



Contentious Territory

Internal Territorialisation and Struggles over Land
and Resource Control in Costa Rica's Kéköldi
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Abstract

In this thesis, I present an analysis of struggles and strategies regarding land and resource control in the Kéköldi indigenous territory in Costa Rica. By identifying the establishment of the indigenous territories in Costa Rica as a process of state internal territorialisation, I make two interrelated claims with regard to the current understanding of state internal territorialisation processes, authority and local land and resource control in the context of the establishment of indigenous territories. First, I contend that state internal territorialisation processes to create indigenous territories under devolutionary circumstances closely relate to consequent processes of internal territorialisation on a local level. This in effect results in what I describe to be a ‘layered’ character of internal territorialisation. The case of Kéköldi has revealed how the establishment of the territory, including the development of state-sanctioned local authorities and autonomy, initiated localised processes of internal territorialisation, as the local indigenous authority throughout the years engages in processes of localised spatial zoning within their territory, asserting different claims to local control over people and their resource use in these specific zones. Second, this analysis contributes to the body of literature dedicated to understanding processes of territorialisation and consequent local efforts of counter-territorialisation by stressing that, aside from local strategies that can be identified to counter the states process of order and control related to land and resource use, also more sophisticated forms of territorialisation can be identified. Under circumstances of low state efforts to control the process of creating and maintaining Kéköldi, the local actors have engaged in different territorial strategies to counter state territorialisation. These strategies for example include squatters that claim land within the boundaries of the territory, or strategies that allow for the harvesting of timber without permits. However, indigenous people of Kéköldi also employed a strategy in which they targeted the state through the national courts of law, with the aim of reaffirming their commitments with regard to their territory, effectively reemphasising the state territorialisation process. Empirically, this case illustrates that such incomplete processes of state territorialisation to create indigenous territories, render limited control over land and resources for the indigenous peoples, as local non-indigenous peoples continuously delegitimise indigenous efforts of controlling land and resources.

Key words: Internal Territorialisation, Land Control, Resource Control, Indigenous Territory, Authority

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List of Abbreviations

ADI	Integral Development Association <i>Asociación de Desarrollo Integral</i>
CONAI	National Commission of Indigenous Issues <i>Comisión Nacional de Asuntos Indígenas</i>
DINADECO	National Directive for Community Development <i>Dirección Nacional de Desarrollo de la Comunidad</i>
FONAFIFO	National Forestry Financing Fund <i>Fondo Nacional de Financiamiento Forestal</i>
IDA	Agrarian Development Institute <i>Instituto de Desarrollo Agrario</i>
INDER	Rural Development Institute <i>Instituto de Desarrollo Rural</i>
ITCO	Land and Colonisation Institute <i>Instituto de Tierras y Colonización</i>
ILO (<i>OIT</i>)	International Labour Organisation <i>Organización Internacional del Trabajo</i>
NGO (<i>ONG</i>)	Nongovernmental Organisation <i>Organizaciones No Gubernamentales</i>
PES (<i>PSA</i>)	Payments for Environmental Services <i>Pagos por Servicios Ambientales</i>

“It is like I would give a toy to a child, however, I will put it in a glass box. I will say to the child ‘it is yours’, but the child cannot touch it, he cannot play with it because it is in a glass box. Like this, the state acts with the indigenous peoples. Give them a territory which they cannot touch, which they cannot use, which they cannot work in, and which they cannot protect.” – (Doña Carmen, personal communication, 27/11/2016)

1 – Introduction

For many of the indigenous peoples in Latin America, maintaining control over land and resources in order to self-sustain has been a process characterised with struggle and conflict throughout recent history. Indigenous mobilisation efforts and the development of internationally recognised indigenous rights in the late 20th century have resulted in a shift in which many Latin American states redrafted their constitutions, and formulated specific indigenous rights to culture and territory into state law (van Cott, 2005). The rights to territory are a central part of this shift in indigenous rights recognition, and many Latin-American governments engaged in what is known as the territorial turn (Offer, 2003): the establishment of indigenous territories were seen as a way to ensure the indigenous peoples’ control over land and natural resources.

Having control over land and the natural resources found on land can be crucial for people in order to self-sustain. However, land control strategies, or ‘practices that fix or consolidate forms of access, claiming, and exclusion for some time’ (Peluso & Lund, 2011, p. 668), can be as much about actors’ efforts to secure their own access to land and resources in order to be able to benefit from them as it is about securing a position to be able to mediate and control other people’s access (Peluso & Lund, 2011; Ribot & Peluso, 2003). In assuming control over people and how people can use resources, effectively a claim to authority is made to formulate governance rights and user rights (Sikor & Lund, 2009). However, such claims to authority are not always deemed legitimate by other involved actors, which can result in contesting situations over who controls land and resources, and how peoples’ access is guaranteed.

One resource control strategy through which actors can establish control over land and natural resources is territorialisation. Territorialisation can be understood as ‘excluding or including people within particular geographic boundaries, and about controlling what people do and their access to natural resources within those boundaries’ (Vandergeest & Peluso, 1995, p. 388; see also Corson, 2011; Sjörgen, 2015 for similar conceptualisations). Often credited as a strategy of states, territorialisation can regard processes that aim at establishing and maintaining national borders, national identities and establishing exclusion and citizenship (Stephen & Menon, 2016; Sassen, 2000; Sassen, 2013). An alternative strand of literature redirects this focus by looking more to how states employ territorial strategies within the nation’s borders. Vandergeest and Peluso pioneered such an analysis of what they call *internal territorialisation*. Internal territorialisation by the state regards processes in which states ‘divide their territories into complex and overlapping political and economic zones, rearrange people and resources within these units, and create regulations delineating how and by whom these areas can be used’ (1995, p. 387). Efforts at understanding these state led processes of internal boundary setting, controlling people according to these boundaries and resource control are widely done. These efforts involve examples of the establishment of protected areas for conservation (See for example Corson, 2011; Bluwstein & Lund, 2018) or other articulations of resource use rules in specific areas (Isager & Ivarsson, 2002; Lestrelin, 2011), and the division of space and resources in order to create clear administrative zones or divide space amongst different political identities (Peluso, 1995; Wadley, 2003; Sjörgen, 2015). Paramount in these analyses is the understanding of how other (non-state) actors are able to assert influence on how land and resource control is defined and enforced (Corson, 2011; Wadley, 2003), and how local communities related to these processes of internal territorialisation engage in efforts of circumvention and employ strategies that result in non-compliance (Peluso, 1995; Isager & Ivarsson, 2002; Wadley, 2003; Lestrelin, 2011), effectively practising strategies of what has been called counter-territorialisation.

1.1 – Internal Territorialisation in Costa Rica: Indigenous Territories

In 1977 the Costa Rican state enforced the Indigenous Law (*Ley Indígena 6172*) – which includes the specific rights and obligations to land and resource use for the country’s indigenous peoples – resulting in the establishment of 24 indigenous territories that are spread throughout the country. Under devolutionary circumstances, decentralised authoritative bodies were established in the late 20th century for each community in Costa Rica (the integral development associations). This was also the case for the indigenous communities that live in the indigenous territories. However, due to decades of limited effort by the state to effectively implement their own policies and enforce their own rules and laws that form the basis of the existence of the indigenous territories, indigenous peoples that live in the country’s indigenous territories experience many struggles with regard to the control over land and natural resources in the territories (see for example Makay & Morales Garro, 2014).

Identifying the establishment of the indigenous territories in Costa Rica as a process of state internal territorialisation, I make two interrelated claims with regard to the current understanding of state internal territorialisation processes, authority and local land and resource control in the context of the establishment of indigenous territories. First, I contend that state internal territorialisation processes to create indigenous territories under devolutionary circumstances closely relates to consequent processes of internal territorialisation on a local level, effectively resulting in what I call a ‘layered’ character of territorialisation. The case of Kéköldi has revealed how the establishment of the territory, including the development of state-sanctioned local authorities and autonomy initiated localised processes of internal territorialisation, as the local indigenous authority throughout the years engages in processes of localised spatial zoning and claim control over people and their resource use in these specific zones.

Second, this analysis contributes to the body of literature dedicated to understanding processes of territorialisation and consequent local efforts of counter-territorialisation (See for example Peluso, 1995; Isager & Ivarsson, 2002; Lestrelin, 2011) by stressing that, aside from local strategies that can be identified to counter the states process of order and control related to land and resource use, more sophisticated forms of territorialisation can be identified. Under circumstances of low state efforts to control the process of creating and maintaining indigenous territories, the local actors have engaged in different territorial strategies to counter state territorialisation in relation to Kéköldi. These strategies for example include squatters that claim land within the boundaries of the territory, or strategies that allow illegal harvesting of timber without permits. However, indigenous people of Kéköldi also employed a strategy in which they targeted the state through the national courts of law, with the aim of reaffirming their commitments with regard to their territory, effectively reemphasising the state territorialisation process.

Support for these arguments lays in the present analysis of an ethnographic research study that was conducted in the Kéköldi indigenous territory in Costa Rica. The Kéköldi indigenous territory is situated near the south eastern Caribbean coast of Costa Rica and the territory is inhabited predominantly by *Bribri* and some *Cabécar* indigenous people. Here, land and resource struggles have been continuous since the establishment of the territory, and include interrelated struggles over legitimate boundaries of the territory, problems with the exclusion of people not of indigenous decent from the territory, as well as issues over the local control and use of resources. The research questions that were posed in order to collect the data to which the two claims I make relate, is as follows:

Main research question: *How do territorialisation strategies on different levels of governance relate to local land and resource control in the Kéköldi indigenous territory?*

Sub-question 1: *How and under which circumstances was the Kéköldi indigenous territory established?*

Sub-question 2: *In what way are strategies to control boundaries apparent in Kéköldi, and how do these relate to local control over land and natural resources?*

Sub-question 3: *In what ways are strategies to control land apparent in Kéköldi, and how do these relate to local control over land in practice?*

Sub-question 4: *In what way are strategies to control resources apparent in Kéköldi, and how do these relate to local control over natural resources in practice?*

Sub-question 1 is posed in order to understand some of the historical dynamics that are relevant for understanding present day struggles over land and resources in Kéköldi. The remaining three sub-questions each focus on answering different aspects that characterise processes of territorialisation: control over boundaries, control over land, and control over resource use.

1.2 – Structure of the Report

This thesis report consists of 6 main chapters. After this introduction, the second chapter in this thesis will be dedicated to exploring the body of literature on territorialisation to which the findings of this thesis research contribute. Moreover, other concepts – including access and authority – will be discussed in specific, as they will be synthesised into a conceptual framework that served as a tool for analysing local land and resource control in Kéköldi. In the third chapter, I will discuss some methodological considerations that have been instrumental in aiding and guiding my field research in the Kéköldi indigenous territory. This will include an elaboration on the research design, methods for gathering data, and the case study setting and characteristics. Also, here I will discuss some limitations to the way in which I have gathered the data that are used to make my argument for this thesis research. The fourth chapter will comprise of the analysis of the empirical data gathered for this research. This will be divided into four analytical subchapters. The fifth and final chapter will conclude the analysis.

2 – Indigenous Territories, Territorialisation & Land and Resource Control

In this chapter, I will first look into recent research examples that focus on territorial struggles for indigenous peoples throughout Latin-America. Here, I will identify a knowledge gap which will be central in the present analysis of land and resource control in the Kéköldi indigenous territory. Then, I will present an elaboration of the concept of territorialisation as it is understood in the literature, as well as put forth some specific applications of the concept by various authors. This will lead to an understanding of the usefulness of the concept in analysing and understanding local struggles over land and resource control. Here, I will also present three interrelated claims regarding processes of territorialisation and authority, which I have formulated on the basis of my research in the Kéköldi indigenous territory. Lastly, I will provide an elaboration of the concepts of Access, Power and Authority; the concepts that, in my view, are fundamental in understanding and analysing processes of territorialisation. These concepts will be synthesised into a framework that serves me in analysing the thesis research case of land and resource control struggles in the Kéköldi indigenous territory in Costa Rica.

2.1 – The Understanding Struggles in Indigenous Territories

Not unlike the Bribris and Cabécares of Kéköldi, indigenous peoples all over the world have experienced adverse impacts on their livelihoods with regard to their culture, and use and control over land and natural resources. The last decades of the 20th century saw an increased global organisation of indigenous people and the development of internationally recognised indigenous rights (such as by means of the ILO convention 169 for indigenous and tribal people). As many governments responded to these international developments – often through constitutional reform and by means of specifically designed laws – the rights of indigenous peoples gradually became formalised into state laws in many Latin-American countries (See Van Cott, 2005). The rights to territory are a central part of this shift in indigenous rights recognition, and many Latin-American governments engaged in negotiation and consultation processes with its indigenous peoples, leading to the establishment of indigenous territories (Correia, 2019; Offer, 2003). However, different case specific analyses from different territories in different countries have already shown how such processes are complex and contentious. Moreover, these studies that look at territorial struggles are diverse in their scope.

Much of the literature dedicated to territorial struggles of indigenous peoples focusses on the indigenous-state relation. Here, some scholars that focus on the processes and struggles regarding indigenous territory, look at the processes that encompass the mapping out of territorial borders of indigenous lands. This includes analyses of processes of indigenous participatory mapping (Sletto et al., 2013) as well as analyses that focus on struggles over boundaries and consequent efforts of counter-mapping by indigenous peoples (Wainwright & Bryan, 2009; see also Peluso, 1995). Central focus in

these studies, are the processes through which the indigenous peoples are part of mapping and formalisation processes, how these boundaries are negotiated with other actors such as the state, or how they engage in alternative strategies of mapping, sometimes together with other actors such as NGOs.

Herlinhy and Tappan (2019) also make a case in which they look at the indigenous-state relations in the process of mapping out borders and establishing legal titles to the lands for the Miskitu indigenous people in Honduras. Here, they describe peaceful struggles and negotiations with indigenous and other actors, including the state, that have led to the formalisation of indigenous territorial rights. It is however posed that ‘the Miskitu territorial model shows how geographic knowledge and maps can be harnessed by indigenous peoples to gain control over their lands’ (p. 82). While addressing processes that include the definitions of boundaries and formalisation of territorial rights, I find they lack to address how these processes and boundary setting in actual practice relate to local control over land and natural resources. Although Correia (2019) also takes a predominant rights based approach to investigating territorial struggles of the Kue Tuvy Aché community in the Paraguay-Brazil borderlands, one of his conclusions, I argue, is essential in understanding dynamics that relate to indigenous territories. He states that ‘while territory and collective property rights are extremely important measures of reparations and restitution, territory and rights alone do not radically reshape the political economic and racialized factors that drive dispossession’ (p. 21). This suggests a step away from merely a rights based approach to understanding territorial struggles, and a need for looking at other important factors that shape relations amongst indigenous peoples and the land and resources.

Although these current examples provide a good insight into indigenous struggles in relation to the state, and the recognition, and negotiation over territorial boundaries and their rights to territory, these examples do not answer questions related to what such territorial boundaries and legal rights to land mean for the actual control of the land and resources within those boundaries in local practice. In analysing local struggles and strategies over land and resource control of the indigenous peoples of the Kéköldi indigenous territory, I will aim at uncovering some of these complex local dynamics that shape control over land and resources.

2.2 – Land and Resource Control Through Territorialisation

Central to this thesis research are local issues related to the control of land and natural resources. But what does it mean to control land and natural resources? Is it about being able to derive benefits from resources? Having exclusive rights to said resources? Or, equally significant, is it about having a say as to what happens with which kinds of resources? Land control in a broad sense can be understood as ‘practices that fix or consolidate forms of access, claiming, and exclusion for some time’ (Peluso & Lund, 2011, p. 668). This, though, does not necessarily only hold for land per se, as practices of land control can closely relate to efforts to control natural resources – such as water, trees and wildlife – found on land. Importantly, controlling land in some ways can differ from controlling natural resources.

As natural resources such as trees, water and animals are situated on land, controlling land may serve as a critical step in controlling other resources. However, not having full control over land does not necessarily rule out the possibility to exert some form of control over resources that may be found on said land. Land and resource control can be as much about actors' own ability to benefit from resources, as it can be about having the power to mediate other actors' access to resources and the ability to benefit from them (Ribot & Peluso, 2003). If you for example own a piece of land, harvest of timber from this land can be for your own benefit, as well as for the benefit of others if you decide to share, trade, or sell the wood. Land and resource control can be a fixed state of affairs; for a specific period of time certain actors may exercise certain control over land and resources in order to benefit from those resources or mediate how actors can or cannot benefit from those resources. Actors' ability to access resources can suddenly manifest itself with no necessary prior intention; a tree that fell due to a storm can provide someone with fruits and timber that may not have been easily attainable before. However, more often than not, peoples' access to such resources is guaranteed through an employed strategy.

Although people can establish certain forms of access to land and resources in specific situations, changing circumstances such as changing power relations, new actors, new rules and laws may all serve as moments of opportunity for changing control over resources. New forestry laws, for example, can change what the state considers to be allowed practices with regard to logging. This can have direct consequences on how local people can benefit from the forest. Also, the adoption of an indigenous law can put forth new rules and regulations on how indigenous peoples in a country can interact with the natural environment in specific areas, as opposed to people that are not considered indigenous. However, on a local level, it is not necessarily expected that everything goes according to the laws that the national government has formulated. Rather, on a local level, these laws and regulations are interpreted by actors, and employed by means of negotiation and struggle.

