within that office, and if one adds the lack of interest for the issue in other parts of the Ministry, then it is not difficult to figure out how well the issue of interculturality is doing in the Ministry. Given this, it is even harder to even think of inter sector coordination* (Interviewee 2)

If we analyze DINEBI's mission, objectives and functions the impression we get supports the perception shared by interviewee 2. DINEBI's mission is:[38]

> *to contribute to the achievement of quality and equity in education by offering an education that is pertinent both culturally and linguistically to the diverse peoples in Perú, an education that guarantees full exercise of the right of indigenous peoples to make decisions regarding their education.*

Here, the stress on the right of indigenous peoples – rather than on all Peruvian people/citizens – "to make decisions regarding their education," may be understood as a concern only for indigenous peoples.

The way these are formulated paradoxically may lead to reducing interculturality to something *only* for indigenous populations, and not for all - for the entire education system. DINEBI -- at least from the key strategic discourse it uses to define its mission and objectives, operates mainly with a restricted relevance conception of interculturality, since, no matter how critical it may be (structural critique) and/or how much it declares for value diversity and to work for development and more equitable interrelations among different peoples in our country (central role for development), it eventually ends up focusing only on education for indigenous peoples and on an institutional level is not able to establish essential dialogical relations with the other directorates in order to infuse an intercultural education approach throughout the entire system.

[38] See Appendix D for a list of DINEBI's objectives, functions and achievements.

Having said this, any analysis of DINEBI has to take into account the paradoxical nature of this state instance. DINEBI was created as an expression of recognition by the state that EBI has to be developed in a special office. And though DINEBI throughout its existence has been developing a vision of EBI more aligned to the comprehensive conception of interculturality, and therefore one that seeks to reach out elsewhere (get out of the 'ghetto'), its own creation was based on the idea that the specific place is meant to remain so.

3.3.3 Ministry of Women and Social Development-MIMDES

The MIMDES is directly concerned with serving the more vulnerable and excluded population and with guaranteeing their basic human rights. MIMDES explicitly recognizes that poverty affects a large percentage of the Peruvian population (both in urban and rural areas) but that citizens living in the rural areas are clearly more systematically affected by it (most Peruvian citizens living in rural areas are indigenous or have strong indigenous ethnic and cultural background) and that inequity and discrimination are among the main challenges that impede the universal access to the services and rights that it—together with other sectors such as health and education –is supposed to provide and grant.

The work of MIMDES against poverty and exclusion is based on the National Plan for Overcoming Poverty 2004-2006 which includes interculturality as one of its five principles or axes. The other four principles are equality of opportunities, equity between men and women, social management of risks, and territoriality.

For MIMDES the principle of interculturality stresses the importance of promoting and protecting basic rights of indigenous peoples, their identities and traditions, their cultural patrimony, their diversity of education and the right to elect and be elected to perform public positions.

The principle of equality of opportunity:

> *aims to promote equal opportunities for all, especially those social sectors that suffer exclusion as is the case of members of campesino (peasant) and*

> *native communities, older adults living in poverty, children that are at risk (material and moral), and women that continue to be in disadvantage with regards to men.*(MIMDES 2004:9)

Moreover, MIMDES recognizes that

> *economic exclusion is caused by other forms of exclusion that are not necessarily linked to income but to rurality, ethnicity, age, disability, gender, consequences of violence. That is to say, the more indigenous, older, more rural, feminine, or with disability the population is, the more likely it is that they will be living in or under poverty conditions* (MIMDES 2004:9)

If we take these two principles together we find a version of interculturality with a strong structural critique component as well as elements of the central role for development conception, since structures of inequity and exclusion are addressed and pointed out as impeding social development.

Although interculturality is an important principle in MIMDES's policy, we find no Directorate, Office, nor Unit explicitly in charge of incorporating and/or developing intercultural initiatives or programs (as we found within the Ministry of Education--DINEBI and as it is the case of CENSI within the Health Sector – that we mentioned in section 3.1 as one of the instances looked at in a preliminary way).

The fact that MIMDES does not have a special office for interculturality does not preclude interculturality from being perhaps infused across the different programs and initiatives of this Ministry. Unfortunately, no responses from members of MIMDES were received which leaves us with a question mark. MIMDES, based in a Ministry that concentrates on weaker groups, may take a more radical stance in the official statements from the top of the organization than does DINEBI; but whether this is translated into action is not clear, and MIMDES lacks any special unit to attempt that translation.

3.4 Summary of Analysis: Interculturality in the Margins

Three foundational commitments and three executive agencies have been analyzed in order to give a response to the question of the presence (and coherence) of interculturality within the Peruvian State. While the six instances examined are far from describing the whole Peruvian State, they cover key places to consider – the Constitution, the National Accord, the CVR, the work of the executive coordinating body -PCM, the DINEBI (one of two State agencies with 'interculturality' in its title—the other being CENSI-Center for Intercultural health), and MIMDES, the Ministry for Women and Social Development.

As we can see in the summary table below, interculturality is present in all the instances analyzed, though in different forms.

- In the case of the Constitution and the National Accord, the narrowly functional, status quo and restricted relevance conception is more prominent.
- Only in the CVR do we find the more comprehensive or fuller version of interculturality present to a major extent (not without difficulties since we have noted that the restricted form regarding education and health for indigenous peoples tends to become stronger at some points). But the CVR, although created by, was an instance outside the executive, and existed only for a limited period. Moreover, it has lost 'momentum' in the current political context.
- Interestingly, we also find elements of the more comprehensive version in MIMDES, a new executive agency focused on fighting poverty.
- With regards to the PCM, for some moments interculturality becomes important but overall it does not reach a larger scope of influence across the State.
- The analysis of DINEBI reveals the paradox of this instance which operates with two important elements of the more comprehensive conceptions: an understanding of interculturality as central for development and a structural critique, but which ends up restricting the relevance of interculturality, and not being able to move beyond the ghetto of intercultural bilingual education for indigenous peoples. What

happens with DINEBI within the Ministry of Education (difficulty to actually influence the entire system) is what appears to happen, more generally, with the issue of interculturality within or across the State, on the basis of the instances we have analyzed: it remains in the margins.