One strategy that aims at challenging power relations in order to assert control over land and resources – the strategy which is central to the analysis in this thesis – is territorialisation. In the context of the use of land and natural resources, territorialisation can be understood as a strategy to claim control over resource use in a specific area by in- and excluding people from that area and by proscribing rules that define appropriate resource use (see for example, Vandergeest & Peluso, 1995; Sjörgen, 2015). As a strategy that aims at controlling land or the resources on that land, territorialisation can consist of different aspects, such as processes of legalisation or the exertion of violence, in order to control land and resources (Peluso & Lund, 2011). These other land and resource control strategies, such as legalisation and violence could precede, follow, or be part of wider territorialisation processes. Legalisation and violence, in that sense, can very well be understood as possibly important 'mechanisms' that are part of a broader territorialisation strategy that establishes control over and access to resources (Ribot & Peluso, 2003). Moreover, as territorial strategies regard control over people, land

and resources, questions of authority to control, as well as the legitimacy of such claims to control are at the heart of territorial strategies (Sikor & Lund, 2009).

2.3 – Territorialisation: Theory & Applications

Not unlike many other scholars (see for example Vandergeest & Peluso, 1995; Corson, 2011; Sjörgen, 2015), my conceptual point of entry for discussing processes of territorialisation lies in the work of Sack. Territorialisation, as he formulates, is ‘the attempt by an individual or group to affect, influence or control people, phenomena and relationships by delimiting and asserting control over a geographic area’ (1986, p. 19). This rather broad conception of territorialisation has been consistently applied to research cases that focus on such processes that concern struggles over control of natural resources. Vandergeest and Peluso for example further this by understanding territorialisation as ‘excluding or including people within particular geographic boundaries, and about controlling what people do and their access to natural resources within those boundaries’ (1995, p. 388). As stated elsewhere, but much alike the conceptualisation of Vandergeest and Peluso, strategies of territorialisation can be seen as a move to ‘governmentalize’ space (Foucault 2007, in Peluso and Lund 2011, p 673), or as ‘creating authority over people and resources within bounded spaces’ (Sjörgen 2015, pp. 164-165). As these various interpretations suggest, territorialisation as a resource control strategy regards three main features. First, it regards the capacity of actors to define appropriate resource uses by defining whom, in which ways can have access to resources. Second, it entails that certain boundaries mediate which resources are subject to such definitions of appropriate resource use and which resources are not. Third, Vandergeest and Peluso (1995), but also for example Corson (2011) suggest a specific degree of control over space by the in- or exclusion of actors from those bounded areas. Following such an understanding of strategies of territorialisation, I contend that, if strategies of territorialisation include some form of *control over resource use*, and *in- and exclusion of actors* from a *specific area*, then strategies that aim at challenging the status quo in a local setting with regard to one of these aspects can be understood as territorial strategies.

2.3.1 – Territorialisation: Different Actors, Different Scales

In this section, several empirical research examples will be discussed that illustrate the different ways in which theory of territorialisation can be applied. As these examples will show, territorialisation as a claim, a process of defining, ensuring or contesting access to resources in defined areas can happen everywhere and at any scale in society. Territorial strategies possibly serve actors in their own access, but such strategies can also serve – or restrict for that matter – other actors, as they can or cannot benefit from others’ processes of territorialisation. Moreover, some of these case study examples will show how locally instigated processes by local communities can result in territorial strategies that counter the strategies that states had envisioned, and imposed on these local actors. As these examples are discussed, it becomes clear how the different territorial strategies can, depending on the case, be

specifically related to efforts to contest the three different aspects that encompass processes of territorialisation: control over boundaries, controlling the land within these boundaries by means of in- and excluding people, and the control over resources.

One of the more prominent actors recognised by the literature to engage in territorial strategies is the nation state. Some scholars discuss state territorialisation efforts as processes that regard the control over external territorial boundaries and the control of people and resources within national boundaries. This can regard struggles over inter-state borders (See for example Stephen & Menon, 2016) or concern the interplay between state's sovereignty, authority and control over resources in a globalising world (See for example Sassen, 2000; Sassen, 2013). However, as territorialisation can be linked to the management of external state boundaries, regulation of citizenship and controlling the resources on a state level, it can also refer to the way in which specific areas are classified, mapped and bordered *within* a state territory. Vandergeest and Peluso (1995) pioneered an analysis of such processes in relation to the Thai state and their efforts to reshape structures of control over the country's forests. Here, they referred to this process as the *internal territorialisation* of state power:

All modern states divide their territories into complex and overlapping political and economic zones, rearrange people and resources within these units, and create regulations delineating how and by whom these areas can be used. (Vandergeest & Peluso 1995, p. 387)

Numerous of such internal rearrangements of states can be recognised to fall under this process, and a plurality of literature focusses on such internal territorialisation processes (See for example Vandergeest & Peluso, 1995; Wadley, 2003; Corson, 2011; Lestrelin, 2011; Bluwstein & Lund, 2018; Rasmussen & Lund, 2018). Such internal zones in which specific regulations with regard to resources are formed are for example national parks and protected areas, but also state's internal classifications of areas such as what is defined as forests and wetlands can have implications for resource use. In the context of this thesis, I emphasise the creation of indigenous territories as an important example of internal territorialisation by the state. However, such processes can involve many other actors aside from the state, that can influence or sometimes even contradict such processes.

Whereas exerting control through internal territorialisation is often attributed to the nation state, it is not necessarily only the state that can be involved in such processes. In much of the literature that focusses on processes of internal territorialisation it is identified that state processes of territorialisation that aim at controlling land and resources involve other, non-state actors. Corson (2011) provides such an example in which processes of internal territorialisation of the state also involve numerous non-state actors. In her study, she discusses the process through which the Madagascan state works to expand the protected areas in the country. She finds that under neoliberal circumstances, the process of 'state' internal territorialisation is characterised by the inclusion of several non-state actors, such as NGOs, scientists and businesses, that work alongside state institutions. These non-state actors are able to

influence the process of mapping boundaries, establishing user rights and defining proper resource use. As she notes, ‘in the vacuum of state legal, financial, and technical capacity reinforced under neoliberal downsizing, non-state actors were able to influence who had access to and control of Madagascar’s forests’ (2011, p. 721).

Wadley (2003) describes a good example of state internal territorialisation in West Kalimantan, Indonesia – a process initiated first by the Dutch colonial government, later continued by the national government – that aimed at dividing land and resources amongst different ethnic groups as well as rearranging these groups themselves. Analysing disputes over a period from 1865 – 1979, Wadley finds that the state-led efforts to rearrange people and define clear boundaries for resource use required concessions to incorporate local indigenous understandings of division of territory and resources into the governments quest for clear state-controlled subnational boundaries. This inclusion of locally understood guidelines and practices would simplify the process. In turn however, this allowed for many complex contestations over boundaries and resources by locals, relying on either ‘official’ or indigenous concepts of territory, depending on what better suited their case. As Wadley states, ‘state efforts at simplification, to make the local landscape legible to its interests, may thus actually complicate and even enhance local peoples’ means of laying claim to important natural resources’ (2003, p.95). These examples of Corson and Wadley show how actors are able to influence the state-led territorialisation processes, and the consequences it has in terms of establishing effective land and resource control. In the case of Corson, these actors are highly influential in terms of steering the process of making rules for resource use, whereas in the example of Wadley, it is shown how ideas on a national scale need translation to the local scale. There, actors are able to influence the territorialisation process in terms of how the practical execution regarding decisions on land and resource distribution are made on a local level.

Other empirical examples in the literature also stress the contradiction between actors on different scales in society in relation to internal territorialisation processes. Central focus here are state-instigated processes that are met with struggle and resistance on a local level. This can lead to local strategies that contrast the state-led processes and its envisioned structures of control that are part of these processes effectively resulting in efforts that aim at countering state-initiated processes of territorialisation (see for example Isager & Ivarsson, 2002; Peluso, 1995; Lestrelin, 2011; Bluwstein & Lund, 2018). Isager and Ivarsson (2002) demonstrate such a case in which local people in Thailand adopt tree ordination ceremonies in order to safeguard their lives in forest areas which are declared protected areas by the state. The Thai state set laws in place that defined protected areas and allowed and disallowed specific modes of living in these areas, which threatened the livelihoods of forest-dwelling people in those areas. In collaboration with NGOs, these local people engaged in tree ordination practices – effectively declaring trees as holy according to Buddhist tradition – in order to reemphasise their relation to the forest, redefine the desired ways of interaction with the forest and safeguard their livelihoods. Albeit a

practice which is related to, and has developed from Buddhist tradition, by employing these rituals and involving and emphasising the role of the Thai king in these processes, both Buddhist and non-Buddhist people were able to reduce the risk of loss of livelihood:

Within this discursive and ritual universe, to present the ordained forest to the king did not imply that the people had to relinquish the land in question. Instead, the communities involved perceive themselves as caretakers of the forest for the king. In this manner community forests and the right of forest communities to manage local forest resources in what is considered ecologically sensitive areas are reinforced with reference to two central markers of national identity in Thailand — Buddhism and the king. (2002, p. 411)

Such counter territorialisation efforts are also clear in the analysis of Peluso (1995), where she discusses the role of maps and mapping in relation to control of land and forest resources. Mapping by actors such as the state, she contends, is a political act which results in strategically defined areas from which people can be in- and excluded, and large scale resource extraction can be guaranteed – often at the expense of local communities that rely on such resources. Counter-maps, or counter-mapping, then, are important tools and strategies that ‘greatly increase the power of people living in a mapped area to control representations of themselves and their claims to resources’ (p.387). This can be done by local people themselves, or, as Peluso illustrates, with support of other national or international actors such as for example NGOs. These two examples clearly show the way in which state efforts to shape control over land resources are met with friction from the local actors.

Lestrelin (2011) provides such an example in which he identifies that territorialisation processes and the countering of such processes also significantly relate to people’s agency in local situations. In his case study, he discusses an internal state territorialisation project of land reform in Laos, where delineating protected areas and exerting limits to the extent of agricultural land changed the local people’s relations to, and interaction with the land. He finds that, rather than through generic processes of mobilisation and protest on a national scale, processes of counter-territorialisation can also be found on the local level, in people’s every-day practices that resist such land reforms. Central in his analysis are practices of non-compliance and circumvention of the imposed regulations by the local people contribute to the practices of counter- territorialisation. Non-compliance and circumvention manifested itself in the continuation of crop cultivation within the protected areas, which was often possible by the remoteness of these practices which made control by local authorities less possible. Moreover, being disallowed to cut down trees by the local authorities and instead only being allowed to collect dead wood, the locals started killing trees by debarking them, which indirectly ensured they were able to harvest the wood from the forest. As Lestrelin contends, ‘even in restrictive political and social environments, everyday resistance may take rather sophisticated and deliberate forms, and importantly, involve circumvention strategies planned and implemented at the community level’ (2011, p. 317).

These examples show different ways in which state territorialisation processes can be met with resistance on a local level, be it through resisting defined boundaries (Peluso, 1995), the rules for resource use (Isager & Ivarsson, 2002) or circumventing rules for exclusion (Lestrelin, 2011).

2.3.2 – *The Complex Dynamics of Territorialisation*

Scholars sometimes refer to processes and practices of territorialisation as a ‘project’ (see for example Lestrelin, 2011). This implies that there is a certain ‘before situation’ and that there is an eventual, desired outcome with certain actors orchestrating the processes. Not unlike others (for example Stephen & Menon, 2016), I stress that one must be cautious in assuming the power of an actor to initiate, orchestrate and complete territorial ventures of land and resource control, as controlling such processes – if that is possible at all – rarely remains with one actor. Rather, strategies to control land and resources do not always have outcomes that the actors that employed them had anticipated. Strategies can be faulty, can be influenced by other actors, curtailed by counter strategies, and they can simply lack specific aspects that are critical for an actor to accomplish what is set out to accomplish. Then in turn, specific territorial strategies still can influence the way in which other actors have to reassess their access and control, and, maybe, engage in other strategies in order to control resources. As Stephen and Menon formulate:

Seeing territorialisation solely as a project privileges the role of the actor whose project it is to shape both territory and consequent social relations. ... The dynamic nature of territorialisation tends to be lost when viewing territorialisation, external or internal, largely in terms of a strategy of control and its sociospatial end-product. (2016, pp. 264-265)

Wadley (2003) also makes a strong case that argues against seeing processes of internal territorialisation as a state ‘project’ as his account shows how the Dutch and later the national government in effect heavily lacked the control over the outcomes of their initiated process. I argue that the body of literature that concerns processes of counter-territorialisation *by default* concludes that fully controlling such processes is not possible and that outcomes vary and will depend on the local situation, as there, laws and rules are interpreted, negotiated and employed, or ignored and circumvented. Bluwstein and Lund (2018) pose their understanding of what they call a ‘double territorialisation of landscape and mind’ (p.453), suggesting that processes of (internal) territorialisation that establish new order and control over people, land and resources do so in the landscape in which these people and resources are situated, but also in the minds of the actors that are related to these processes. I emphasise here that the analysis at hand will serve as an empirical example in which the incomplete and ineffective state processes to establish Kéköldi in the landscape, closely relates to continuous practices of non-indigenous people that delegitimise and disregard the continuous local efforts of the indigenous people to establish the territory.

2.4 – Access & Authority: Framework for Analysis

Like I have elaborated on in the former, I recognise three main features in processes of territorialisation: controlling boundaries, controlling the space (or land) within these boundaries, and controlling resources that are found on this land. Taking note of those three aspects that are related to territorialisation, I recognise two different, interrelated features that are at the foundation of understanding territorial strategies, which form the basis of my analysis of land and resource control in Kéköldi. Firstly, strategies of territorialisation in the broadest sense regard access to resources, and with that it concerns the power of actors to access those resources, or to have the power to mediate others' access. Understanding how actors are then able to do so, or what factors play a role in actors' inability to do so, will be key in understanding how territorial strategies relate to local control of land and resources. For this, I will rely on the work of Ribot and Peluso (2003) as a basis for understanding the dynamics regarding power and access to resources in relation to strategies of territorialisation in the Kéköldi indigenous territory. This will be discussed in the following section. Subsequently, I will specifically elaborate on the role of authority and legitimacy in processes of territorialisation. As territorialisation for an important part includes the defining of rules that outline appropriate resource use as well as in- and exclusion of actors from this use, it is implied that such processes may include definitions of some forms of user rights, governance rights and distribution of authority amongst actors related to the resources that are at question.

2.4.1 – Analysing Territorialisation Strategies: Looking at Access

Access can be understood as the 'ability to benefit from things' (Ribot & Peluso, 2003, p. 153). By focussing on access as an *ability*, the concept partly avoids a solely rights-based approach. Rather, Ribot and Peluso explicitly argue that rights-based means are merely one *mechanism* in which access to a resource can be safeguarded and the benefits can be enjoyed. As part of these *mechanisms of access*, the rights based form of access – including illegal access for that matter – to benefit from resources is accompanied by others, structural and relational mechanisms, such as access to technology, capital, markets, labour, knowledge, authority, identities, and social relations (Ribot & Peluso, 2003, pp. 162 - 172; see also Ribot, 1998). Power is central in the ability to benefit from things; the mechanisms actors can employ, define whether or not an actor can gain or maintain access to resources or control someone's access over resources. The ways in which actors are able to benefit from things are not fixed. They, rather, change over time and the composition of the mechanisms that define access to specific resources may vary at different moments. This processual character of access is highly relevant, as it allows for analysing these processes of gaining, maintaining and controlling access through time and the way in which such access mechanisms contribute to actors' strategies of claiming and controlling resources. This approach will be a central feature of this analysis, as in Kéköldi, resource control proves to be highly dynamic, as well as it involves a multitude of actors that employ various strategies – either successful or not – that aim at controlling land and resources on land. This approach allows me to dissect resource control strategies and see in what way – or by means of which 'mechanisms', to put it in terms

of Ribot and Peluso's theory – such strategies to control land and resources come to be, or which mechanisms lack for effective resource control.

2.4.2 – Analysing Territorialisation Strategies: Looking at Authority and Legitimacy

Whereas strategies of territorialisation *in effect* can challenge, and even change the ways in which people access to natural resources, the *process itself* both can involve a claim to resource use, as well as a claim to the authority to define and proscribe appropriate resource use, and in- and exclusion (Sikor & Lund, 2009; Corson, 2011). In claiming the authority to decide appropriate resource use, effectively, property rights and obligations with regard to resources are formulated and sanctioned, implying that territorialisation strategies involve some form of employment of a property regime that mediates governance and user rights in order to in- or exclude people from resource uses. Drawing from property theorists, it can be understood that 'property concerns the organisation and legitimation of rights and obligations with respect to goods that are regarded as valuable' (F. von Benda-Beckmann et al., 2006, p.2). Legitimation of rights and obligations to things that are regarded valuable, means that there must be some kind of entity with the authority to legitimise claims to property or which may be able to assign property holders to valuables (von Benda-Beckmann, 1996; Sikor & Lund, 2009). Not engaging in discussions about what *should* be considered legitimate property in the struggles over land and resource control in the context of the Kéköldi indigenous territory, my interest here lies more in the process through which people claim this authority to define appropriate resource uses and the way in which legitimation of such claims by others are important in the effectivity of resource control strategies. Just like claims to property become property through the legitimation of such claims, actors' authority to govern or mediate resource user rights depend on whether their power to do so is deemed legitimate by other involved actors. It is not necessarily the case that claims to define appropriate resource uses or the control over this use are agreed upon by all involved actors; what *legitimate* authority is, is in essence a subjective matter, as what is legitimate for one, may be considered illegitimate by others (Sikor & Lund, 2009).

2.4.3 – Understanding Territorial struggles in Kéköldi

In the analysis of struggles and strategies regarding land and resource control in Kéköldi, I will use these conceptualisations of access and authority to better understand in which ways territorial strategies come to be and how they relate to local control over land and resources. Looking at access mechanisms, of which access to authority is one such mechanism, in the context of issues over the control of boundaries, land and resources will provide to me a comprehensive view on the dynamics that are at play in Kéköldi, and more specifically, which strategies rely on which mechanisms. Moreover, this approach can also shed light on local strategies that prove to be ineffective, by looking at how these access mechanisms – or the lack thereof – might limit actors in their strategies.

3 – Research Methodology

As briefly mentioned in the introduction of this thesis report, I make two interrelated claims with regard to territorialisation, authority and local land and resource control. These claims I make find their origins in a field research that I conducted in the Kéköldi indigenous territory in Costa Rica. In this chapter, the methodological considerations that have been applied to the research will be discussed. This includes, the formulated research questions and type of research I conducted, the case study setting and the methods that were used in obtaining the data. Finally, also some limitations of the study will be discussed.

3.2 – Qualitative Research – Ethnography

Struggles and strategies regarding the control and use of land and natural resources in essence encompass relations between actors, as well as the relations between actors and the natural environment. With the aim of furthering our knowledge on how we understand processes of (internal) territorialisation and the related struggles that are apparent with regard to local control over land and resources, it is needed to better understand these relations between actors and their environment. Obtaining qualitative data is key, and this was done by means of an ethnographic field study, in which I as a researcher was situated amongst the people that experienced struggles over land and resources on a daily basis, in order to better understand what such struggles entail in the context of Kéköldi, how they come to be, which actors are involved in them, how these actors interact with each other and how actors employ strategies in order to assert control over land and resources – or counter strategies for that matter.

3.2.1 – Case Study Setting



Figure 1 Costa Rica – The rectangular south of Puerto Limón indicates where the case study area is situated.

The case of the Kéköldi indigenous territory came to me in a rather unusual way. More or less a decade ago, whilst visiting family friends, I stayed in the south Caribbean (Talamanca) coastal area of Costa Rica (see Figure 1) for some time during my time of travelling.

After getting to know the region and eventually finishing my time of travelling, I went back to the Netherlands to study at Wageningen University. With significant interests in the complicated struggles concerning the rights to land and resources that often are day-to-day practice for many of the worlds indigenous peoples, I had also learned about the often

troubled situation in which the indigenous peoples in Costa Rica lived with regard to their territorial rights. For this thesis, I originally choose a case study setting not far from the region where the research

eventually took place: The larger Talamanca Bribri indigenous Territory (located in the Talamanca hills, more inland from this coastal area). I was informed about continuous violations of territorial rights, of which I thought an analysis thereof would be an interesting topic for my MSc thesis. While preparing my research plans in Costa Rica, I stayed in Puerto Viejo, one of the coastal town in the region. From here, I was working on setting up a research in the Talamanca Bribri indigenous territory, as I increasingly learned about the struggles that were experienced in the Kéköldi indigenous territory. These struggles were diverse, as they related to disputes over territorial boundaries, as well as long-lasting issues over land and resource control. This better suited the theoretical approach I wanted to take in my research, which relates to boundaries, as well as land and resources.

3.2.2 – Research Methods



Figure 2 Picture with my host family - Juanita (center), Gloria (right) and myself (left)

The fieldwork for this study was conducted between November of 2016 and March of 2017. During this time I have stayed on different locations in or near Kéköldi. Several people can be considered key informants for me in order to set up and conduct my research. First, Jorine and Amanda (family friends that live in the region) have been helpful in providing me a place to stay, as well as share with me some additional knowledge on the region

and contacts in the early stages of the fieldwork. Second, I managed to contact Paula Palmer, a former resident of Talamanca and someone who wrote several books about the region, the villages and the Kéköldi indigenous territory. She has been very helpful in linking me to Juanita and Gloria, two Bribri women that live in the territory, and who eventually provided me the household where I stayed for an important part of my research (see figure 2).

3.2.2.1 – Strategy for Data Collection

Different methods for data collection were used in order to gather the data for this research. First, 25 interviews, with 23 different respondents, were conducted for this research (For a list, see Appendix I). After I managed to find a couple of people to start interviewing, I conducted the first two interviews in a more open fashion to get a better understanding of the actual issues that people experienced with regard to land and resource control. On the basis of this, I was able to specify my research questions

better and formulate some guiding questions that formed the basis for the remaining 23 interviews that were, thus, conducted in a semi-structured fashion. All the interviews were conducted in Spanish. With my interviews, I aimed at least speaking to several people that work, or have worked for the local governing body. This, together with interviewing people that had not done so, could give me an comprehensive overview of how the people of Kéköldi perceive the work of the local authority, and how this relates to the experiences of the people that actually worked there.

Second, observations were also key in gathering of data. This included both participatory and general observations. From the outset of the fieldwork, my aim was to stay with a Bribri family in order to get an understanding of the daily life in Kéköldi, and experience for myself in what ways the people were experiencing struggles over land and resources. Eventually, I was able to stay with a Bribri household for almost two months, participate in the daily routines and get a good understanding of the way of living and get to know the daily concerns that were important to them. Furthermore, I developed close ties with many other people living in the territory, resulting in a good understanding of some of the dynamics that were at play within the borders of the territory. One of my objectives was to be able to participate in a meeting of the local governing body in Kéköldi, as this would provide me with information regarding the state's role in the indigenous territory. Therefore I made sure I maintained good relations with several people that were functioning in the community's organisational structures (in the Integral Development Association, see the latter of this thesis). This made it possible for me to participate in some community activities that were organised. For a list with important moments of participatory observations, see appendix II.

Third, literature study was also conducted in the context of the research. This, included different books, NGO reports, and some research papers. The purpose of this was limited to mainly finding historical material about the region and the territory that proved to be relevant to the dynamics regarding land and resource control as well as a way for me to triangulate some of the information that I collected by means of interviewing.

3.2.2.2 – Research Participants and Participant Selection

As mentioned in the former, through contacting Paula Palmer, I was aware that several years ago, two indigenous ladies living in Kéköldi had contributed to the writing of a book regarding their culture and the territory they are living in. I aimed to find them first, as I expected that their prior efforts in documenting their cultural history and experiences in the territory could possibly mean (which turned out to be true) that they would understand the value of doing further research into the struggles that the indigenous people in the territory experience. As I gradually learned that in Kéköldi, struggles over land and resources can entail highly negative experiences for people, trust between the participants and the researcher is key in order to attain complete, honest and reliable data. For that reason, the first choice that was made in the context of choosing the research participants was to focus on the indigenous

peoples as the target group for this research, and not to include the numerous non-indigenous people that live in the territory. Moreover, to further ensure trust between myself as a researcher and the interviewees, I have guaranteed the respondents that the information that was given to me during interviews would be treated in an anonymous way. Therefore, as specified in appendix I, the names that are mentioned in this thesis are not the real names of my respondents.

During the early stages of this research, I have been told – as well as experienced it for myself – that many of the indigenous peoples in Kéköldi live secluded lives, rather far apart from each other and sometimes in hard-to-reach places. Moreover, I had been warned that not all indigenous people would respond too kindly to non-indigenous people, as well as that arriving unannounced at houses could lead to seriously dangerous situations on account of guard dogs that proved to be rather common in the area. Therefore, I decided that, for me to be able to reach sufficient people for this research, snowballing was the most logical, effective, and safe method. As I have experienced, this method has proven its effectiveness, although I do recognise its limitations in the context of this study. This will be discussed below.

3.3 – Limitations to This Research

Several research limitations are recognised in relation to the gathering of data for this thesis. First, the choice that was made to focus the data gathering only on the indigenous people. Although this has likely contributed to ensuring trust between me as a researcher and the research participants, it may have resulted in the gathering of biased data. This research focusses on processes and practices in which not only indigenous people, but also non-indigenous people are important actors. It is likely that gathering information from both groups would provide a more comprehensive picture of the issues at hand, and, the way of gathering information might be subject to a biased view of only one side of the actors that are related to the investigated processes.

The second limitation is found in the way I had to select participants for this research. Finding participants for this research proved to be a complex undertaking, which made me rely heavily on the snowball method. This strategy, although proven useful in finding respondents, is also possibly subject to the risk of drawing information from a group of actors that might have similar sentiments regarding much of the issues discussed. As the analysis at hand suggests, not only between indigenous and non-indigenous people, but also within the community of indigenous people there is variety in ideas and ideals when it comes to complex processes such as land control, and the extraction of natural resources from the territory. Even though I, as a researcher, have aimed to be as neutral as possible, the sampling method which I relied on – which depended on finding people from the direct circles of people that I already found for interviews – could be sensitive to the possibility that many of the respondents are like-minded with regard to sentiments and ideals on how these struggles over land and resources are experienced.

Finally, I have conducted the field work to the best of my capabilities in my command of Spanish. Moreover, I have aimed at taking into account the difference in culture as best as possible. However, it is inevitable that the difference in culture, as well as the fact that I am not a native Spanish speaker, may have resulted in slight misinterpretations from my part as a researcher.

4 – Analysing Land and Natural Resource Control in Kéköldi

In this chapter, I will present and analyse the findings of the ethnographic field study that I conducted in the Kéköldi indigenous territory. This analysis – consisting of four sub-chapters – will be structured similar to the way in which the research sub-questions have been formulated. In the first analytical sub-chapter (chapter 4.1), I will discuss some historical dynamics with regard to land control of the indigenous peoples in Talamanca. Moreover, in this chapter I will discuss the process of the establishment of the indigenous territories, as well as the decentralisation processes that were enrolled throughout Costa Rica in the second half of the 20th century. This will be specified to the local situation that relates to Kéköldi. The second analytical sub-chapter (chapter 4.2) will focus on local struggles and strategies concerning territorial boundaries, and how these strategies and struggles relate to local control over land and natural resources. Here, I will also look into local strategies that relate to spatial zoning efforts (or localised forms of internal territorialisation) within Kéköldi. In the third analytical chapter (chapter 4.3), I will discuss struggles and strategies related to the control of land in Kéköldi. Different claims are made to the land in Kéköldi, which results in complex and contesting situations. I will look into how these struggles have developed over time and which indigenous strategies are employed to enhance local control over land. The final analytical chapter (chapter 4.4) looks into struggles and strategies that relate to the control of forest resources (trees and timber). Here I will discuss how these resources have meaning for the different people living in Kéköldi, and how different strategies relate to local control over these resources.

4.1 – From Indigenous ‘Domain’ to Indigenous ‘Territory’

Not unlike the indigenous peoples in other parts of the world, the indigenous peoples of Costa Rica have experienced adverse impacts on various aspects of their livelihoods through time. For the Bribri and Cabécar indigenous peoples of Kéköldi, this is also the case. Their struggles regarding the control of land and natural resources are reflected in stories from early times in which the large banana companies started entering their domains in the late 19th and early 20th century. In those times, the growing numbers of non-indigenous people in the coastal communities also started accumulating from lands the indigenous people traditionally occupied. These decades of pressure on the land cumulated into what can be recognised as a state-led process of internal territorialisation (Vandergeest & Peluso, 1995) when the Costa Rican state decided to create indigenous territories in the 1970s. However, establishing and maintaining these state-sanctioned indigenous territories in the late 20th century was no easy feat, and up until present day struggles regarding control of land and resources in Kéköldi are complex and continuous.

In this chapter of the analysis, I will first discuss a period preceding the establishment of the indigenous territories in Costa Rica's Talamanca region. After a brief introduction on the period of colonisation, I will specifically focus on the way in which the indigenous peoples in the Talamanca valley and lowlands experienced this gradual loss of living space throughout the late 19th and 20th century due to large-scale agrarian developments and related demographic changes. Then, I will elaborate on the process which entailed establishment of the indigenous territories in Costa Rica. Here, I will put emphasis on what the establishment of indigenous territories broadly meant in terms of local land and resource control, as this is an important aspect for the remaining three analytical chapters that follow this chapter. Moreover, this present chapter will also include an elaboration on the state-decentralisation measures that were enrolled throughout the country in the second half of the 20th century. These decentralisation measures also greatly influenced local governance processes in the indigenous territories such as Kéköldi, and proves to be highly relevant for understanding dynamics regarding authority and issues over legitimacy in relation to land and resource control on a local level. For this chapter, aside from personal accounts of respondents to my research, other sources such as books, reports and research papers have been consulted for additional historical information.

4.1.1 – Pressures on the Indigenous Domain

Before the colonizers, the indigenous lived in the Talamanca mountains. [...] In those times the empire of the Bribris was far stretching, and it was shared with the Cabécares. This coastal part was also part of the Bribri empire, it stretched all the way from northern part known as Valle de la Estrella [Valley of the Star] south over the Talamanca hills to Bocas del Toro [a region in northern Panama]. (Don Ignacio, personal communication, 06/03/2017)

The Bribris and Cabécares used to occupy the southern part of what is now known as Costa Rica, as they mainly lived in the Talamanca hills and the valleys of the Caribbean coast (See figure 3). With little regard for state borders that now divide the land between Panama and Costa Rica, they considered their empire far stretching. Although they mainly lived in the mountains and valleys of Talamanca, this was not the only place that they considered their domain. Every year, they

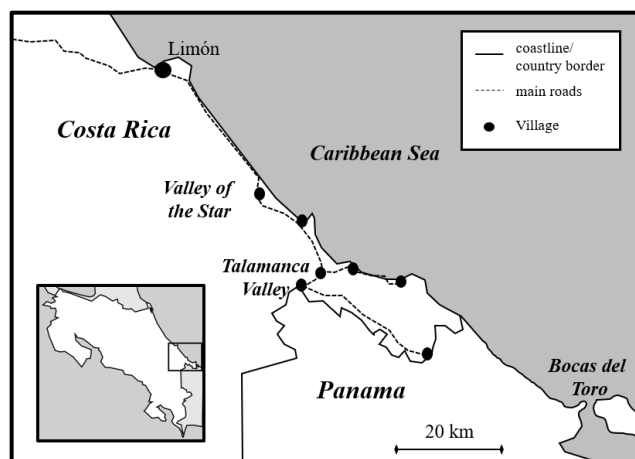


Figure 3 The southeastern part of Costa Rica – The area the Bribris considered their domains.

would come down from the valley to the Atlantic (Talamanca) lowlands and the coast. Doña Carmen, a proud Bribri woman that lives in Kéköldi, explained to me how this went:

For many years, our ancestors lived in Kéköldi. The indigenous Bribris that are in Kéköldi decided to settle, or live definitively, in Kéköldi from around the late 1890s. But why? Because Kéköldi had always been their lands, their domains. They always had *la parte baja* [the lowland region] for hunting, making salt, gather all the thing that they needed. They never did live in this part, because there are times in which there are a lot of mosquitos and there was a lot of malaria. To avoid this, they therefore travelled every year in the summer time, when there was no rain and a lot of sun. This was the time from March to April. In these months the came here to do all the things they needed to do, and there came lots of people. Then later, they went back up in the high mountains where they lived. (Doña Carmen, personal communication, 27/11/2016)

It has been documented by historians that, when the Spaniards arrived in the Talamanca region¹ in the mid-16th century, they encountered a variety of chieftainships belonging to many different indigenous tribes (such as the Bribris and Cabécares, but also many others, like the Sikwas, Tariacas, Teribes, Guaymíes, and Borrucas) scattered throughout the region (Borge & Castillo, 1997). Since times that predate Spanish presence in the region, but also throughout much of the time in which the Spanish colonisers were present in the region, the different tribes were often at war with each other to control the lands in the Talamanca valley. Also, at different moments in the several hundred years of Spanish presence in Talamanca, there have been various moments in time in which the indigenous peoples of Talamanca were at war with the Spanish explorers that sought to conquer the region to benefit from the land. Moreover, catholic faith was an important cultural feature for the Spanish colonisers, and the indigenous peoples of Talamanca also had experiences with catholic missionaries that entered the region with the aim of spreading catholic faith amongst the indigenous tribes. However, they were generally met with resistance from the indigenous tribes, and eventually with Costa Rica's independence in 1821, the Spanish colonisers retreated from the area. This marked the re-establishment of indigenous control over the lands, which happened at a time when the Bribri and Cabécar indigenous peoples were the dominant tribes in the Talamanca valley. It is believed that the period of Spanish presence did not leave severe influences on the political, military and religious structures of the tribes, and after the Spanish left the region, they continued their traditional lifestyles of hunting, fishing and recollecting from the forests (Borge & Castillo, 1997; Borge & Villalobos, 1994).