SUMMARY OF ANALYSIS					
ASPECTS ANALYZED					
INSTANCES ANALYZED		**Nature: Policy Document (or) Law (or) Institution (or) Office (or) Program**	**Specific unit or office for Inter-cultural issues?**	**Policy uses term/ concept of inter-cultu-rality?**	**More prominent elements of interculturality found**
3.2.1	**The Constitution**	Foundational Policy Document	.....	YES	▪ *Narrowly functional role in development* ▪ *Status quo* ▪ *Restricted relevance*
3.2.2	**The National Agreement**	Foundational Policy Document	.....	YES	▪ *Narrowly functional role in development* ▪ *Status quo* ▪ *Restricted relevance*
3.2.3	**The Truth and Reconciliation Commission (CVR)**	Commission-part of PCM-Executive, Foundational Policy Document	.....	YES	▪ *Major role in development* ▪ *Structural Critique* ▪ *Universal Relevance but also some Restricted relevance*
3.3.1	**The Presidency of the Council of Ministers (PCM)**	Ministry-Executive (Coordinating Ministry)	NO	YES	(As used by sectors/instances it coordinates; confusion around the concept; no clear strategies on how to implement interculturality)
3.3.2	**National Direction of Bilingual Intercultural Education (DINEBI)**	Office and Program-Ministry of Education-Executive	YES	YES	▪ *Major role in development* ▪ *Structural Critique* ▪ *Restricted Relevance*
3.3.3	**Ministry of Women and Social Development (MIMDES)**	Ministry-Executive	NO	YES	▪ *Major role in development* ▪ *Structural Critique*

In the next and final chapter (4), we bring these findings together with the main ideas resulting from chapters 1 and 2 in order to respond to our research questions and reflect on their implications.

CHAPTER 4: INTERCULTURALITY IN PERUVIAN PUBLIC POLICY: BETWEEN BEING AND NOTHINGNESS

> *We can say that the Peruvian State's discourse of interculturality is still confusing and to a certain extent, contradictory (Tubino & Zariquiey 2004: 69)*
>
> *If the objectives of Intercultural Bilingual Education (EBI) remain isolated from reform in other public sectors [...] and from changes in the political context coherent with EBI principles, EBI will remain a marginal proposal. (Zavala & Córdova 2003: 3)*

4.1 Results

The broader purpose of this paper has been to contribute to the discussion around interculturality and intercultural policy in multicultural and multilingual countries such as Perú. The specific objective has been to examine key places in the Peruvian State in order to identify the conception(s) of interculturality used there and to identify the implications (challenges and potentials) that our findings may have --on the whole -- for inclusive public policy in Perú.

Chapter 1 i) described the Peruvian background and context marked by historic exclusion and discrimination, ii) explained the connection between the 'indigenous problematic' and the asymmetric relation between the Spanish language and culture and the other languages and cultures in Perú, in order to iii) establish the relevance of intercultural politics for the democratic development of the country. Furthermore, section 1.2 made the point that, while the origins of interculturality and intercultural public policy are intimately linked to education, they represent struggles for recognition and citizenship that go beyond claims to the right to education. Thus it is a mistake and incoherent to confine interculturality and intercultural public policy only to the educational sphere since they are crucial for the development of inclusive democracy and citizenship in multilingual and multicultural Perú.

Chapter 2 developed the conceptual and theoretical framework of this paper on the basis of the following questions: What is interculturality? Why is it

relevant? and What are the main different versions or uses of interculturality? In short, interculturality is an ethical and political project with a particular history intimately linked to struggles for recognition and inclusion of historically disadvantaged groups in Perú (and Latin America). Five interconnected key aspects of the interculturality project were identified, namely: its unfinished character, its critical stance on structures of exclusion, its dialogical disposition, as well as its solidary concern for, and open attitude towards the other. The importance of this ethical and political project in connection to goals of democratic and human development was established. Interculturality is thus distinct from multiculturality in that the latter has developed as a response of already established democracies to 'new' challenges of diversity, whereas the former constitutes a form of inclusive democratic project in itself in contexts where democracy for all is still unrealized and where diversity within is not new. The relevance of intercultural discourse and policies in development --as initiatives coming from the South and therefore as potential 'owned' policies in developing countries-- was highlighted Given the unfinished and contested, polemical character of a concept with strong ethical, political and public policy implications such as interculturality, on the basis of all the above, we developed a comprehensive conception of interculturality to use as a framework for identifying different uses of the concept in policy documents later in chapter 3, and gain some clarity on how strong or weak, how coherent, ambiguous or contradictory the conception is in Peruvian Public Policy.

The main research question and related sub questions were:

- What can we say about the Peruvian State's vision of interculturality on the basis of its use (presence and character of the concept) in its public policy commitments?
- What versions/uses of the concept are more prominent in the instances analyzed? Is there one coherent/dominant concept/version of interculturality across different sectors/official documents? Is there more than one? Are the different visions compatible or contradictory?

Chapter 3 justified the selection of the documents and agencies to analyze: a) Three foundational commitments of the Peruvian State: a) The Constitution,

b) the National Agreement, and c) The Truth and Reconciliation Commission Final Report; as well as three executive instances: d)The Presidency of the Council of Ministers (coordinating body), e)The National Directorate of Bilingual Intercultural Education, and f) the Ministry for Women and Social Development.

On the basis of the documents and agencies analyzed in chapter 3, as well as the interviews, we have found that:

1. Interculturality is present in the Peruvian State but operationalized in mostly narrowly functional, status quo and restricted forms. The more comprehensive forms (seeing it as central to development, based on a structural critique and understood as of universal relevance) appear in isolated instances or units that have remained at the margin –not at the centre—of Peruvian public policy. The CVR (Truth and Reconciliation Commission) and the DINEBI are two cases in point. Preliminary research on the Judges of Peace and on CENSI (Centre for Intercultural health) points to the same results.