Oral histories suggest that gradual changes in demographics were again underway in the 19th century region when turtle fishermen came from Nicaragua and Panama, and started to inhabit the Costa Rican Caribbean shores (Palmer, 2005). These tiny coastal communities did not yet have a substantial impact

¹ Before the time of the Spanish colonisation, the region was named “ARA”. It were the Spanish settlers that renamed the region to “Talamanca” (Borge & Villalobos, 1994).

on the livelihoods of the indigenous peoples – they remained able to navigate their trails from the Talamanca mountains through the valley to the lowlands and the coast, hunting and collecting as they did. However, trade between the people from the coast and the Indians from the valley and mountains would not be uncommon (Palmer, 2005). This way of living became threatened when, by the end of the 19th century, the region started to develop significantly. Economic progress in Costa Rica revolved for an important part around the intensive cultivation and exportation of bananas, and its related expansions on land were starting to have serious consequences for the land use of the indigenous peoples in the Talamanca region.

At the start of the 20th century, the United Fruit Company was already working on the Panamanian side of the Sixaola river. And when they started operations in the south of Costa Rica, they worked by means of a subsidiary: the Chiriqui Land Company. After acquiring land concessions for almost 30 thousand hectares from the Costa Rican government in the first decade of the 20th century, they extended their operations into this southern part of Costa Rica by building a bridge over the Sixaola river that separates Costa Rica and Panama, expanding their roads and train tracks into Costa Rica and starting new banana fields. In the meantime, the United Fruit Company also worked in the Costa Rican *Valle de la Estrella*, near the port city of Limón (See Figure 3). In between those United Fruit divisions, the Penshurst Banana Company set up banana production fields as well as the necessary infrastructure by means of a major land concession with the Costa Rican state. Between 1915 and 1948, they expanded their operations, constructed railway tracks between Penshurst and Puerto Viejo, and they traded their produce with United Fruit, the party that owned the crucial railroad tracks that went north towards the port of Limón (Palmer, 2005). Consequently, many parts of the lowland region from Limón to Sixaola were now controlled by large companies. Gradually, the land was deforested on a large scale in order to cultivate bananas. This expansive conversion of forest into agricultural fields had serious consequences for the indigenous peoples of Talamanca, as the companies' expansion destroyed the forests they relied on to sustain themselves. As the indigenous people considered much of this land their domains, they did not yield to the companies easily. Their resistance – by means of destroying the plantation fields, demolishing train tracks and poisoning working animals – was often met with violent force by the people from the companies, and even though the indigenous peoples fought against these developments, they were gradually forced to retreat higher into the Talamanca mountains (Borge & Villalobos, 1994).

These expansive agricultural developments by the companies relied heavily on a large, strong work force, and the companies' successes went hand in hand with the widespread influx of foreign workers. The migrating workers that came to the area to work for the companies mainly consisted of people from West-Indian decent. Although the term “Jamaicans” is often used when referring to these immigrants, the fact that immigration reports lacked or did not all survive the test of time has made it difficult to know where all these immigrants exactly came from. Notwithstanding, it is suggested that the majority

actually did come directly from Jamaica, although significant numbers of workers also entered Costa Rica from Nicaragua and Panama (Echeverri-Gent, 1992). One oral history suggest that many West-Indian labours that were contracted in Panama sought new prospects on the companies' fields in the Talamanca lowlands after finishing work on the Panama canal in 1914 (DiLorenzo, 1986). West-Indian people were the desired work force for the companies, as they were strong, hard-working people that were better adapted to work in the harsh, mosquito-infested environment as compared to the European and Chinese work forces that were contracted before (Echeverri-Gent, 1992; Harpelle, 1993). This process of immigration marked the evolution and expansion of the coastal communities, that grew significantly in the first couple of decades of the 20th century.

The immigrant work force constructed the railroads, cleared forests for the companies' expansion into virgin agricultural land, and worked as labourers on the banana fields (Borge & Villalobos, 1994). At the time, it was not uncommon for the banana companies to cultivate virgin lands themselves for some 10 years. After such a period the soils would have been mostly depleted. Then, they would either start to cultivate cocoa on these lands, or lease the lands to what were then considered "independent" producers – West-Indians workers or other locals that started working for themselves. By still buying produce from these farmers, the companies ensured some banana supply from these lands. However, such land leases would reduce the financial risks for the company when setbacks due to soil depletion or fungal diseases hit the plantations – this was then at the expense of these independent farmers. Moreover, as the companies were still the only stakeholders in the region that owned the transportation networks, the farmers in fact remained highly dependent on the company for their income and survival (Palmer, 2005; Dozier, 1958).

The companies worked the lands in the Talamanca valley for several decades, growing bananas, as well as other crops such as cocoa, when in the 1930s they initiated the beginning of what would become a complete withdrawal of their operations from Talamanca, as well as the rest of the Atlantic side of the country. This was due to several setbacks, which included a couple of floods in the 1920s and 30s, as well as the rapid and uncontrollable spread of Sigatoka, Panama disease and Moko, three fungal diseases that affected almost all the banana fields on the Atlantic side of Costa Rica (Borge & Villalobos, 1994). All the trade was lost on the Atlantic side, and the companies moved to the Pacific side of the country to start new fields where the fungal diseases had not yet affected the lands. In the decades after the banana companies left, cultivating cocoa was the main source of income for many people in Talamanca, and many families, including those of former immigrants already lived in, or started to settle in the forests and lands that the companies left behind in order to profit from the booming cocoa sector. Oral histories suggest such land occupation was for example the case when the Penshurst Company withdrew from the Hone Creek area in 1948, returning the land which they had under concession to the state (Palmer, 2005, pp. 145-149).

Amidst these developments, many indigenous peoples also started to resettle also in the valley and lowlands of Talamanca after the companies left the region (Borge & Villalobos, 1994), although information acquired by means of interviews suggests that some indigenous peoples even started to permanently occupy the parts that now comprise Kéköldi at the same time the large companies had control over many parts of the lowland region. This was for example illustrated when Doña Carmen continued her story:

[Our ancestors] saw that there were *extranjeros* [strangers] who were taking possession of these lands, which were the people from the banana companies. They came and claimed all the land in *la parte baja*. Therefore, the indigenous peoples decided to fight for their lands and my ancestors decided to stay in these lands, even prepared to die. Many people died of the malaria disease, because it is a tremendously fierce disease. A lot of people died, but the rest survived, like myself, so here I am, [Carmen], offspring of those who came to here. (Doña Carmen, personal communication, 27/11/2016)

Elsewhere, (Borge & Villalobos, 1994) it is suggested that the permanent settlement of indigenous peoples in the lowland and coastal Talamanca region was most prevalent during the mid-20th century when the banana companies already left the region. Either way, in these decades, the indigenous peoples settled in the forests, alongside the immigrant communities that had developed significantly through time.

4.1.2 – Creating Indigenous Territories

In the second half of the 20th century, the frustrations of Costa Rica's indigenous peoples concerning the state's disregard of their rights to land and culture, cumulated into a nation-wide indigenist movement that put pressure on the state (Palmer et al. 1993). In an effort to account for the rights of its indigenous peoples the Costa Rican government passed the Indigenous Law in 1977 (*Ley Indígena No 6172*), effectively incorporating a set of rights specifically formulated for the country's indigenous peoples into state law. This step by the Costa Rican government was no rarity at that point in time, as many other Latin-American countries took similar measures in the second half of the 20th century. For Costa Rica, the newly determined indigenous rights included the formalisation of what would eventually turn out to be twenty-four indigenous territories spread throughout the country. These territories were designated exclusively to indigenous peoples as being '*inalienables e imprescriptibles, no transferibles*' (inalienable, non-prescriptible and not transferable); they would have legal rights to these lands as guaranteed by the state, and only between indigenous peoples, land within these territories could be negotiated. Moreover, according to the *Ley Indígena*, the indigenous peoples would have the right to govern these lands under their own traditional governing structures or those of the state. The *Comisión Nacional de Asuntos Indígenas* (National Commission of Indigenous Affairs; CONAI) was brought to life as a state apparatus that would be responsible to supervise the processes of establishment

of the territories. This would be done together with the then already existing ITCO (*Instituto de Tierras y Colonización*; Land and Colonisation Institute), the state institution responsible for land administration tasks.

At the time of outlining and creating these territories, it was taken into account that there was the possibility that people not of indigenous heritage could be living in some of these areas that would become indigenous territory. As per the new law for the indigenous peoples, these non-indigenous people were now not allowed to live within the boundaries of the created territory anymore. To resolve this, the text of the *Ley Indígena* suggested the ITCO and the CONAI as the responsible parties for dealing with such cases, and by means of two general criteria, it would be established whether or not the state did indeed hold any responsibilities towards these people. First, the non-indigenous people had to be able prove to the state that they had been living in the lands prior to the formation of the indigenous territory. Second, the state would assess whether or not these people had been living there in *buena fé* (good faith) – that is if these people were not engaged in what the state considered to be illegal activities. If all things considered to be satisfactory, the ITCO and the CONAI would be responsible to relocate these people to somewhere outside the territory, to lands that were similar to those they had formerly owned, or they could be reimbursed for their property in monetary value and be bought out instead of opting for relocation. Non-indigenous people that came to live on these lands after the state decree was filed concerning the establishment of the territory, or those who did not acquire the land according to how a good faith possessor should live – these were considered possessors of *mala fé* (bad faith) – would be expropriated without compensation and evicted from the territory. In this way the indigenous territories could be cleared of non-indigenous peoples and be free for them to live in. In addition to the setting of boundaries and the inclusion and exclusion of specific actors from the territory, the *Ley Indígena* also specified specific rules that were also in place with regard to resource control and its use. This for example included notions on how the forested covers of the territories had to be treaded, as well as the fact that the indigenous people could not harvest timber from the territory for financial gain. These different features make the state-controlled process of creating indigenous territories a good example of internal territorialisation of the state (Vandergeest & Peluso, 1995) which entailed rules and laws regarding land and resource control in specifically defined areas. Maybe not surprisingly however, what had seemed like a simple, straightforward process on paper, proved to be an enormously complex process which, up until today has not been fully, nor successfully implemented by the state, and which nowadays still results in many different situations of contestation regarding land and resource control in the indigenous territories of Costa Rica. In Kéköldi, this is most definitely the case, as struggles over its boundaries, exclusion of actors, as well as control over resources use have been continuous throughout its years.

4.1.3 – State Decentralisation and the Asociación de Desarrollo Integral

The establishment of the indigenous territories in the 1970s coincided with general state decentralisation measures that were enrolled throughout the country during the second half of the 20th century. In 1967, the Costa Rican government passed the DINADECO law (*ley de Dirección Nacional de Desarrollo de la Comunidad*; National Directive for Community Development), which formed the foundation for this state-to-community decentralisation structure for all Costa Rican communities. With this, the aim was to ‘encourage, guide, coordinate and evaluate the process of organization of the communities, to achieve their active and conscious participation in the economic, social, cultural and environmental development of the country’ (DINADECO, 2015, para. 1). Within the margins of these state-driven measures, communities were to organise themselves through an *Asociación de Desarrollo Integral* (Integral Development Association; ADI). The ADI’s mandate to act as a local authoritative body are imposed onto it by the government, and its responsibilities include matters such as the control and use of land and natural resources, as well as other (possibly related) management tasks, such as efforts to advance the social and economic well-being of the community. As the local form of organisation that functions as the direct link between the community and the Costa Rican government, much of the planning, organisation, policies, and execution of projects that concern the territory is all done through the ADI in collaboration with – and often according to the agenda of – the government.

For the state, the ADIs are the legal entities that comprise and represent each individual community, and the state’s communication and cooperation with the communities is exclusively done through their respective ADIs. For people of the communities to be able to participate in local management processes and for them to be able to cast a vote with regard to decision-making in the ADI, they have to affiliate themselves to their respective ADI. In order to be able to execute the communities’ management plans, as well as facilitate general interactions with the state institutions and other parties on a structural basis, a *Junta Directiva* (or *Junta*; Board of Directors) is chosen for each community. These decentralisation measures for community organisation also were put into force in the indigenous territories. Since the 1980s, when Kéköldi became independent from the larger Talamanca Bribri Indigenous Territory, its inhabitants could now organise themselves by means of their own ADI (which in full is named the ADITIK; *Asociación de Desarrollo Integral de Territorio Indígena Kéköldi*)². Their *Junta Directiva* consists of 8 affiliated community members that are elected by the community itself to be their representatives for a term of two years. After each term of two years, new elections are held, which gives the opportunity to other members to represent and work for their community.

² In speech, the terms *Junta*, *Junta Directiva*, *Asociación* (Association) and *El ADI* (The ADI) were often used interchangeable by the indigenous peoples of Kéköldi with whom I spoke, referring to the 8 people working as the *Junta Directiva*.

Even though the ADI's function and the *Junta Directiva*'s authority to govern on behalf of the community on a local level is imposed onto it by the state, it is not embraced by all actors living in Kéköldi. This is due to two distinct, yet related, reasons. Firstly, in Kéköldi there are a lot of non-indigenous peoples living within the borders of the territory. While this co-existence of indigenous and non-indigenous peoples in Kéköldi will be discussed in depth in the following analytical chapters, its relevance here regards the basic relation between the ADI and these non-indigenous people. Non-indigenous people that are living in Kéköldi cannot affiliate themselves to an ADI, as the ADI in Kéköldi exists to facilitate the indigenous peoples of Kéköldi. Consequently, although the 8 people of the *Junta Directiva* formally work for the majority of people that live in Kéköldi (indigenous peoples that can affiliate to the ADI), there are numerous (non-indigenous) people that are not represented in the local governance processes. Even though there are other, more informal ways in which relationships are managed between the non-indigenous and indigenous people in Kéköldi, this division proves to be an important aspect of much of the struggles regarding land and resource control in Kéköldi, and questions of legitimacy regarding land and resource access and control are at the heart of this. How this specifically relates to issues over land and resource control will become more clear in the subsequent analytical chapters.

Secondly, the decentralised structure that came forth from the DINADECO law is a national system through which *all* Costa Rican communities ought to organize themselves and promote community development, it is not a system that is designed specifically for the indigenous peoples. This relationship between the community and the government by means of the ADI is criticised often by the indigenous peoples, as it is argued that the agenda setting and organisation community projects in which the ADI is involved is much influenced by the government and does not necessarily reflect the needs of the indigenous community living in Kéköldi. Whereas, the *Ley Indígena* stipulated the possibility for the indigenous peoples to govern in the territories according to their traditional forms of government, the introduction of the ADIs basically has resulted in a highly dominant function of the ADIs in the indigenous territories with regard to internal territorial issues such as land (re)distribution and resource management, as well as external issues such as communication, collaboration and orchestration of state-initiated development plans. The relevance of the ADI from the state's perspective has made their traditional forms of governing more or less obsolete. This issue becomes more salient when the indigenous peoples highly rely on the government through the ADI for specific internal problems such as land and resource control. The state considers the land that comprises the indigenous territory to be one single land title, in ownership of the indigenous community. As the ADI for the state is the legal entity that represents the community, the land in the indigenous territories is in that sense owned by the community through the ADI. Then, on an individual or family basis land is negotiated amongst the indigenous peoples themselves by means of the ADI and its *Junta Directiva*. However, the lands of Kéköldi are not clear from non-indigenous peoples and struggles over land and resources are ongoing.

While at the heart of the *Junta*'s efforts are resolving these issues over land and resource use and control, the government does not share this priority with them:

[The Government] don't want to involve itself in anything. When the indigenous groups call them out on the international laws, like the *OIT* [ILO convention 169] which have authority over the national laws of Costa Rica, they simply say: "No, these are lies, the indigenous people are very well off, and everything is alright..." And this not the truth. (Doña Anita, personal communication, 22/02/2017)

What complicates this matter is that the only way for the indigenous peoples to address this issue, is in collaboration with the state, thus that is through the state's accepted structure of governance: the ADI. Whereas the issues regarding land and resources are the major focus of the *Junta Directiva*'s work – they see this as the most fundamental issue to solve for their community – they are not met by the same urge and willingness of the state to resolve this. This difference in priorities results in that the indigenous peoples of Kéköldi employ various strategies that surpass the general structures of governing with the aim of enhancing their control over land and natural resources – strategies which will be discussed in the following analytical chapters.

4.1.4 – An 'Established' Territory?

This brief overview shows some of the dynamics and conditions that preceded, and eventually led to the establishment of the indigenous territories, as well as the process of establishing the Kéköldi indigenous territory. Initial struggles of land control of the indigenous peoples due to the region's economic development and immigration in the region made land in the valley and lowlands scarce as well as their traditional control over the regions lands impossible for the indigenous peoples. It shows a contrast between indigenous conceptions of domains and the more 'modern day' system of land concessions and property as the nation state and the companies used it. Mobilisation efforts by Costa Rica's indigenous peoples and other citizens proved to be important pressures to influence the state in developing indigenous land rights, which resulted in the state-led process to create indigenous territories in the country.