2. There is coherence around interculturality across the Peruvian State to the extent that the concept: a) is used and operationalized in separate, small, very specific units or offices within the State (such as DINEBI and CENSI-Center for Intercultural Health for example); and b) ends up addressing the less critical aspects of culture. As Interviewee 3 (GTZ) put it:

> *Interculturality is often thought of as the rescuing/recuperating [...] of folklore, food, dances, music and traditional clothing. But it is not thought of from a more profound dimension of interculturality such as the different modes of knowledge, the different visions of the world, the different styles of communication, power relations and the exercise of differentiated citizenship [...]*

3. There is no coherence around interculturality to the extent that different agencies and documents use and stress different conceptions and even one same agency or document also uses the concept in more than one way.

4. There is no coherence around interculturality to the extent that there is little or no coordination between the different instances with responsibilities regarding interculturality. Most strategic plans reviewed as well as several

testimonies of interviewees point to the difficulty to coordinate between units and offices within one sector let alone among different sectors.

4.2 Reflections

I would like to make the following remarks within the framework of this study. First, the different uses of the concept express different levels of recognition of and commitment towards diversity and equity in Perú. Our findings corroborate Tubino's & Zariquiey's conclusions that "[...] the discourse of interculturality that the [Peruvian] State operates with is still confusing and to some extent contradictory" (Tubino & Zariquiey 2004: 69). But only to a certain extent. The confusion becomes noteworthy and relevant when things are assessed from the standpoint of the more comprehensive (and normative) conception of interculturality. Many of the authors reviewed (as well as most of the interviewees) claim that there is no vision of interculturality within the Peruvian State. Yet, as we have shown, within the Peruvian State, important public policy documents and instances where the term 'interculturality' is present do exist. The main point behind the claims that the Peruvian State does not have a vision of interculturality seems to be the concern about the immense gap between discourses close to our comprehensive conception of interculturality, and the real practice of the State.

Indeed, if we do a more profound analysis of the issue on the basis of our comprehensive notion of interculturality there is no coherence around interculturality given that the comprehensive intercultural objectives of inclusion and democratic development of Perú require that intercultural politics transcend the education sphere and become relevant for all sectors as well as for all peoples in Perú (not only indigenous).

Secondly, the focus of this paper has been interculturality in Peruvian Public Policy, meaning as a State response and as a top down initiative towards democratization. In this regard, three points need to be made:

1. Institutions are not only policy, or social visions and goals stated in documents and strategic plans. People make institutions and people develop ideas, have interests, people imagine, propose, fight, make amends, quit, return, conform, rebel. Part of the Peruvian State (for example, the

Constitution) may have founded an approach to interculturality which was the one upon which DINEBI was created. But once DINEBI has its own life, it might try to go in opposite direction to where it was supposed to go according to the approach from where it originated. The foundation can always be challenged, questioned, and eventually, transformed.

2. The state is only one side of the story. *What about Peruvian people?* Interviewee 6, member of the Ombudsman, has the opinion that:

> *Intercultural initiatives from the State [...] vanish because the social context does not favor interculturality, it sanctions it through distinct mechanisms: racism, exclusion, violence [...] the real problem is not that we do not have a state concerned for interculturality. The problem is that we are a society not willing to accept interculturality. It is trendy to blame the state, public officers, politicians, for all our problems. But nothing is said about our society in general which is the one to produce and reproduce the states, public officials and politicians [...] As long as members of our society are miserable, we are doomed to have miserable politicians and bureaucrats.*

This paper has not looked at the other side of the coin: civil society, not only those referred to as 'indigenous peoples', as excluded sectors of society, as 'second class citizens,' but all groups of citizens. We pointed to the fact that there are no strong social movements or political groups or parties in Perú that have developed intercultural discourses and policy and/or that advocate for them (except for a limited community of academics and educators, or some indigenous communities with the support of advocates of indigenous peoples rights). In contrast to Bolivia and Ecuador in the Andean region, intercultural politics in Perú are not central. We also pointed out to the fact that such an important intercultural initiative as the Truth and Reconciliation Commission has not been followed up and is being forgotten/ignored.

The questions that arise are: Why? Is it not puzzling –and worrisome— even paradoxical, that interculturality is not massively struggled for in multiethnic, multicultural and asymmetric Perú?

3. This paper has on purpose focused on the more political and social side of interculturality. It is important to remember the more existential side of this conception around encountering 'others.' Mircea Eliade, from a different perspective yet one that resonates with intercultural philosophy, captures this side in the following quote:

> *[...] 'the real treasure, that which can put an end to our poverty and all our trials, is never very far; there is no need to seek it in a distant country. It lies buried in the most intimate parts of our own house; that is, of our own being [...] And yet – there is this strange and persistent fact, that it is only after a pious journey in a distant region, in a new land, that meaning of that inner voice guiding us on our search can make itself understood by us. And to this strange and persistent fact is added another: that he who reveals to us the meaning of our mysterious inward pilgrimage must himself be a stranger, of another belief and another race.' And this is the profound meaning of any encounter; it might well constitute the point of departure for a new humanism, upon a world scale. (Eliade 1960: 245)*

In any case, whatever meaning encounters with others may have for different people and peoples, the personal effort and responsibility for inter relating in more equitable terms with our others is crucial for interculturality:

4.3 Policy and Research Implications

Policy Implications

This study concludes that it is difficult yet important to develop interculturality and intercultural policy in Perú and in countries with similar characteristics. If the more comprehensive conception of interculturality is embraced, then policy making requires:

a) Striving for opening spaces where dialogue and processes of decision making around issues of justice take place including different stakeholders.

b) Focusing on all sides of the relation and not only on 'one side' of it (i.e. the indigenous, the excluded) because all societal relations are dialogical,

c) Addressing the issue from a broader democratic and development perspective that transcends the education-culture-language sphere, that is: developing intersector and multisector intercultural policies in order to make interculturality central to all sectors across the Peruvian State and public policy. Otherwise, intercultural policy, initiatives and practice are more likely to remain in the margins or eventually vanish (end up in *nothingness*).