The state efforts of creating indigenous territories – which on paper entailed the physical exclusion of non-indigenous peoples from the lands, as well as the establishment of specific rules defining how and by whom the resources within the set boundaries could be used – can be seen as a prime example of what Vandergeest and Peluso call 'internal territorialisation' by the state (1995). These processes – at least on paper – would ensure access to land and control thereover for the indigenous peoples within the indigenous territories. As introduced however, this has not been the case in practice. This will be an important point of departure for the latter of this analysis; from here, different aspects that are part of territorial strategies will be discussed. These include the function of – and contention over – territorial

boundaries and other forms of spatial zoning, processes and struggles that regard the exclusion of non-indigenous actors from the indigenous territory, as well as contestations over rules and regulation that define resource use. As the latter of this analysis will show, much of this takes place on a local level, where national law and regulation is interpreted and translated to local practices. Ineffective and incomplete execution of state processes of creating territories, in combination with the complexity of an ADI that governs on a local level on behalf of the indigenous peoples while there are many non-indigenous peoples that are living within the boundaries of the territory that do not have such a local representation, will prove to be an integral part of these struggles over boundaries, land, and resources.

4.2 – Controlling Boundaries in the Kéköldi Indigenous Territory

In this chapter, I will specifically focus on struggles and strategies that regard territorial boundaries in the context of Kéköldi. Boundaries can define which parts of land and the resource found in this land are subject to specifically defined rules and regulations with regard to resource uses. Also, they function as markers that mediate the in- and exclusion of people from those areas and from people accessing those resources. However, boundaries can be manifested in different forms. Boundaries can be expressed digitally or on paper, such as them being drawn on maps or be defined by means of coordinates. Also, they can be physically expressed. Such physical expressions of boundaries can for example be negotiated amongst actors by means of recognisable features in physical space (as for example a river or a mountain ridge may serve as a natural marker to divide space), or they can be physically expressed by actors by means of setting up walls, fences, barb wire, through the planting of a line of trees, or any other form of physical means which assist in communicating the division of space as decided upon by actors. However, what boundaries represent in text and on maps is not always reflected on how they are expressed, and accepted in practice, as there can be multiple ways in which local actors can regard or disregard such boundaries. Moreover, although certain actors such as national or local governments can claim the authority to define and draw boundaries on maps or in a practical setting, this does not necessarily mean that there is consensus over the legitimacy of such processes, nor that the outcomes of such processes in terms of actual placements of boundaries are accepted by all actors involved in contention over control of land and resources.

Here in this chapter, I will focus on the way in which actors use, define and contest boundaries as part of territorial strategies to control land. By looking at the creation of Kéköldi and the local struggles over its boundaries through time, this chapter will first unpack some of the ways in which the territorial boundaries play a role in the struggles over land and resource control in Kéköldi. These contestations in some ways all reflected processes of territorialisation, which involving different actors, different power relations and different ways of legitimising claims to control land. Moreover, the creation of the Kéköldi as an indigenous territory also had a direct relation to other, more localised forms of sub-

territorial zoning (such as community forests or forests that are subject to a payments for environmental services scheme) when the establishment of the indigenous territory coincided with the devolution of authority to a local level. These processes will be discussed in the second part of this chapter.

4.2.1 – ‘External’ Boundary Struggles – Demarcating, Establishing & Maintaining Kéköldi

When the state-sanctioned territories were first mapped out, Kéköldi – which was formerly named the Cocles Indigenous Reserve – used to be an administrative annex to the larger Talamanca Bribri Indigenous Reserve (see Figure 4). Amongst the first indigenous territories of the country, the Talamanca Bribri Indigenous Reserve, including the Kéköldi annex, was created in 1976 and its establishment was ratified by the state in 1977. In 1985, the Cocles Indigenous Reserve became independent from the larger Talamanca Bribri Reserve. Eventually, in 1989 the name was changed to Kéköldi Indigenous Territory (Palmer et al., 1993), which was done by the state as a response to the request of the indigenous peoples themselves. From the outset of mapping out the Kéköldi territory, throughout the 40 years of its existence, there have been contestation over its boundaries on several occasions. These contestations and adaptations have been instigated by different actors at different moments in time.

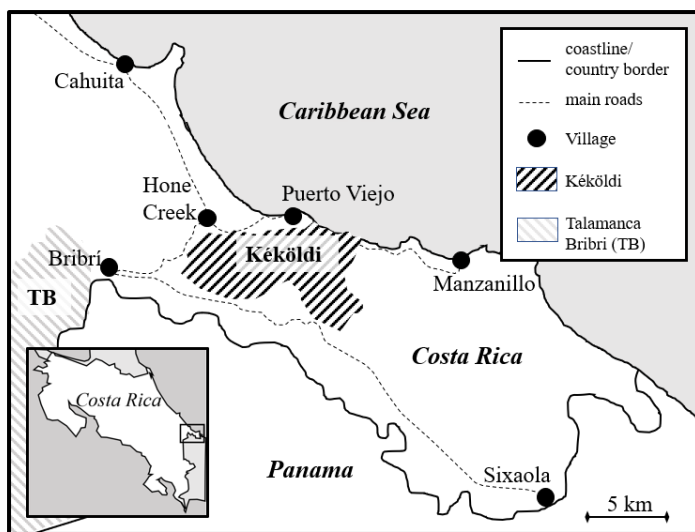


Figure 4 The Talamanca valley and Coast – Indicated are the Kéköldi territory and the larger Talamanca Bribri territory (TB) as they were originally mapped out in the 1970s.

Much of what originally was designated to become Kéköldi was mapped out on state owned lands that during significant parts of the 20th century were leased to a banana company³. When this company left the region in the mid-20th century, this land had not been intensively used and the government officials that were mandated the creation of the indigenous territories considered these lands suitable for an indigenous territory. However, this did not guarantee that the lands were empty, and even though the majority of

the designated territory was not intensively used for large scale agriculture, much of the land was – either during the time of the companies or after they had left – used by many people of the coastal communities to settle with their families and for the cultivation of cocoa. Such cocoa farms that were situated in these lands were not easily distinguished from regular forest at the time when areal pictures

³ It has not become completely clear to me which company this must have been. Considering the area in which the territory is situated, on the basis of different written sources (Palmer, 2005; Dozier, 1958; Borge & Castillo, 1997), this could either regard former concessions of the United Fruit Company, although it is more likely that this was the concession of the Penshurst Banana Company.

were taken by the CONAI engineers that were responsible for demarcating the territories. This was due to the fact that the cocoa *fincas* were mainly found in forested areas. Whereas the forest canopy provided the *fincas* with the necessary shade for optimal growing conditions, it also left them well-hidden on the aerial pictures that were taken when assessing whether or not the lands were suitable for an indigenous territory. Consequently, when the indigenous territory was created in 1977, numerous cocoa farms that were owned by some Costa Rican ‘whites’ and many ‘blacks’⁴ were included in the territory (Palmer et al., 1993, p. 65). This was particularly the case in the coastal part south of Puerto Viejo, known as Cocles (see figure 5, map A).

This state-controlled process of mapping out borders and designating it to be an indigenous territory in the area had immense implications for a number of people. First, in addition to the larger indigenous territory situated more inland, the indigenous families that were already living near the coastal area were granted a this Kéköldi of 3.538 hectares by the state in which they could remain living. Second, non-indigenous people that were living within the set limits of the territory were to leave it as mandated by the state. For this, the state had developed the measures of expropriation and relocation that were discussed briefly in the previous analytical chapter. Execution of the processes of expropriation and indemnification of non-indigenous people, which a critical step in the establishment of the

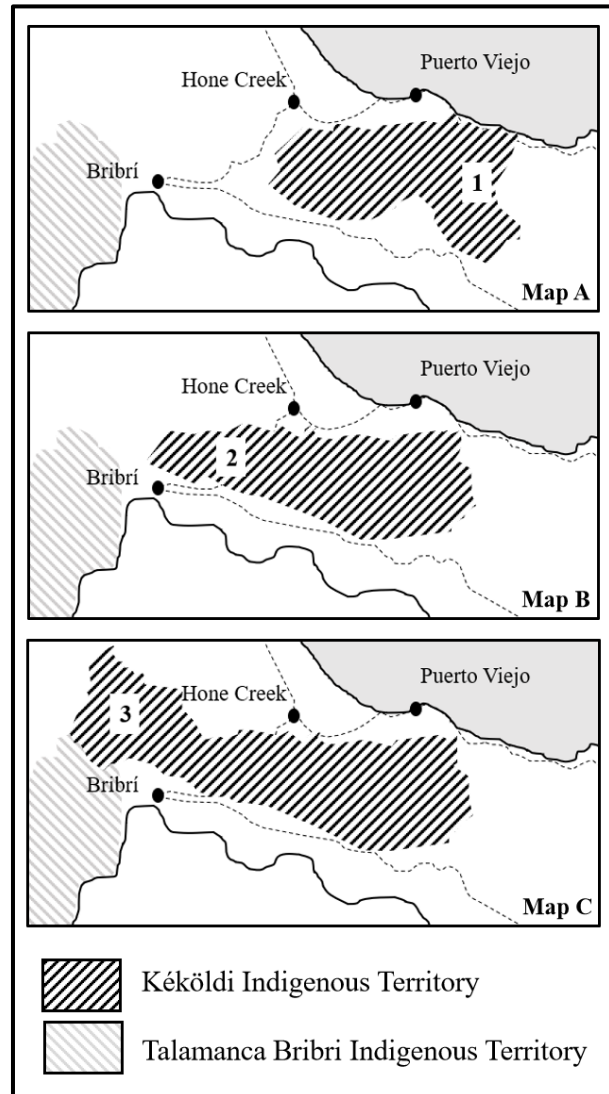


Figure 5 The boundaries of Kéköldi through time – Map A: The original outline in 1976, including the Cocles part (1). Map B: Kéköldi after 1996, now including the Hone Creek and Catarata part (2). Map C: Kéköldi after 2001, now including the Carbon part (3).

⁴ The term ‘whites’ in general was used to refer to people with Spanish ancestry. These people could include for example people from Costa Rica, Nicaragua or Panama. It were often people that came to the region to benefit from the economic prospects that the big companies promised in the early 20th century. Nowadays, these people would be called *Ticos* or *Nicas*. The term ‘blacks’ here refers to the people of West Indian decent, these could be descendants of early settlers in the region, or of people that have migrated to the region in the late 19th and early 20th century from other parts of the West Indies to work for the companies (See for example Palmer, 2005). These people would nowadays be referred to as *Los Afrodescendientes* (people of African descent), although the indigenous people that I have spoken to in the context of this research would also referred to them as *Los Negros* (the blacks).

indigenous territories, proved to be a flawed part of the state's capacity – or their *efforts*, as would some of the indigenous peoples of Kéköldi argue, and it quickly became clear that the CONAI would not be able to fund the expropriation of the non-indigenous peoples in Kéköldi – like with many other indigenous territories in the nation. For Kéköldi, this problem would actually endure for several decades, up until present day.

Since the indigenous peoples and the other neighbours had lived alongside each other without problems the decades before the formation of the territory, they were adamant to avoid conflicts over this issue. In 1986 the indigenous peoples themselves petitioned the government to reset the limits of the territory and exclude this part from the territory, effectively reducing the size of the territory. The government, however, rejected this petition on the grounds that the *Ley Indígena* did not allow such reductions. Moreover, as was reported on several decades ago, they did not want this issue to become a precedent that would possibly lead to many other of such requests for other indigenous territories in the country (Palmer et al., 1993). Refraining from altering the boundaries, this decision by the national government resulted in a situation in which the non-indigenous peoples were to remain within the limits of the territory, not knowing when and if they would one day be reimbursed and relocated by the state.

This coexistence of indigenous and non-indigenous peoples in Kéköldi endured for several years, when in 1996, a group of people living in the coastal part of the territory – mainly consisting of *Afrodescendientes* – mobilised. In the claim that was put forth this time, the people from the coastal communities contended that, just like the indigenous peoples, the state should also have recognised their longstanding history in the region when creating the territories, as they had been living in the coastal regions for over a century. Whereas the state was reluctant to alter the boundaries of the territory at the time when the indigenous peoples petitioned it, this time the state was convinced to agree with their claim to release the coastal Cocles part from the indigenous territory. Taking into account the fact that according to the *Ley Indígena* the size of territory could not be reduced, the decision was made by the government to compensate the reduction with the addition of another part of land to the territory of the indigenous peoples. It was decided to exempt the Cocles part –which included the coastal strip of the territory – from the territory (see figure 4, map A), and, by means of compensation, state included land to the northeast of Kéköldi to the territory (see figure 4, map B). This new area, known as the 'Hone Creek and Catarata' part now suddenly was mapped as indigenous territory as the boundaries were reformulated into newly coordinates and reaffirmed through a state decree. Even though the state, again, claimed that these newly added lands were mostly empty, this step resulted in the inclusion of numerous other people of non-indigenous decent into the territory, as the side of Hone Creek and Catarata was full of non-indigenous peoples.

Only a few years after the territorial boundaries were adapted to account for the claim made by the coastal communities in 1996, again state-sanctioned boundary alterations were underway. This third

time, the claim again came from the indigenous peoples themselves. The indigenous peoples of Kéköldi employed a strategy based on their internationally recognised rights in order to claim additional land and expand their territory. In the International Labour Organisation (ILO) Convention 169 for Indigenous and Tribal People, the ILO stipulates specific rights that they deem to be basic rights that all the world's indigenous peoples of the world should have. Costa Rica's decision to ratify this convention in 1993 has made them responsible to adhere to the rights as formulated in the convention. In this specific case, the indigenous peoples of Kéköldi mainly based their claim on article 14 of the ILO convention 169, which concerns lands traditionally occupied by indigenous peoples. Here, the convention states that 'governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession' (ILO conv. 169, Art. 14). Aided by this international convention, a claim was formulated that specified the historic and cultural value of a specific area northwest of the territory bordering the Catarata part. The state complied with this claim, and in 2001, again, the borders were reset. By means of a new state-issued decree, an area known as Carbón (see figure 4, map C) was now included in Kéköldi. For the indigenous peoples of Kéköldi this new part of the territory was not only important from a historical perspective, but also for a contemporary one; Kéköldi now directly bordered the larger Talamanca Bribri indigenous territory, effectively linking Kéköldi to Talamanca Bribri. Again, this meant that numerous non-indigenous people were included into the territory and awaited the process of expropriation by the state—again, a process which was never actually initiated by the government.

More recently the indigenous peoples have formulated another claim to land which, again, would entail the resetting of territorial boundaries. Backed by a lawyer, they have started the process with the aim regaining the Cocles part of land to the territory. Since 2011 (and currently ongoing), the indigenous peoples filed a lawsuit with the Costa Rican state in which they reclaim the coastal part of the territory which they lost in 1996. At the time, it was the community of *afrodecendientes* that claimed the land on account of their historical rights to the region. However, as will be elaborated on in the latter, recent decades have shown an 'exodus' of these people from these very lands they had claimed, as they have been selling the land to wealthy, mostly foreign people. Amongst the indigenous peoples of Kéköldi, this fact is met with a lot of disgust and disbelief, as they feel that they should be the rightful owners of these lands if the *afrodecendientes* choose to let go of these lands. However, this particular region has become hugely significant from an economic point of view, as tourism has soared in Talamanca, and the Cocles beach area has become a well-developed place to accommodate tourism.

4.2.2 – From Boundaries on Maps to Boundaries on the Ground

The original creation of Kéköldi, as well as the boundary alteration that were decided upon in 1996 and 2001 all have been processes which included – and heavily relied on – the state and its authority to

formalise these processes into state decrees. These formalisation processes have been characterised by issuing these new decrees in which the decisions were reaffirmed and the altered boundaries were expressed by means of newly defined coordinates and maps. However, how these boundaries have been incorporated into the local landscape has not been a straightforward process, and in practice, it resulted in a lot of situation of struggle and contestation. As the above shows, this history of boundary alterations has rendered numerous complex situations in different parts of the territory with the regard of the inclusion of non-indigenous people. The initial creation of the territory, and with that the demarcation of boundaries, resulted in that suddenly, non-indigenous peoples that were living there were subject to the rules that relate to indigenous territories. Continuous alteration of boundaries throughout the years had included other non-indigenous people within the reset boundaries of Kéköldi. However, whereas these contentions have yielded specific set boundaries of the territory on paper and in state decrees, the indigenous peoples experience a lack of effectivity of these boundaries in practice, as there are no real visible makers that indicate where the territorial boundaries lie. Such visible markers are regarded as highly important by the indigenous people of Kéköldi, as distinct border markers can make it more clear on a local level for people what is part of the territory and what is not part of it.

In an effort to enhance spatial control within the limits of the territory and avoid squatters from entering and settling in the territory, the *Junta Directiva* has worked and continuous to work on making visible these boundaries with the means they have. They do so by walking the limits of the territory on a regular basis, and whilst walking, they clear the vegetation along this boundary with machetes, essentially creating a line through the forests. By doing so, the idea is that the limits become perceptible, and it is thought that it is then more easy for people to know when they are in the territory, and when they are not. However, on account of the multitude of non-indigenous peoples within the boundaries of the territory, this practice can be difficult, or sometimes even dangerous for them to execute. With the history of several boundary alterations, on different moments in time, non-indigenous people and their *fincas* have been unwillingly included within the indigenous territorial boundaries. Although the state mandated that these people would have been reimbursed and expropriated from the territories, this process has never been effective in doing so (this issue will be discussed more in depth in the next analytical chapter). Consequently, they feel they do not have to answer to the *Junta* and they do not consider the authority that the ADI and its *Junta* have on a local level be legitimate. These non-indigenous people can for example be living alongside territorial borders, or as sometimes the territorial borders can even go straight through their *fincas*, this can create complex, sometimes dangerous situations for the people of the *Junta*:

Violent conflicts are with the *colonos* [settlers] or the invaders when the *Asociación* want to clear the boundaries of the territory. The *colonos* do not want to have anything to do with that, they do not want anybody to enter their *fincas*. And then, the *Asociación* has its hands tied. They have to clear the pathways, but the *colonos* don't want this done. If a path crosses a *fincas* of

those people, there is a conflict because they don't want people to enter their *finca*. (Doña Lorena, personal communication, 28/02/2017)

Although the *Junta* regards the state to be the responsible party to provide them with clear boundary markers such as signs, or something else which makes it clear that it regards a territorial boundary, the state does not respond to such wishes, and, actually, they have not done so in the past as well (see Palmer et al., 1993, in which the similar problems are described that were experienced several decades ago).