Research Implications

In her "*Policy Paradox. The art of political decision making*" (2002) Deborah Stone suggests that essential political concepts invoked as justifications for a policy, for a government's action or for the government not taking action, represent paradoxes: *"they have contradictory meanings that by formal logic*

ought to be mutually exclusive but by political logic are not" (2002:14). Moreover, the essence of policy making in political communities is what she calls the struggle over ideas:

> *"Ideas are a medium of exchange and a mode of influence even more powerful than money and votes and guns. Shared meanings motivate people to action and meld individual striving into collective action. Ideas are at the center of all political conflict. Policy making, in turn, is a constant struggle over the criteria for classification, the boundaries of categories, and the definition of ideals that guide the way people behave [...] Ideas are the very stuff of politics. People fight about ideas, fight for them, and fight against them. Political conflict is never simply over material conditions and choices, but over what is legitimate. The passion in politics comes from conflicting senses of fairness, justice, rightness and goodness. Moreover, people fight with ideas as well as about them. The different sides in a conflict create different portrayals of the battle---who is affected, how they are affected, and what is at stake [...] Every idea about policy draws boundaries. It tells what or who is included or excluded in a category. (Stone 2002: 11, 34)*

Approaching policy making and implementation in this way requires from us to examine the different modes used to define social problems in policy discourse, including how the different definitions explain the causes of those problems, whose interests those definitions advance, and what kind of choices or decisions they pose (Stone 2002: 12-13).

Thus we suggest that a following step for finding our ways through the paradoxes or questions we have been left with in the case of interculturality in Perú, would be to continue this research by focusing now on the different stakeholders behind the different versions and agendas regarding interculturality and on what the factors influencing the different visions are. Questions for further inquiry are:

- Who struggles for what idea of interculturality in Perú, and why? What do different Peruvians (including indigenous, mestizos, cholos, blacks, everyone) think of interculturality? What do they think it is? What is it useful for? Do they want it? Believe in it? Value it? Is it possible that those who are the more "affected" by differences are the more interested in not emphasizing differences? Why?
- Is interculturality viable? How? Is it possible if advocated only from a top down approach?

It is undoubtedly vitally relevant, thus, for many reasons, to engage in further reflection and research around the problematic of interculturality in diverse and divided countries such as Perú.

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7. Web Sites Visited

Acuerdo Nacional (National Agreement)	http://www.acuerdonacional.gob.pe
Centro Nacional de Salud Intercultural	http://www.ins.gob.pe/gxpsites/hgxpp001.aspx ?2,8,14,O,S,0,MNU;E;4;6;MNU;,
Comisión de la Verdad y Reconciliación	www.cverdad.org.pe/
Consejo Nacional de Decentralización	www.cnd.gob.pe
Congreso	www.congreso.gob.pe/
Defensoría del Pueblo	http://www.ombudsman.gob.pe/
DINEBI	http://www.minedu.gob.pe/dinebi/
IDL Juzgados de Paz	http://www.idl.org.pe/jueces/peru/justicia.htm
Instituto Geográfico Nacional	http://www.ignperu.gob.pe/
Instituto Nacional de Estadística e Informática	www.inei.gob.pe
Instituto Nacional de Salud	http://www.ins.gob.pe
Ministerio de Economía y Finanzas	http://www.mef.gob.pe/
Ministerio de Educación	http://www.minedu.gob.pe
Ministerio de Justicia	http://www.minjus.gob.pe
Ministerio de la Mujer y Desarrollo Social-MIMDES	http://www.mimdes.gob.pe
Ministerio de Salud	http://www.minsa.gob.pe/portal/
Portal del Estado Peruano	http://www.peru.gob.pe/
Presidencia del Consejo de Ministros	http://www.pcm.gob.pe

APPENDIX A: Perú's Profile regarding its indigenous population

Source: http://www.worldbank.org/

Indigenous population
Between 25% and 48% of Peruvian households can be considered indigenous. The lower limit corresponds to households in which the household head and/or spouse uses an indigenous language (Quechua, Aymara or a native tongue of the Amazon region) more frequently than Spanish. The upper limit identifies all the Peruvian households in which the household head and/or the head's spouse have parents or grandfathers that had an indigenous mother tongue.

Poverty
Poverty among indigenous households increased slightly between 1994 and 2000 from 62.3% to 62.8%, while poverty among non-indigenous households increased from 40.1% to 43% during the same period. Extreme poverty among indigenous households decreased slightly between 1994 and 2000 from 28.6% to 22.2%, and from 10.9% to 9.5% among non-indigenous households. Of all poor households, 43% are indigenous. Of all extremely poor households, 52% are indigenous. (Ch. 7: Tables 2 and 3)[39].Poverty levels between indigenous and non-indigenous households decreased slightly but, unfortunately, this is largely explained by an increase in the poverty rate among non-indigenous households, rather than a decrease in poverty among indigenous households.

Inequality
Although there has been slow but positive change in the percentage of indigenous people in different national consumption quintiles between 1994 and 2001, over 55% of people in the bottom decile are indigenous, while only 10% of people in the top consumption decile are indigenous. (Ch. 7: Table 8).

Income and employment
The members of both indigenous and non-indigenous households work mainly in the informal sector. Despite these similarities, the employed indigenous population on average earns only half of what the employed non-indigenous population earns. However, it is worth noting that much of the indigenous population lives in rural areas, where the incomes (and prices) are significantly less than in urban areas. The indigenous population receives less pay for formal sector work than the non-indigenous population, but the opposite happens in the informal sector, where the indigenous population obtains higher income.