As the above has shown, external territorial boundaries of Kéköldi have not been fixed through time. Rather, they are aspects of the territory that underwent change, that invoked discussion and struggle for different actors, and currently ongoing struggles over boundaries may also be an indication for possible boundary alterations in the future. Different moments in time have allowed for claims regarding boundary alterations to find their way to the national government, as they have resulted in reactions by the state in redrafting the state decrees and alter the boundaries. What Kéköldi as an indigenous territory is on maps and in state decrees is different from how the indigenous peoples of Kéköldi experience it to be in local practice. Clearly defined boundaries in local practice are considered crucial by the indigenous peoples for effective spatial control. The lack thereof, as well as the lack of state involvement in transferring the boundaries from maps and state decrees onto the ground results in local situations of struggle with non-indigenous peoples, when the indigenous people themselves want to work on making these boundaries visible; these efforts are not considered legitimate by the local non-indigenous landowners who's resist indigenous peoples on their *fincas*.

4.2.3 – From 'external' territorial boundaries to local forms of 'internal territorialisation'

Although I consider the external territorial boundaries to be a crucial aspect for this analysis in order to better understand processes of internal territorialisation in the context of the creation and maintaining of Kéköldi, only looking at these external territorial boundaries does not do justice to our understanding of the implications of state's internal territorialisation processes. The ways in which boundaries, or spatial zoning is apparent in the context of Kéköldi, is not limited by the state's territorialisation processes. Rather, when looking at what happens locally, other processes and practices of territorialisation and demarcation can be identified, which have a direct relation to the creation of the territory.

4.2.3.1 – Kéköldi and its 'Communal' Forest

Having both explored different parts of Kéköldi myself during my fieldwork, as well as by means of the interviews I have conducted, I have come to find that certain structures and zoning applies to the lands within the territory. Such zones have different functions for the people living in Kéköldi.

Throughout the years, the layout of Kéköldi has changed much due to the alterations of the boundaries. However, especially in the parts that was declared indigenous territory in 1976, the indigenous peoples are clear about certain structures that apply to the territory. It is here that they consider a large part of forest to be a communal forest that functions as a repository to aid the indigenous peoples in their traditional necessities. Before the territory was declared, the forest already was an important part of the livelihoods of the people that lived in the area, as it provided them with the ability to gather, hunt and extract wood and other plants and water they needed for food, housing and other applications. When the region became indigenous territory, the *Ley Indígena* stipulates that forested cover that becomes subject to the indigenous territories should remain in that character, effectively also laying a state claim to control what the indigenous peoples could do within the boundaries of the territory. However, on a local level decisions were made that surpassed the notion that it should remain a ‘forested character’, as the indigenous people have given additional meaning and rules for resource use to the forest with regard to the rules for resource use. For example, people are not allowed to build houses there, and the people protect the forest in order to protect the wide variety of natural resources that are found there that have been central to their lives (including for example trees and plants that are used for home construction, as well as medicinal plants). By focussing much on responsible and sustainable use of any resource found in this forest, the indigenous peoples aim to have a continuous supply of these resources.

4.2.3.2 – Kéköldi and Payments for Environmental Services

Conservation of the country’s forests and efforts to stimulate the recuperation of degraded forests have also been an increasingly important policy goal of the Costa Rican government. In the 1990s, the FONAFIFO (*Fondo Nacional de Financiamiento Forestal*; the National Forestry Financing Fund) was established as part of Costa Rica’s Ministry of Environment and Energy (*Ministerio de Ambiente y Energía*; MINAE). With the MINAE as the responsible party for the practical execution of the projects that fall under this Payment for Environmental Services (PES) scheme, the FONAFIFO became the party directly responsible for the administration of, and payments to those projects. Financing is generated in various ways, but it for example includes revenue from a national tax scheme on fuel, a voluntary certificate scheme through which the private sector can pay of their carbon footprint, as well as funding which is provided by international institutions such the World Bank and the Global Environmental Facility (Rodríguez Zuñiga, n.d.). Importantly in light of this analysis, such state designed and controlled PES schemes can on itself well be understood as strategies of territorialisation; it regards the control of resources as it regards the protection and regeneration of forests, such control over forest resources can be applied to specific geographic areas, and it entails rules and regulations with regard to resource use and the way in which benefits are distributed. The PES programme in Costa

Rica can be applied for by individuals, households or communities in exchange for financial compensation.

At different moments in time (in the years 2009, 2010, 2012⁵) the indigenous peoples of Kéköldi have applied for PES contracts for different parts of the territory, amounting to several hundred hectares of forest that currently are protected under the PES scheme. For these areas that became subjected to the PES scheme, they have aimed to put clearly defined borders around the area by nailing signs to trees that are situated on the limits of these areas (see figure 6). These forests should remain untouched, and store carbon, and by maintaining these PES areas, they receive yearly payments by the FONAFIFO. This money is made available to, and

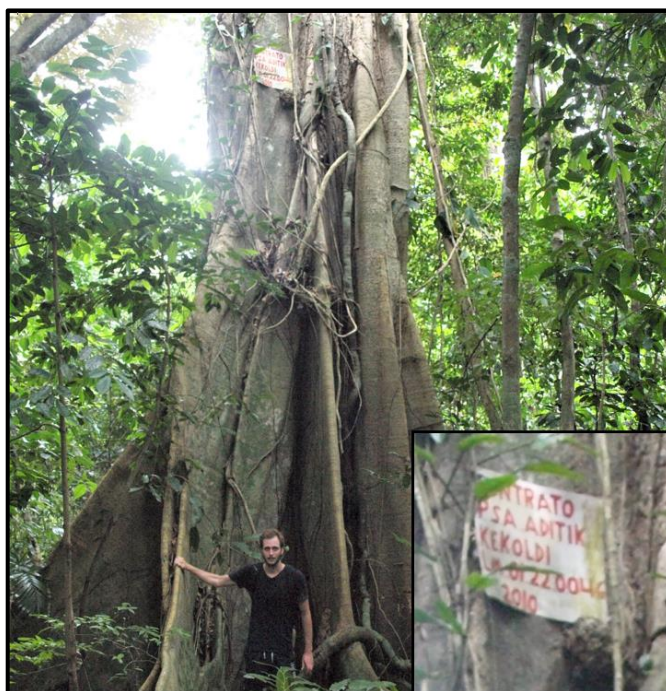


Figure 6 An example of a boundary marker for a PES area in Kéköldi – The sign reads “Contracted PES ADITIK, Kéköldi, [coordinate], 2010”.

administered by the ADI, and the *Junta Directiva* has the responsibility to spend it for community purposes. Such funds have for example been used to build a community building in which the ADI can organise gatherings. However, more importantly in the context of this research, these funds are critical for the ADI to be able further the cause of the indigenous peoples in gaining effective control over the land and resources of the territory.

This process of contracting PES areas is voluntary, and can be considered a strategy that is locally initiated. However it relies on a national (State) PES scheme, which, in turn, includes international actors, as the FONAFIFO state fund is for an important part financed by international parties. Making it a complex form of resource control which can be understood as a form of localised internal territorialisation, as well as an (inter)national resource control strategy.

⁵ By means of interviews I was not able to get a clear answer to where these different PES areas are exactly situated and how and when these were established. However, in a report of the FONAFIFO, Obando et al. (2013) suggest that Kéköldi has PES contracts from the years 2009, 2010, and 2012.

4.2.3 – *The Struggles of Unclear Boundaries*

In this chapter, I have discussed processes and strategies that concern the setting and contesting territorial boundaries as an important feature of land and resource control in relation to the Kéköldi indigenous territory. Here, I first have explored the state-led process which entailed the initial setting of territorial boundaries of Kéköldi in 1976 (then still named the Cocles Reserve), as well as three moments in time in which there were contestations over – and alterations of – these territorial boundaries. These situations of contest have been instigated by different actors, which employed different strategies involving different actors in order to accomplish different goals at different moments in time. The step undertaken by the *afrodescendientes* in 1996 that aimed to exempt the coastal part they occupied from the territory, but also the strategy employed by the indigenous people of Kéköldi in 2001 to gain control over an additional part of land, and even the pending efforts of Kéköldi's indigenous people to reclaim the coast, can all be understood as territorial strategies that contest existing boundaries as issued by the state. These strategies relied on different mechanisms, such as claiming a relevant historic identity within the region, and relevant historic land rights in the region. Especially in the case in which the *afrodescendientes* fought to be exempted from the territory can be understood as a good example of a territorial strategy that contested – or countered – the state's internal territorialisation process of establishing indigenous territories; while making use of the state's legal system, they were able to undo the decision that was made by the state with regard to the land that they occupied.

Interestingly, in all these strategies to alter the territorial boundaries the Costa Rican state has been a key actor. It can be considered that these locally instigated claims to alter boundaries in one way contest the state's process of internal territorialisation, and in another way all rely on the same state's authority to legitimate these local claims and incorporate them in national law. With regard to claim put forth by the *afrodescendientes*, it can be argued that it resembles a form of counter-territorialisation, whereas the claims that have been issued by the indigenous peoples more reflect efforts to hold the state accountable for the responsibilities that the state has taken up with regards to the rights of indigenous peoples in the nation. However, as these struggles over boundaries have been formalised into state decrees and on maps, there remain contestations over the legitimacy of these boundaries, as non-indigenous peoples resist the local authority to make these boundaries visible in the landscape.

Second, I have discussed some, more localised, forms of internal territorialisation – or what I have called spatial zoning in the case – by discussing two specific features that have characterised Kéköldi: A communal forest and parts of forest that are protected by a national PES scheme. As the *Ley Indígena* stipulated that forested cover should remain that way within the indigenous territories, the indigenous community took up such state regulations in their local governing processes. However, as a local community they have given a different meaning to this forest, with additional rules for resource use so they can use the communal forest for sustainable use in service of their livelihoods. Moreover, with inclusion of some parts of forest to the national PES scheme, the indigenous peoples established another

form of local zones to which specific rules for resource use applies. Importantly, this zoning not only resulted in additional local rules with regard to resource use, but in included and internationally funded, national PES scheme into the territory, indirectly linking local decision-making to international forms of resource control.

These two local forms of spatial zoning in the case of Kéköldi show that the state-led process of internal territorialisation to create indigenous territories, formed preconditions for other, more localised forms of territorialisation to be established. Key in this has been that the specific parameters with which the state set out to create these territories included the important devolution of authority to a local level, which made it possible for actors on a local level – in this case specifically the indigenous community by means of its ADI – to decide upon such additional forms of local spatial zoning. Although the focus in this chapter has been on strategies and struggles that regard boundaries, I have mentioned in brief how these struggles over territorial boundaries are closely related to both further struggles concerning control of the land in Kéköldi, as well as that they concern how and by whom resources can be used. In the next chapter, the analysis will focus more on this relation between the indigenous and non-indigenous people with regard to land control, as I will look at the way in which the state implemented their policies for excluding non-indigenous peoples from the territories, and how this implementation related to local land control.

4.3 – Controlling land in the Kéköldi Indigenous Territory

Furthering this analysis, I now turn away from processes that specifically relate to the setting, maintaining, disputing and altering of the territorial boundaries and other forms of spatial zoning, and further look into how such boundaries relate local control of the space within these boundaries. Whereas the physical space – or land – that comprises Kéköldi can be seen as a resource in itself, controlling this land can also be crucial in order to control and have access to other resources, such as timber and wildlife. As part of the internal territorialisation processes of the Costa Rican state that would lead to the establishment of the indigenous territories, policies and proceedings were formulated that would ensure the control of land within the boundaries of the indigenous territories by the physical exclusion of non-indigenous peoples from the areas. By employing this would result into the control over the land in the territories to its indigenous inhabitants. However, as the previous analytical chapter has shown, that state efforts to establish the indigenous territories have been highly limited in their practical execution with regard to adequate transformation of territorial boundaries from maps and decrees into local practice in the case of Kéköldi. Moreover, and highly relevant for the analysis in this chapter, the efforts of the state to adhere to their own set commitments with regard to the physical exclusion of non-indigenous people through expropriation and relocation has also been highly limited in practice. Throughout the 40 years of the territory's existence, the ineffective state processes to clear the territory

from non-indigenous peoples has yielded very complicated and enduring issues of land control for the indigenous peoples of Kéköldi.

In this third analytical chapter, I will first discuss more in depth what these state-led expropriation and relocation procedures entailed, and how this would relate to local land control in the indigenous territories. Specifically related to the case of Kéköldi, this part will also include an elaboration on how a lack of effective implementation of these policies related to local land control. Second, I will discuss how decades of these ineffective state policies have further complicated land control for the indigenous peoples of Kéköldi. This will include two distinct processes that relate to what the indigenous peoples experience to be struggles of physical exclusion of non-indigenous peoples from Kéköldi: the problem of squatters, and the issue of land sales within the borders of the territory. These two dynamics will clearly illustrate the complexities that are experienced by the indigenous peoples on a local level with regard to land control. Finally, in this chapter I will discuss three distinct strategies that are employed by the indigenous peoples which aim at challenging these land control issues: The importance of vigilance on a household level to avoid squatters from settling in Kéköldi, the efforts of the indigenous community to take up the responsibilities of the state in buying out the non-indigenous peoples, and efforts that target the national government with the aim of reaffirming their commitments towards the indigenous communities in order to engage the state to pick up their responsibilities.

4.3.1 - State Policy & Local Possessors in ‘Good Faith’ and in ‘Bad Faith’

By means of the *Ley Indígena*, the Costa Rican government has rules in place with regard to what is and what is not allowed *within* the boundaries of the indigenous territories, which actors can live within these boundaries and what can be done with the natural resources that are found within these boundaries. As was formulated in the *Ley Indígena* for the in the original process of establishing the indigenous territories in the 1970s, categorisation would take place by the state with regard to the non-indigenous peoples living within these areas that would become indigenous territories. In this process of categorisation, these non-indigenous people would either be seen as possessors in *buena fé* (good faith) or possessors in *mala fé* (bad faith). People in *buena fé* were considered to be the people that could provide proof to the government that they had lived on the land previous to it being declared an indigenous territory, in the form of the necessary documents and cadastral plans. Moreover, they must have had acquired the land in a manner which was deemed rightful by the state, and the state would assess whether they were not practicing activities on the land that were considered illegal. The people in *mala fé* were considered those who did not acquire their lands in a way deemed legitimate by the state or those who were found to be guilty of malpractices according to national law. Moreover, people that decided to live within the boundaries of these territories *after* the lands were formally declared indigenous territory were considered invaders, or squatters, and they would also be considered people of *mala fé*. Then, as was formulated in the *Ley Indígena*, the proceedings would see the people in *buena fé* to be eligible for financial compensations and assisted relocation to lands that were similar to the land

they used to live on. The people in *mala fé* would not hold such rights and were to be expropriated from the terrain without any compensation. In order to finance the process of expropriation and financial compensation of the people in *buena fé*, the state would make a total of 100.000.000 Colones⁶ available. This amount would be made available by the state in four yearly shares of 25 million Colones each, in the years from 1979 to 1982. The state's I.T.C.O. was responsible for the necessary studies for indemnification and relocation, as the CONAI was mainly responsible for the coordination of the process, as well as the management of the funds from which the people in *Buena fé* would be paid. By means of this mechanism, it was thought that the *fincas* that were to become included in the indigenous territories could be cleared from non-indigenous peoples. This land would then be handed over to the indigenous community – for administrative purposes, this would be to the ADI of the respective territory – as part of what the state considered to be the indigenous communities' 'single land title'. Then, the *Ley Indígena* further specified that the lands that are part of the indigenous territory could only be negotiated and distributed amongst indigenous peoples, making such redistributions of land amongst the indigenous peoples of Kéköldi an internal matter for the territories and their respective governing bodies. On paper, this new indigenous law seemed a robust framework and by means of the authority of the state's CONAI and the ITCO, as well as by state funding, the indigenous peoples would be assisted in gaining access and effective local control over the lands that were to become indigenous territories.