Wage differences
On average, members of non-indigenous households earn practically double the earnings of indigenous households. The decomposition of that gap shows that 49% of income gap is due to differences in the endowments between indigenous and non-indigenous people, while the remaining 51% is due to differences in the remunerations received by both groups.

Returns to schooling
Returns to schooling vary little between indigenous and non-indigenous populations (10.8% and 10.6%). Among the indigenous, men obtain markedly greater returns to schooling than women (13.5% and 9.9%), while this gender differential disappears among the non-indigenous (11.9% for men and 12.1% for women). The greatest returns to schooling appear in rural areas, where indigenous people have the greatest returns — 8.2% for indigenous households versus 7.5% for non-indigenous households. (Ch. 7: Table 17).

Education
Indigenous households have less educational achievement than non-indigenous households. Mean years of schooling for indigenous adults is 6.4 years, while mean years of schooling for non-indigenous people is 8.7 years. Male indigenous household heads have almost 2.5 years less education than male non-indigenous household heads, while female indigenous household heads have 4.6 years less schooling than do their non-indigenous counterparts. (Ch. 7: Table 19).

Health
Access to health insurance is extremely low for both indigenous and non-indigenous people in Peru. In fact, 55% of Peruvian citizens do not have any health insurance at all. Nearly 42% of all Peruvians have public health insurance – a figure that is comparable in both indigenous and non-indigenous households. Only 1.1% and 2.8% of indigenous and non-indigenous populations have access to private health insurance. (Ch. 7: Table 20).

Access to services
Only 53% of indigenous households have access to drinking water and 30% have access to sewage facilities, compared to 66% and 53% for non-indigenous households, respectively. Furthermore, 27% of non-indigenous households have telephones, compared to 11% of indigenous households. Indigenous people have similar or lower levels of access to social programs as the non-indigenous. This is partially explained by the fact that the indigenous population is concentrated in rural areas, where there is less access to services in general. (Ch. 7: Table 21).

[39] These refer to the forthcoming final version of the report in November 2005.

APPENDIX B : Recognition of legal pluralism and indigenous law in the Andean countries

Source[40]*:* Yrygoyen Fajardo Raquel (2004) "Legal Pluralism, Indigenous Law and the Special Jurisdiction in the Andean Countries" *Beyond Law, Informal Justice and Legal Pluralism in the Global South* Vol. 10, Issue # 27, pp.32-49

POINTS OF COMPARISON	AGREEMENT 169 OF THE IWG	1991 POLITICAL CONSTITUTION OF THE REPUBLIC OF COLOMBIA	1993 POLITICAL CONSTITUTION OF THE REPUBLIC OF PERU	1994 REFORMS TO THE POLITICAL CONSTITUTION OF THE REPUBLIC OF BOLIVIA	1998 POLITICAL CONSTITUTION OF THE REPUBLIC OF ECUADOR	1999 POLITICAL CONSTITUTION OF THE REPUBLIC OF VENEZUELA
1.BASIS: State recognizes the pluricultural nature of the nation or it is defined as such.	-Considering... the evolution of international law since 1957 and the situation of indigenous peoples (...) it is advisable to adopt new international norms regarding this issue, with the aim of eliminating the orientation towards assimilation of the previous norms; Recognizing the desire of these people to assume control of their own institutions and ways of life and of their economic development and to maintain and strengthen their identities, languages, religions, within the boundaries of the state in which they live.	Ar t. 7: The state recognizes and protects the cultural and ethnic diversity of the Colombian nation.	Art. 2: Everyone has rights, inc. 19: To their ethnic and cultural identity. The state recognizes and protects the ethnic and cultural plurality of the nation.	Art. 1: Bolivia— free, independent, sovereign, multiethnic and pluricultural, and constituting a unitary Republic— adopts for its government the democratic, representative form based on the solidarity of all Bolivians.	Art. 1. Ecuador is a social state of law which is sovereign, united, independent, democratic, pluricultural and multiethnic. Its government is republican, presidential, elective, representative, responsible, alternative, [promotes] participation and has a decentralized administration	Ar t. 100: The popular (base) cultures that constitute the Venezuelan identity merit special attention ,recognizing and respecting [their] inter-cultural [nature] under the principle of the equality of cultures (...).
2.Text recognizing Legal Pluralism a) Indigenous and Customary Law b) the Indigenous Jurisdiction and c) Indigenous Institutions(independent authorities and institutions)	Art. 8.2: Such peoples must have the right to conserve their own customs and institutions as long as these are not incompatible with the fundamental rights defined by the national legal system, or with internationally recognized human rights. Whenever necessary, procedures should be established to resolve conflicts that might arise in the application of this principle. Art. 9.1: To the extent that they are compatible with national legal system and with internationally recognized human rights, the methods traditionally employed by such people for the repression of crimes committed by their members, must be respected.	Ar t. 246: The authorities of the indigenous peoples can exercise jurisdictional powers within their territory in accordance with their own norms and procedures whenever these are not contrary to the Constitution and laws of the Republic. The law will establish the ways of coordinating this special jurisdiction with the national legal system.	Ar t. 149: The authorities of the peasant and native communities, with the support of the peasant councils (rondas), can exercise jurisdictional powers within their territory in accordance with customary law as long as this does not violate fundamental rights of the person. The law establishes forms of coordination of such special jurisdiction with the justices of the peace and with the other instances of the judicial power.	Art. 171: (...) The natural authorities of the indigenous and peasant communities can enforce the administration and application of their norms as an alternative solution to conflicts, in accordance with their customs and procedures whenever these are not contrary to the Constitution and its laws. The law will harmonize these functions with the duties of the state.	Art. 191: (...) The authorities of the indigenous peoples exercise legal functions, applying their own norms and procedures for the resolution of internal conflicts, in accordance with customary law, whenever these are not contrary to the Constitution and its laws. The law will make these functions compatible with the national judicial system.	Art. 260: The legitimate authorities of the indigenous peoples can apply instances of justice within their territory based on ancestral traditions according to their own norms and procedures which only affect their members, as long as they are not contrary to this Constitution, the law, and public order. The law will determine the form of coordination of this special jurisdiction with the national judicial system.