At the time of this thesis research, approximately 40 years had passed since Kéköldi was first declared indigenous territory. In these 40 years, Kéköldi underwent different boundaries alterations, as is exemplified in the previous analytical chapter. What is closely related to changes over these territorial boundaries is what kinds of consequences these boundaries have for the people living within the territory that these boundaries define. The original outlining of the territory first resulted into a situation in which non-indigenous peoples and their *fincas* suddenly found themselves in land that was declared indigenous territory. The counter-territorial strategy by the *Afrdecentientes* in 1996 resulted in the exemption of that part from the territory, but at the same time the reset boundaries resulted in the inclusion of another part (the area near Hone Creek and Catarata) of land into the wat was considered the indigenous territory. This meant that the many people that did not belong to an indigenous community found themselves at the mercy of the indemnification and expropriation procedures of the state. With the subsequent alteration of the territory's boundaries in 2001 marked the same fate for people living in the area known as Carbon. However, this system of indemnification and relocation of non-indigenous peoples has not proven to be effective in what the *Ley Indígena* stated that would be

⁶ In those times, one dollar would be valued to between 8 and 9 Costa Rican Colones, roughly translating this to an amount of more or less 12 million dollars. Corrected for inflation (over a period from 1977 to 2017) this would be an estimated 34 million dollars more or less nowadays.

accomplished with it. In the case of Kéköldi, as well as with other indigenous territories in Costa Rica⁷, the initial step of state-led assessments and categorisations, nor the actual expropriation and relocation of either non-indigenous possessors in *buena fé*, or of those in *mala fé*, was never fully and properly put into effect by the CONAI and the I.T.C.O. In Kéköldi, practical cases of expropriations by the state are hardly mentioned by the indigenous peoples, if mentioned at all. As the next section will show, this decade-long ineffectiveness of state policy closely relates to historical and present day struggles of land control in Kéköldi.

4.3.2 – Local Land Control Struggles: Squatters and ‘Illegal’ Lands Sales

Two main dynamics can be characterised that invoke struggles over the control of land for the indigenous peoples of Kéköldi: the struggle to prevent squatters from settling in Kéköldi and the problems the indigenous peoples face on account of what is considered to be illegal land sales within the boundaries of the territory. These two dynamics closely relate to both the struggles over territorial boundaries as is discussed in the previous analytical chapter, as well as the ineffective state processes of indemnification and expropriation of the non-indigenous peoples that is exemplified in the above. The problem with squatters is a problem that they have faced already for many decades (See also Palmer et al., 1993, where similar issues with squatters are also mentioned). The problem with regard to illegal land sales has become a serious issue in recent decades. This has much to do with the development and decline of the cocoa sector during the second part of the 20th century, as well as with recent changes in the region’s economic activities and the permanent arrival of new actors in the region. I will first discuss how the indigenous peoples of Kéköldi experience the issues with squatters before elaborating on these problems with land sales.

4.3.2.1 – Squatters in Kéköldi

One way in which the indigenous peoples of Kéköldi experience difficulties with regard to the control of land within the limits of the territory is that they experience vulnerability against squatters. Whereas some of the Bribri and Cabécar households in Kéköldi live close by to each other, it is common for the indigenous families to live rather far from each other. As the majority of the households live rather secluded and in hard-to-reach places, it can take up to 45 minutes to an hour to navigate between houses. The parts in Kéköldi in which houses are scattered this far from each other can be highly vulnerable to unmandated activities such as illegal logging, hunting and squatters claiming a piece of land to build a house. Documentation from prior to this thesis research suggests that from the outset of creating the territory, dealing with squatters and avoiding them from settling within the boundaries of Kéköldi has been an ongoing struggle for the indigenous peoples of Kéköldi (Palmer et al, 1993). With a lack of

⁷ See the report of MacKay & Morales Garro (2014) for an elaborate account on land struggles in the various indigenous territories in Costa Rica.

clear territorial markers on the ground that clearly communicate that the land is indigenous territory, and with an abundance of forested land which can easily be perceived as free and inhabitable, the territory is easily mistaken for unused land, although it is said that people also claim land in Kéköldi, knowing that it regards an indigenous territory. It is not uncommon for (non-indigenous) families to claim a piece of land, build a house and call their new place home. Controlling this is no easy feat, as it is said that squatters can generally be quick and effective in settling in Kéköldi:

On the side of margarita [along the road between Sixaola and Bribri], there are a lot of non-indigenous peoples that we call *precaristas* [squatters]. They come from other countries, like Nicaragua, Germany and Russia, they take land and build houses. It is very difficult to get them out. If we get them out, we need to make sure that indigenous peoples come and live there. Otherwise they will come back. If we leave it unattended, they will come back. (Doña Felipa, personal communication, 28/02/2017)

These problems can occur on a daily basis, and it often requires quick responses of the indigenous peoples in order to keep people of the lands of Kéköldi. How they aim at doing so, will be discussed in the latter.

4.3.2.2 – Illegal land sales in Kéköldi

As the flawed state process of expropriation and relocation of non-indigenous people from Kéköldi has been a problem for many decades already, through this time, these ineffective policies of the state have instigated processes that complicate matters of land control for the indigenous peoples of Kéköldi even further. These developments are closely related to some historical economic and demographic changes that have characterised the Talamanca region between the mid-20th century up until present day – developments that need some elaboration first.

During the latter stages and eventual decline of banana production on the Atlantic side of Costa Rica in the mid-20th century, many of the people in Talamanca redirected their economic efforts to the cultivation and sale of cocoa in order to self-sustain. Soon, the cocoa sector became tremendously important and profitable for the local people of the Talamanca coast as the worldwide demand for cocoa rose to unprecedented heights. Many families inhabited the forested areas near the Talamanca coast and started cocoa *fincas*. Despite economic successes that cocoa provided the people during the 1950s, 60s and 70s, the prosperity that the communities experienced on account of the cultivation and sale of cocoa did not last when in the late 1970s, a fungal disease – *Monilia* – found its way onto the region's numerous *fincas*. The same way in which the banana fields were struck by diseases earlier in the century, the *monilia* spread uncontrollably through the region, affecting the trees and the highly valued cocoa fruits. In a span of only a couple of years the complete cocoa industry of the region collapsed, and the farmers were left with *fincas* that provided them with little to no economic value. Consequently, the people of Talamanca almost completely stopped producing cocoa, mainly returning to subsistence

farming. Although the decline of the cocoa sector in the region was devastating for the people of Talamanca, gradually, large companies that cultivated tropical fruits started to resettle in some parts of the region, which offered some jobs to the local people. Nowadays when you walk through the region, or even through Kéköldi for that matter, cocoa production for the market is much less found, and some cocoa is grown for subsistence. It is however not uncommon to find cocoa *fincas* that are affected by a fungal disease. Close by from where I stayed, there was one such a *finsa*. Here, the cocoa trees still grew in the shade of the taller trees that reached high up in the air. However, on the trunks of the cocoa trees were hardly any fruits, and the pods that were there were completely brown and rotten.

In the late 20th and early 21st century, the regions also started to attract new groups of people on account of other important changes. With the gradual development of the region and the increased integration of the region onto the country's road system, the idyllic beach towns, beautiful beaches and nearby tropical forests started to attract a lot of foreign people. Soon, Talamanca developed as one of Costa Rica's most important touristic hotspots in the Atlantic side of the country, and nowadays when you walk through the streets of the beach towns that lie close to Kéköldi (Manzanillo, Puerto Viejo or Cahuita), there is simply no escaping that fact. Hotels, hostels, cabins, surfing gear, board rentals, restaurants, pizzerias, Italian ice, coffee bars; the beach towns of Talamanca are all well-adapted to receive and accommodate tourists. However, the people that capitalise on these developments are not necessarily the people that have built these communities in the past. Actually, more often than not it are Americans and Europeans that settled in this region and started a shop, a restaurant, a hostel, or another business in tourism. In addition to tourism, there are also a lot of nationals and expats that move to the region in search of a "piece of paradise" to live on permanently, or as a place to build a holiday house for recurring visits.

This popularity of the region amongst national and international people in effect has resulted in a high demand for land to develop private properties or businesses for the touristic sector, and this high demand for land amongst foreign people is paired with relatively higher amounts of money that such people are willing to play for a piece of land near the vibrant beach towns. This in particular has been an incentive for many of Talamanca's long time landowners to sell off their land and look for fortunes elsewhere, and many people from in and around the villages have decided to sell their *fincas*. When you take a close look in and around the villages, as well as along the main road between Cahuita all the way south to Manzanillo, you can find billboards and posters with offerings everywhere: "*Se vende: lotes*" (for sale: lots) and "*Se vende: fincas*" (for sale: estates). This huge financial incentive for local, long standing inhabitants to sell parts or their complete properties to relatively rich newcomers is something which is not limited to land outside of Kéköldi. Rather, such land sales that occur within the set boundaries of Kéköldi are no abnormalities, and in fact it is thought that by now, the majority of non-indigenous people that owned land since before the territory was established have now sold the lands to new, mostly foreign people. Because the numerous non-indigenous peoples and their *fincas* that had been included

in Kéköldi have become subject to the procedures of the *Ley Indígena*, they have been awaiting these procedures of indemnification and expropriation. However, with the lack of state involvement in the indemnification processes, it has become unclear for people what they can do with their *fincas*, but more often than not, they simply get tired of the situation and take action themselves. Don Ignacio, a former member of the *Junta Directiva* stated his concerns to me when we discussed these issues:

There are only a few [non-indigenous] people of *buena fé* left in the territory. [...] The *buena fé* is lost, as these people waited and waited without being compensated. They get tired and decide to sell their land. Then the *buena fé* is lost. They say “it is my right to sell my land”, but according to the law, the new people buy it after [that land has become subject to] the *Ley Indígena*, so they are not abiding the law. This is the fault of the government, because they do not keep their responsibilities. They haven’t for 40 years now. (Don Ignacio, personal communication, 06/03/2017)

This illustrates how the state’s internal territorialisation process in the case of Kéköldi, loses – or maybe always has lacked – legitimacy from the perspective of the non-indigenous peoples that became subject to these procedures. Under the circumstances that the state wields a decade-long non-compliance with their own laws and regulations, people see it as their free choice, to then do what is good for them. As is stated in the example of Don Ignacio, people that buy land from these non-indigenous peoples that decided to sell their lands form within the boundaries of Kéköldi then directly buy lands in the territory, which is not allowed according to the *Ley Indígena*. By state law, these people in turn effectively become possessors of *mala fé*, as it is specified that such sales and acquisitions are simply not allowed by the state.

There is much critique directed towards the state regarding these processes as the indigenous people of Kéköldi feel that the state has not only ignored their rights, but also those of the non-indigenous peoples that now sell off their lands. Don Ignacio for example, continued his argument by discussing how he feels that state’s ITCO – charged with controlling the processes of indemnification and expropriation – has dealt with the situation:

The ITCO has not done nothing. After ITCO, they changed the name and it became the IDA, thereafter the INDER, each time with new regulations and things. I think that it works like taking off one shirt, putting on a new shirt and wash away a problem that has been going on since 1977. A problem which has not been solved up until this date. (Don Ignacio, personal communication, 06/03/2017)

These processes become even more complex when, aside from non-indigenous people that sell land from within the boundaries of Kéköldi, also indigenous peoples themselves started to sell lands in Kéköldi. Sometimes this has been due to mistakes, as in some moments in time the indigenous people themselves have not been sure where the territorial boundaries lied. However, indigenous peoples also

started to sell land for financial gains, when they got fed up with the poor life that some people experience in the territory. Moreover, it has been discussed in one of the interviews I conducted that other people even have used such situations with the aim of making money on the land:

Here, there is a person from Switzerland, a Swiss that is called “Monkey”, this man used an indigenous person to buy his land and then later published in a journal this land for sale for I don’t know how many millions. The *Asociación* put a stop to that. This is the plan of those people, to buy land to sell it to millionaires, to the very rich people from other countries. These are the non-indigenous people. They deceive the indigenous people. (Don Fabio, personal communication, 03/03/2017)

These issues with illegal land sales show that through decades of states non-compliance with their own indemnification procedures (which I understand as delegitimising the state process of creating indigenous territories by the state itself), people start to take matters into their own hand, selling their properties, which can also be understood as an act against the legitimacy of Kéköldi as a territory as well as the authority of the indigenous peoples to assert control over the lands.

4.3.3 – Indigenous Strategies to Enhance Land Control

Local actors – be it indigenous or non-indigenous – employ various strategies in order to attain, regain or reaffirm the control over land and the control over the use of natural resources in Kéköldi. The state has been a crucial subject related to those strategies, both as an actor responsible with mediating and decision-making as well as an actor that finds itself amongst the parties related to the conflicts themselves.

4.3.3.1 – Community Vigilance to Avoid Squatters

Much of the indigenous peoples’ efforts to maintain or enhance their control of land in Kéköldi, starts on an individual or household basis, and the ADI’s *Junta Directiva* relies heavily on the efforts of the indigenous peoples themselves to avoid unwanted activities from happening in Kéköldi. This for an important part includes controlling unmandated use of natural resources (this will be discussed in the following analytical chapter) as well as vigilance to avoid squatters from claiming land in Kéköldi.

For the indigenous peoples of Kéköldi, controlling their territory and avoiding squatters from settling within the boundaries of the territory is an ongoing struggle/fight, and avoiding further loss of control over their land is something which they experience to be a continuous process. The longevity of this is very well reflected in the stories of the people with whom I spoke in the context of this research. Whether their ancestors came from the Talamanca highlands to permanently settle in the Kéköldi region in the early 20th century, or whether they came in later stages, there is an intrinsic rationale that revolves around the defending of the land. Especially since the moment the indigenous territories such as Kéköldi

were mandated by the state, indigenous people have been coming down from the highlands to Kéköldi in order to defend the territory from squatters and other unwanted activities:

I came to Kéköldi from Alto Lari [which in the Talamanca highlands] when my son was 10 years old. This was at the time when they were fighting for this side of the territory, the side of Hone Creek and Catarata, we came to help them. (Doña Ema, personal communication, 12/02/2017)

Like Doña Ema, there are others that came to Kéköldi to defend the lands. Aside from the many non-indigenous people that were already living in these areas, the aim of this was to prevent further new squatters from claiming land. Like this, Don Eber also came to Kéköldi. He built the house for his family amongst many non-indigenous people. By being vigilant, and able to respond quickly to unwanted activities such as squatters, quick responses (by for example including the police in issues concerning squatters) can prevent people from effectively settling in the territory. One afternoon close to the end of my field work period, Don Fabio, another indigenous man, that lives in the territory with his wife and children, invited me to come for a tour on his *finca*. Here, it became clear to me how such vigilance, may take form.

An Afternoon With Don Fabio

After having navigated a dirt road all the way from the main road near Cocles beach up into the hills, I leave my bicycle behind and continue on a small path through the forest for approximately 15 minutes that brings me to Don Félix' house. After a small game of soccer with one of his sons and some formalities, we begin the hike through his finca. For over two hours, we walk, passing his areas of cultivation, streams of spring water and larger creeks, as well as parts of dense, old growth forest containing some ceiba and Nispero trees reaching up over 30 meters in the air. Whilst walking, we discuss many things, including the importance of nature for his family, the declining numbers of wildlife, the different natural assets that the forest provides the indigenous peoples for medicine and construction, and, inevitably, the role of non-indigenous peoples in Kéköldi. Whereas I thought that Don Fabio courteously arranged this long hike for my benefit, he explained to me that hiking in and around his finca is almost daily custom for him; a necessity.

Many things happen here that are not allowed by the ADI, he explains to me. That's why it is important to be vigilant for Don Fabio, because when something happens, he can report it to the ADI. While we keep walking, every now and then he uses his machete to cut a piece of bark from large trees that are found alongside the trails that we walk. When I look at the trees that he does this on, I realise that it is full of such cuts! Aside from the cut he just made, almost all of such cuts on the tree are healed again and only form a little scar. When I ask him why he does this, he responds with a very simple answer: 'to let people know I am here'. For many

different reasons Don Fabio walks through his finca and the paths close to his finca. Logging practices, hunting, but also people claiming a piece of land as squatters could occur every day of the year, even on his finca! As Don Fabio makes his fresh cuts along the main paths in this area, he makes sure that his presence is visible for anyone that comes here. By seeing the fresh cuts on the trees, people that comes here with bad intentions understand that these paths are walked on a daily basis. Hopefully that will keep them away.

By means of this kind of vigilance, the indigenous people of Kéköldi aim at avoiding squatters from settling in Kéköldi. This strategy thus mainly relies on the engagement of the indigenous households themselves and their efforts to control the land surrounding their *fincas*. Moreover, social relations prove to be important here, as fellow Bribris are asked to come down from the larger Talamanca Bribris indigenous territory in order to aid the people in Kéköldi with their efforts of vigilance for increased land control.

4.3.3.2 – Taking up the State's Responsibilities

In addition to land control efforts that aim to avoid squatters from claiming pieces of land within the boundaries of the territory – which can be described as a more pre-emptive measure – I have identified second strategy that is employed by indigenous peoples with regard to land an resource control in Kéköldi. This strategy relies much on the *Junta Directiva* and it is focussed more on increasing spatial control within the boundaries of Kéköldi by targeting non-indigenous peoples that already live within territorial boundaries. Whereas it is consistently stated amongst the indigenous peoples that I have spoken to in the context of this research that a major preoccupation of them revolves around their land control, this is most prominent amongst the members of the *Junta Directiva*. The *junta* sees it as their most important responsibility to recover Kéköldi lands that are in the hands of non-indigenous peoples. In their efforts, the state plays a crucial role.