[40] This table has a different format (same content) than the original by Yrygoyen.

POINTS OF COMPARISON	AGREEMENT 169 OF THE IWG	1991 POLITICAL CONSTITUTION OF THE REPUBLIC OF COLOMBIA	1993 POLITICAL CONSTITUTION OF THE REPUBLIC OF PERU	1994 REFORMS TO THE POLITICAL CONSTITUTION OF THE REPUBLIC OF BOLIVIA	1998 POLITICAL CONSTITUTION OF THE REPUBLIC OF ECUADOR	1999 POLITICAL CONSTITUTION OF THE REPUBLIC OF VENEZUELA
3. Subject of recognition and respect	1. Their own customs/ customary law. 2. Their own institutions 3. Their own methods for the control of indigenous peoples (including methods for control of crime).	1. Their own norms and procedures 2. Indigenous people's authorities 3. Jurisdictional functions.	1. Customary law, 2. Authorities of the communities and Peasant Councils/ Indigenous peoples 3. Jurisdictional functions.	1. Their own norms, customs and procedures 2.Natural authorities of communities /indi - genous peoples 3. Powers to administer and apply their own norms as alternative solution to conflicts.	1. Customary law, norms, customs and procedures 2. Indigenous people's authorities 3. Functions of justice.	1. Traditional and ancestral norms and procedures 2. Indigenous people's authorities 3. Application of instances of justice.
4. The beneficiaries of rights and recognition	1. Indigenous people in independent countries 2. Tribal peoples.	1. Indigenous peoples.	1. Peasant Communities 2. Native Communities 3. Peasant Councils (Rondas Campesinas) 4. Through ratification of Agreement 169 of the IWG, also: Indigenous. peoples.	1. Indigenous communities 2. Peasant communities 3. Through ratification of Agreement 169 of the IWG, also: Indigenous peoples.	Indigenous peoples.	Indigenous peoples.
5. Territorial Competence	Not explicitly mentioned.	Within their territorial realm: the indigenous people's territory.	Within their territorial realm: the territory of peasant communities, native communities, peasant councils and indigenous peoples.	Within their territorial realm: territory of indigenous and peasant communities and indigenous peoples. No mention of whether limited to indigenous. Only establishes a territorial criterion without limits on subject. Can be understood as applying to every-one within peasant/indigo. territory.	Not indicated, although there is mention of "internal conflicts" (unclear whether this pertains to issues, subjects of the law, or territory). Not indicated, although there is mention of "internal conflicts" (unclear whether this pertains to issues subjects of the law, or territory	Within their territory.
6.Material Competence	1. All issues, unlimited 2. Including criminal subjects: "repression of crimes committed by their members."	All issues, unlimited.	All issues, unlimited.	All issues, unlimited.	All issues, unlimited.	All issues, unlimited.
7. Personal Competence	1. In general: not specifically mentioned (art. 8.2) 2. With regard to repression of crimes: members of indigenous groups (art. 9.1).	No mention of whether this applies only to indigenous people. Only establishes a territorial criterion without limits on material/ subject. Important to understand that applies to everyone within indigenous territory	No mention of whether limited to peasants and natives. Only establishes a territorial criterion without limits on subjects. Can be understood as applying to everyone within peasant/ indigenous territory.	No mention of whether limited to indigenous. Only establishes a territorial criterion without limits on subject. Can be understood as applying to everyone within peasant/ indigenous territory.	Speaks of "internal conflicts" (not explicit whether this refers to territory, subjects or issues).	Only affects their members (indigenous peoples).

8. Limits	1. In general, that their customs and institutions not be incompatible: a) with the fundamental laws recognized by the national judicial system, and b) with internationally recognized human rights. 2. In criminal matters, methods of control must be compatible with: a) the national legal system, and b) internationally recognized human rights.	Norms and procedures cannot be contrary to 1. Constitution and 2. Laws of the Republic.	Must not violate: 1. The fundamental rights of the person.	Customs and procedures cannot be contrary to: 1. Constitution and 2. Laws of the Republic.	Norms and procedures of Customary Law cannot be contrary to: 1. Constitution and 2. Laws.	Norms and procedures cannot be contrary to 1. Constitution, and 2. Laws 3. Public order.
9. Law of Coordination or Harmonization	(...) [S] hould establish mechanisms to resolve conflicts in the application of the principle of incompatibility between a) the conservation of their own customs and institutions and b) fundamental human rights.	The law will establish forms of coordination: a) of special jurisdiction, with b) the national legal system. This has not been reglamented by law, but there is jurisprudence.	The law of coordination: a) of special jurisdiction, with b) justices of the peace and the judicial power. It is still not a law.	The law will harmonize: a) these functions (administration and application of their norms), with b) the responsibilities of the powers of the state. There are several norms, but no specific law.	The law will harmonize: a)these functions (administration and application of their norms), with b) the responsibilities of the powers of the state. There are several norms, but no specific law.	The law shall determine the form of coordination of: a) the special jurisdic-tion with b) the national legal system. There is still no law.
10. Systematic location	Part I: General Policy. - Article 8, section 2	- Article 9, section 1 The chapter that refers to the Jurisdictional Function highlights 2 types of jurisdiction: a) ordinary b) special or indigenous, within the autonomous regime of the indigenous peoples.	Chapter referring to judicial power. Located at end of chapter. Also calls it Special jurisdiction. Not a very systematic treatment.	Chapter referring to the Judicial Function. Located at the end of chapter.	Section VIII of Judicial Function. The only article on judicial power. Systematic treatment.	Chapter III of Judicial Power and the Justice System. Section One: General Provisions.
11.Ratification of 169Agreem.		Ratified in 1991	Ratified in 1993 (legally deposited in 1994)	Ratified in 1992	Ratified in 1998	Ratified May 22, 2002.

APPENDIX C: State Policies of the National Agreement/Accord

Source:*http://www.acuerdonacional.gob.pe/Foros/ForosTematicos/institucionalidad/textos.htm*

Democracia y Estado de Derecho

1. Fortalecimiento del régimen democrático y del Estado de derecho
2. Democratización de la vida política y fortalecimiento del sistema de partidos
3. Afirmación de la identidad nacional
4. Institucionalización del diálogo y la concertación
5. Gobierno en función de objetivos con planeamiento estratégico, prospectiva nacional y procedimientos transparentes
6. Política exterior para la paz, la democracia, el desarrollo y la integración
7. Erradicación de la violencia y fortalecimiento del civismo y de la seguridad ciudadana
8. Descentralización política, económica y administrativa para propiciar el desarrollo integral, armónico y sostenido del Perú.
9. Política de Seguridad Nacional

Equidad y Justicia Social

10. Reducción de la pobreza
11. Promoción de la Igualdad de Oportunidades sin Discriminación
12. Acceso Universal a una Educación Pública Gratuita y de Calidad y Promoción y Defensa de la Cultura y del Deporte
13. Acceso Universal a los Servicios de Salud y a la Seguridad Social
14. Acceso al Empleo Pleno, Digno y Productivo
15. Promoción de la Seguridad Alimentaria y Nutrición
16. Fortalecimiento de la Familia, Promoción y Protección de la Niñez, la Adolescencia y la Juventud.

Competitividad del País

17. Afirmación de la economía social de mercado
18. Búsqueda de la competitividad, productividad y formalización de la actividad económica
19. Desarrollo sostenible y gestión ambiental
20. Desarrollo de la ciencia y la tecnología
21. Desarrollo en infraestructura y vivienda
22. Política de comercio exterior para la ampliación de mercados con reciprocidad
23. Política de desarrollo agrario y rural

Estado Eficiente, Transparente y Descentralizado

24. Afirmación de un Estado eficiente y transparente
25. Cautela de la institucionalidad de las Fuerzas Armadas y su servicio a la democracia
26. Promoción de la ética y la transparencia y erradicación de la corrupción, el lavado de dinero, la evasión tributaria y el contrabando en todas sus formas
27. Erradicación de la producción, el tráfico y el consumo ilegal de drogas
28. Plena vigencia de la Constitución y de los derechos humanos y acceso a la justicia e independencia judicial
29. Acceso a la información, libertad de expresión y libertad de prensa
30. Eliminación del terrorismo y afirmación de la Reconciliación Nacional
31. Sostenibilidad fiscal y reducción del peso de la deuda

APPENDIX D: DINEBI's objectives, functions and achievements

Source: http://www.minedu.gob.pe/dinebi/

Objetivos

- Incorporar la interculturalidad en el sistema educativo peruano.
- Crear una actitud de respeto hacia las diversas lenguas y culturas de los educandos, que permita tomar conciencia de que la discriminación por la lengua, o la variedad de ésta que se usa, así como, por la cultura diferente, no tiene razón alguna.
- Fortalecer la autoestima e identidad de los educandos así como el respeto por los miembros de culturas diferentes.
- Hacer efectiva la participación de los pueblos indígenas y de la sociedad civil en lo que se refiere a la formulación de propuestas de una educación bilingüe intercultural.
- Diversificar el currículo e incorporar las diferentes demandas de los pueblos indígenas y la sociedad civil que surgen del reconocimiento y afirmación de la diversidad.
- Organizar un sistema de capacitación continua para el adecuado tratamiento de las lenguas y culturas en la educación y para una eficiente implementación de la educación bilingüe intercultural.
- Fortalecer en los educandos el dominio amplio de la lengua materna (sea ésta indígena o castellano) y de una segunda lengua (sea ésta indígena o castellano) en capacidades de comunicación oral, enriquecimiento del léxico, conocimiento de la gramática, lectura y escritura.
- Desarrollar una competencia polilectal en castellano y en lengua indígena que permita un desempeño exitoso en las distintas situaciones comunicativas.
- Incorporar las tecnologías de la información en el campo de la educación bilingüe intercultural que, por un lado, potencien los procesos comunicativos de la cultura oral de los pueblos indígenas del Perú y, por otro lado, contribuyan a desarrollar los instrumentos que posibiliten el rescate de las lenguas indígenas en riesgo de extinción, así como de su literatura oral.
- Iniciar a los educandos en el aprendizaje de una lengua extranjera.
- Elaborar materiales educativos para docentes y educandos de los diferentes niveles y modalidades del sistema educativo.

Funciones

- Garantizar la organización y administración de la Educación Bilingüe Intercultural en todos sus niveles y modalidades, para así ofertar un servicio educativo pertinente a las necesidades educativas de los niños y niñas de los distintos pueblos del Perú.
- Definir la Política Nacional de Educación Bilingüe Intercultural.
- Cumplir y hacer cumplir las normas legales, nacionales e internacionales, -establecidas en relación a los derechos de los pueblos indígenas del Perú- en lo que se refiere a construir proyectos educativos que incorporen la visión educativa de cada pueblo, la construcción de planes de acción participativos y adaptados a su propio contexto y el respeto a dichas organizaciones originarias.
- Normar y orientar la aplicación de la Política Nacional de Educación Bilingüe Intercultural en todos los niveles y modalidades del sistema educativo nacional, estableciendo las coordinaciones necesarias con otros órganos de línea.

Logros alcanzados

- Política Nacional de Lenguas y Culturas en la Educación, marco para el desarrollo de las acciones pedagógicas EBI.
- Propuesta de capacitación docente en EBI con participación de instituciones educativas.
- Proyecto de Ley Nacional de Lenguas, realizado en consulta con las organizaciones representativas de las lenguas y culturas del país, y presentada a la Comisión de Amazonía, Asuntos Indígenas y Afroperuanos del Congreso Nacional de la República.
- V Congreso Latinoamericano de Educación Bilingüe Intercultural, con la participación de delegaciones de 22 países y 800 participantes. Publicación de la Declaración de Lima, con los principales acuerdos del Congreso.
- Inclusión de la Educación Bilingüe Intercultural en el Proyecto de Reforma Constitucional.
- Revaloración y revitalización de las lenguas indígenas; se elaboran lineamientos de su tratamiento

como segunda lengua.

- Formulación de la política de tratamiento de lenguas y currículo pertinente sociolingüístico.
- Lineamientos y el Plan Operativo Anual 2003 de la Dirección Nacional de Educación Bilingüe Intercultural consensuados con el Consejo Consultivo Nacional de Educación Bilingüe Intercultural, que tiene representantes de lenguas y culturas originarias.
- Incorporación de la EBI en el Plan Nacional de Educación para Todos.
- Capacitación a 20 docentes y especialistas de la región Ucayali capacitados en Educación Bilingüe Intercultural. Lenguas: Shipibo, Asháninka, Cashibo-Cacataibo y Yine.
- Capacitación a 137 especialistas EBI de las DRES o UGES de 22 Regiones del país capacitados en gestión educativa EBI
- Capacitación a 600 docentes y animadoras de CI capacitados en EBI Temprana.
- Capacitación a 50 docentes y especialistas de la DREs y UGEs amazónicos capacitados en enseñanza de lengua indígena como segunda lengua.
- Se cuenta con una propuesta de capacitación integral docente en EBI: Inicial y en Servicio.
- Se cuenta con instrumentos de seguimiento y monitoreo de la capacitación docente en EBI validadas.
- Se cuenta con una Guía para Docentes para Desarrollar la Interculturalidad en el aula "Construyendo un mundo para todos".
- Formación de un equipo de profesores bilingües para el procesamiento del corpus lingüístico (grabación, tratamiento de corpus escrito, análisis de corpus), con miras a producir a mediano plazo, los traductores y correctores gramaticales en quechua. Con la participación de expertos del Proyecto Avenue /Perú de la Universidad Carniege Mellon, USA y docentes de la lengua Quechua Cusco Collao.
- Se cuenta con una propuesta de enseñanza del castellano como segunda lengua que permitirá la comunicación intercultural entre los múltiples pueblos en el país.
- Se cuenta con lineamientos para la enseñanza de lengua indígena en Primaria con pertinencia a la realidad de las escuelas en espacios bilingües
- Se cuenta con una propuesta intercultural de castellano para niños monolingües castellano hablantes
- En el Programa de Lenguas y Culturas en la Educación se ha incorporado como eje temático el tratamiento de Tecnologías Informáticas en Comunicación.
- Se ha creado el área de Tecnologías Informáticas en Comunicación (TIC) en la estructura organizativa de la DINEBI.
- Reorientación de la capacitación docente incorporando etnociencia.
- Organización de un equipo de traductores oficiales del Ministerio de Educación.
- Capacitación en oralidad, escribalidad y electronalidad con la finalidad de propiciar sinergias entre las unidades del MED, las universidades y con docentes cuyo trabajo está vinculado con la promoción y el desarrollo de culturas orales, escríbales y electronales.
- Talleres para el desarrollo de recursos de tecnologías de la información en las regiones.
- Construcción de una comunidad virtual de electronalidad con participación de diversas instancias del MED y sociedad civil.
- Consolidación del Proyecto Avenue con la Universidad Carniege Mellon.
- Acuerdo Interinstitucional MED/UNESCO y DM "Valorando la diversidad cultural en la escuela" Primer concurso de Innovaciones Educativas, orientado a rescatar las experiencias educativas desarrolladas por docentes de Inicial y Primaria.
- Producción de un traductor automatizado quechua - castellano y dos correctores ortográficos quechua.
- Desarrollo de materiales educativos en soportes electrónicos en lenguas indígenas.
- Inserción de la EBI temprana en las Políticas de Lenguas y Culturas de la Educación y en las normas educativas del MED

APPENDIX E: Sample of questionnaire

1. As ...(Director of DINEBI/member of commission….).. What presence do you think interculturality has (or not) in the Peruvian State (more than in the educational sector) or, Is there inter sectoral coordination regarding intercultural policy within the Peruvian State?

2. What are the major advances (or drawbacks) in putting interculturality as a key national theme and as a state policy for the development of the country (further or other than the education sector)?

3. Who are the main social actors/agents promoting/lobbying for intercultural policies to be taken up by the Peruvian State (not only in the education sector)?

APPENDIX F: List of Interviewees (who responded)

INTERVIEWEE #	POSITION	INSTITUTION
1.	Member of CIAS (Comisión Intersectorial de Asuntos Sociales)	Presidencia del Consejo de Ministros del Perú
2.	Ex member DINEBI-Dirección Nacional de Educación Bilingue Intercultural	MED Ministerio de Educación Perú
3.	Program Coordinator	GTZ Perú
4.	Jefatura de Unidad	UMC-MED Unidad de Medición de la Calidad-Ministerio de Educación-Perú
5.	Member APRODEH	Asociación Pro Derechos Humanos ONG-Perú
6.	Lawyer-Office of Constitutional Issues	Ombudsman Perú (Defensoría del Pueblo)
7.	Bilingual Education Officer	GTZ Perú
8.	Director	CEPES (Centro de Estudios Peruanos Sociales) ONG
9.	Professor & Dean of Arts and Sciences	Pontificia Universidad Católica del Perú
10.	Secretaría de Coordinación Institucional	Presidencia del Consejo de Ministros del Perú
11.	Director DINEBI	MED Ministerio de Educación Perú
12.	Member of DINEBI	MED Ministerio de Educación Perú
13.	Asisstant of Congress member	Congreso de la República (Comisión de Pueblos Andinoamazónicos, Afroperuanos, Ambiente y Ecología)