As the ADI of Kéköldi enjoys a yearly payment by the FONAFIFO for the areas that are under protection under the country's PES scheme (as discussed in the previous analytical chapter), there is money available that can be used in service of protecting the territory's lands and forests from unwanted activities. However, the funds are limited, and choices have to be made on how this money is to be spend. One way in which this money is put to use, is a strategy which is employed by the indigenous peoples in order to gain increased control over land regards claiming of the *fincas* within the territory which they now they do not have any control over. This regards the *fincas* that are in the hands of non-indigenous peoples. The *Junta Directiva* works to buy back *fincas* that non-indigenous people living in Kéköldi want to sell to them, or they try to expropriate people that are considered possessors of *mala fé* by means of legal procedures. Sometimes, non-indigenous peoples also demand the ADI to resolve these issues in court because of these complex situations. These legal processes however, cost a lot of

money in legal fees that are needed for attorneys, as well as the high amounts of money that these *fincas* cost when the indigenous people get a change to buy back a *finca*. Doña Josefina, a member of the *Junta Directiva*, was not optimistic about this process:

It is a slow process that can take years and years per case, and especially the lawsuits cost so much money. Millions and millions of *Colones* each. The community has spent so much money on these processes, which in effect have yielded very little. (Doña Josefina, personal communication, 16/02/2017)

The indigenous peoples however, keep stressing that the state should be doing this in the first place. With regard to the people that have a right for financial compensation, there is a level of understanding amongst the indigenous peoples that the lack of financial means by the state complicates this process of reimbursements. However, the lack of involvement of the state is often interpreted by the indigenous peoples as unwillingness of the state. Especially if you consider that the people in *mala fé* that are living in the territory – people that according to state law do not require to be financially compensated by the state – also have not been appropriately expelled:

If the government does not help us, we will be helpless. They should indemnify the people that have that right and take out the rest. We do not have the power to do so. But the government does nothing. They need to mandate them, do a study to understand which people had cadastral plans before the territory was created, indemnify them and remove them. Then the people that do not have that right at all, they should go to them, with police, and remove them as well. (Don Mateo, personal communication, 02/03/2017)

As the state hardly does anything, the indigenous feel that trying to establish better control over land by means of these court cases, they have to keep fighting for it. However, as will be discussed also in the next analytical chapter, spending all this money on lawsuits has a direct relation to the capability of the indigenous peoples to be effective in controlling forest resources. Financial resources are key in gaining control over land by means of this strategy. As the state does not finance, and there is a consistent lack of sufficient financial resources for the indigenous peoples of Kéköldi, this strategy yields only limited results.

4.3.3.3 – ‘Targeting’ the State

Another strategy the indigenous peoples have employed in order to increase their control over the lands of Kéköldi is by targeting what they consider the main party that fails to take their responsibilities serious: the Costa Rican government. Although the indigenous peoples of Kéköldi engage in costly efforts the reclaim lands by themselves, they also have undertaken steps to pressure the government into taking their responsibilities serious. They have done this by appealing to the national Court of Justice (*Tribunal Contencioso Administrativo*), where they have made a case stressing the lack of efforts

of the government to comply with their own formulated regulations regarding land control in the indigenous territories. With this they try to pressure the state to fulfil their commitments of expropriating non-indigenous peoples. The court had ruled that indeed the state fails to comply to its own rules, and has urged that the state must take its responsibility in this processes, making this the first case for the country in which such demands have been successfully held in court. However, already many years has passed in which in effect not much has changed with regard to the engagement of the state.

Such lawsuits (just like the ones that concern individual *fincas*) reflect the quest of the indigenous peoples to legitimacy related to their claims to land and resources in Kéköldi. Such court rulings are in some ways legitimisation of their claims. Even though it resembles a legitimisation process, it can also be concluded that it remains an ineffective strategy.

4.3.4 – Only Local Counter-Territorialisation?

In this analytical chapter, I have discussed struggles and strategies of spatial control and the physical in- and exclusion of people from the Kéköldi indigenous territory. I first have shed a light on the way in which gaining and maintaining effective spatial control has been, and still is, a complex venture for the indigenous peoples of Kéköldi. The lack of control that is experienced by the indigenous people of Kéköldi on the one hand stems from more or less 40 years of ineffective national policies that have resulted in a wide variety of non-indigenous peoples that remained living within the boundaries of the Kéköldi indigenous territory. With more recent developments increasing the difficulty of this, as many people started to sell their *fincas* to new people. Decades of the state's non-compliance with its own laws regarding the indemnification and expropriation procedures (effectively delegitimising the state process of creating indigenous territories themselves), relates closely to the fact that non-indigenous people start to take matters into their own hand and simply started selling their properties. Although closely related to the state's ineffectiveness, these practices can also be understood as practices that counter the process of establishing and maintaining Kéköldi, as an indigenous territory. Moreover, it is a move that delegitimises the claim to control land and resources by the indigenous peoples.

Second, I have discussed the different territorial strategies that have been employed by the indigenous peoples of Kéköldi. Territorial strategies of the indigenous that aim at enhancing spatial control within the borders of the territory are diverse in their scope, and they can be roughly divided into two targets: avoiding further loss of control over land due to squatters, and proactive efforts that aim to (re)gain control over lands that have been in the hands of non-indigenous peoples. On a local level, strategies that directly focus at preventing non-indigenous peoples to settle in the territory rely much on the vigilance of the community members themselves. As several indigenous people and families have been asked to come down from the Talamanca highlands to protect the territory, it implies that social relations amongst the Bribris are also important for increasing land control in the territory. Related to the second

indigenous strategy (taking up state responsibilities), financial means prove to be critical in the success of this strategy, and it is shown that the lack of sufficient financial means results in that this strategy does not yield very much in terms of increased land control. The third strategy, which targets the state into fulfilling their responsibilities, regards a clear process of legitimisation of the claims of the indigenous people. It mainly revolves around addressing who should have legitimate control over land and resources in Kéköldi, and who is responsible to deal with the expropriation and indemnification processes. The court has ruled that indeed that the state should take their responsibilities, effectively reaffirming state responsibilities and legitimising the claim of the indigenous people. This strategy by the indigenous people of Kéköldi, I characterise as a territorial strategy that does not counter the state, but interestingly, it rather reaffirms the state's internal territorialisation process, and the authority of the state to be responsible over the indemnification process.

4.4 – Controlling Resource Use In the Kéköldi Indigenous Territory

Finally, in this last analytical chapter I will discuss struggles and strategies that regard the local control of forest resources, and how these struggles are related to territorial strategies on different governance levels. The forests of Kéköldi and the resources found in the forests have different functions for different actors, and contention over these resources can be identified in different ways in the case of Kéköldi. These struggles and strategies are found on a local level, and also closely relate to state's internal territorialisation processes that resulted in the establishment of the territory, as well as further territorialisation of the country's forests by means of the Forestry Law.

I will illustrate and analyse these dynamics by first discussing the different ways in which the forests and the resources found in the forests of Kéköldi are of value and have meaning for different actors. Second, I will elaborate on the way in which state law and rules are related to the local situation in terms of decentralised control and responsibilities. Lastly, I will discuss two different dynamics regarding resource control that are apparent on a local level with regard to trees and the use of timber in order to illustrate the complex dynamics that are at play on a local level and to show how these strategies and struggles relate to the state's rules and guidelines.

4.4.1 – The forests of Kéköldi: Trees in Tradition or Trees as Timber

Much of the land in Kéköldi is covered with forest. Specifically parts that were included in the territory as it was originally delineated by the state in 1977 are dense forest, and depending on with whom you speak, much of these areas are referred to as secondary, or even primary forest. Several times I have spent in this part of Kéköldi, as my host family's house was situated in this region of the territory. The parts that are more recently added to the territory in 1996 and 2001 – near Hone Creek, Catarata and Carbón – patches of forest and open areas are laid out more like a mosaic, as these areas are more

characterised by cattle ranch fields and some agricultural fields. The forests of Kéköldi in general, but especially the parts that are considered secondary or primary forests, contain huge amounts of natural wealth, and the vitality of the forests are closely related to the diversity of wildlife that is found in and around Kéköldi. These forested areas near the coast, just like the more mountainous regions more inland used to be areas full of animals, including howler, spider, and capuchin monkeys, big and medium sized cats such as jaguars, mountain lions, margays, and ocelots, reptiles such as the green iguana and tortoises, rodents such as the agouti and the *tepezcuintle* (lowland paca), other mammals, such as *Pizotes* (coatis), *Peccaries* (a type of wild pig), tapirs, and numerous bird species, including the green macaw and different types of toucans. Although many of the animals can still be found in the area, their numbers have severely declined, and specifically the more rare species – such as the wild cats and tapirs – have only seldomly been spotted in Kéköldi in recent decades. The wildlife is highly dependent on the forest itself, as for example the mountain almond trees provide fruits that are a vital source of nutrition for many of the rodents and birds.

From a cultural point of view, the forest contains much, if not all the resources that were traditionally needed for the indigenous peoples for their livelihoods. Specific types of trees and plants have been used by them for many applications, including food (for example the *pejibaye* tree, a type of palm that produces starchy yet nutritious fruits), the construction of houses (such as the *chonta* palm for floors and walls or the *suita* bush for the thatching of the roofs) and other livelihood necessities, such as materials needed for making hunting gear, baskets and calabashes for the transportation and storage of water. Moreover, rich forest resources ensured the ability for the Bribris to hunt wild animals.

Aside from the practical uses of forest resources in Bribri and Cabecar life, the trees, plants and animals also have an important role in their traditions and cosmovision. A tapir for example, is considered a sacred animal in the cosmovision of the Bribris, as it is believed that for Sibö to create the indigenous peoples, the flesh and blood of a baby tapir was sacrificed in order to create the necessary soil on the rocky surface of the earth. In this soil, Sibö could eventually plant the corn seeds that would become the indigenous peoples of the world. Because of this sacrifice by the tapir, the animal has a special place in the culture of the Bribris. Moreover, respect for animals and the natural surroundings in general is highly regarded in the Bribri culture. Serké is the god that watches over the animals together with its servant Duarö. It is believed that they hide the animals if they see that the people mistreat them. hunting is allowed, and common in the traditional lives of the indigenous, but the gods do scrutinise their practices and see if you do it with respect to nature and if you do not kill too much animals. Also, there are several mythical figures of the Bribri culture – such as the *Tigre de Agua* (water tiger) – that are believed to live in the woods and waters. These mythical beings can be set loose and terrorise the people if they do not engage with nature the way they ought to do according to their traditions. This highly important cultural dimension to nature was clearly apparent in a situation one day when I went on a hike with a Bribri boy that lived near the place where I stayed.

The Kéköldi River and Indigenous Relations With Nature

It is February 10th 2017 as I am having lunch at the table of my hosts. I am reminiscing about the trip I made the day before with Mainor Francisco, a 16 year old Bribri boy who proposed to accompany me to the Kéköldi waterfall. During the several hour walk, Mainor explains more about the role of Sibö, Serké, Duarö and other celestial beings in stories from the Bribri culture. When I returned home, Juanita was very curious about what we had seen on our hike. I had to confirm that we did not see any tapirs, which made her mumble some words of worry. The day after, as I sit and echo in my mind the 4 hour hike we took through hilly, forested terrain, Juanita comes to me with some additional questions. Not unlike the day before, she asks me if we saw other people at the waterfall. Whereas yesterday she was very pleased with the answer that we were there all alone, this time she looked a little bit concerned. She wanted to know more about the people we encountered during our walk, whether or not we swam in the river and what the waterfall looked like, if the water was cloudy, and at what time exactly we were there. Knowing that she has been there herself as well, I increasingly get more curious as to why she is this interested in the hike we took the day before. As it turned out, she had just received the news that four boys went swimming at the waterfall yesterday – which must have been just after we had left. According to her, one of the boys was dragged under water and he drowned. Even though his friends dove into the water to search for him, they did not manage find him. Only the day after (today), the rescue team was able to recover the body of the young boy. ‘It must have been the Tigre de Agua’ said Juanita, after I explain to her my experiences at and around the waterfall the day before. ‘The youth does not believe it is there, but we older people do. We know it exists. I know people who have seen a Tigre de Agua. We always say it but people do not believe it. This is wat happens if you do not believe in such things, if you don’t respect nature.’

As the example above shows, nature and its resources play an important role in the traditions and the culture of the Bribris. In general, my conversations with various Bribri indigenous peoples have yielded a significant sense of pride in their relations with nature. This high respect for nature is also reflected in the way in which many of the people with whom I have spoken understand the way in which resources such as timber can be extracted from the land: the planting of trees on their *fincas* is important, as this can ensure wood for future generations, without having to cut trees out of the remaining forests.

Notwithstanding the fact that their traditional relation with nature is seen as a critical part to their culture, many of the people with whom I have spoken identify a discrepancy in the way that natural resources, such as trees, but also wildlife have a place in the lives of the indigenous people living in Kéköldi. On the one hand, there are the people that still see the traditional indigenous values as highly important in peoples’ interaction with nature, which is exemplified in the above. These people could be

described as rather conservative with regard to practices such as logging and hunting as such practices are very much mediated by how it resonates in their culture. On the other hand, there are the people that hold more developmental ideals and see the natural environment more as a source of income. It is not to say that people are only divided in such extremes, as there is likely lots of people that have tendencies with both valuations of nature. However, this discrepancy is important to note as it plays a crucial part in how people organise themselves around, and interact with resources such as trees. Not surprisingly, if such radically different ideological conceptions exist regarding the way in which people can or should interact with nature and natural resources, this can have serious implications in practice with regard of control over resources, as the latter will show.

4.4.2 – Different Governance Levels for Controlling Forest Resource Use

What is considered appropriate resource within the indigenous territories with regard to the use of trees is for an important part defined by the Costa Rican state, by means of the *Ley Indígena*. Firstly, it is taken up into the law that land cover that is characterised as forest, should remain that way. Moreover, it is specified that ‘only the indigenous people can build houses, log, exploit/harvest timber resources or plant crops for their own benefit within the limits of the reserves.’ This for an important part stresses differentiation between the rights and opportunities of indigenous peoples as opposed to non-indigenous peoples, which, by these formulations, are not allowed to exploit the forest resources in the indigenous territories in any way. Additionally, what appropriate resource use is with regard to timber extraction is also formulated in Costa Rica’s national Forest Law, which came into force in 1996, two decades after the *Ley Indígena*. These rules and guidelines are also in force with regard to the indigenous territories, and these include specific parameters which should be taken into consideration when logging. Such parameters for example include the size of trees, the species and their relevance for the direct ecosystem.

With the decentralisation measures that the state enrolled in the late 20th century, managing natural resources, and regulation and controlling of extraction of natural resources in the indigenous territories for an important part has been placed under the responsibility of the ADI. The ADI’s *Junta Directiva* acts as an authoritative body on a local level with regard to the control and use of natural resources, such as trees, within territorial boundaries. Their mandate, and with that their responsibilities, are imposed onto them by the government, and much of their activities revolve around the administration and assessments of logging requests as well as site inspection to see whether or not the requested logging activities by individuals in the territory coincide with what the national laws formulate to be appropriate resource use.

As logging practices are subject to state law, and the ADI has been handed down the responsibility to ensure that the activities regarding use and extraction of wood are done accordingly. In practice this

means undergoing several steps. First, when people want to make use of wood by cutting down trees, they have consult with the ADI by filing for a permit. This request must include the number of trees – specified to which trees – that someone wants to log. Then, an assessment has to be made to see whether or not specified trees are allowed to be cut down. This assessment relates closely to the Forestry Law, and entails various aspects. Firstly, the purposes of cutting down trees. They allow the cutting down of trees in situations in which the possibility of falling trees become a threat to the lives of the people. Also, there may be logged if people need wood for construction purposes or other forms of internal use. This also has to be formally requested at the ADI. Second, they will assess whether or not the logging of the trees has an influence on the ecosystem as a whole, with specific attention to the presence of water springs, streams and rivers near the supposed logging site. As the ADI's experience – as well as of that of others I spoke with – suggests that excessive logging near streams causes the streams to dry out. Since this has both implication for the ecosystems as well as for numerous households that still directly rely on the streams for (drink)water, it is not allowed to cut down the trees, insignificant to whether or not this tree is found on someone's *finca*. If the criteria can be adhered to, the ADI will permit logging requests. Afterwards, the ADI also has the responsibility to check whether or not the logging activities that were done actually matched the ones permitted. Although this process seems robust on paper, in practice it proves to be highly complicated for the ADI to employ it.

4.4.3 – Local Struggles and Strategies to Control Forest Resource use

Even though the national laws and guidelines, as well as the clear division of authority and responsibility between different layers of governance seemingly makes for a robust system to control resources and their use, there are different processes that come into play that are decisive for how resource use and control thereof on a local level actually works out in practice. As exemplified in the former, some the indigenous people that have participated in this research identify an existing discrepancy with regard to fundamental belief systems on how to interact with nature divide people and make this process complex. Where some see the logging of trees simply as an administrative matter, some people that hold more traditional values would also argue that it has a lot to do with family relationships and inheritance. This discrepancy is closely related to different strategies related to local resource control. For analytical purpose, I will shed light on two separate dynamics here. The first dynamic that I will discuss is the processes that revolve around the elections of the members of the *Junta*, as who is elected in the Junta, can be of decisive in what will be allowed by means of permits for the coming term. Secondly, I will discuss the issue of persistent logging activities that are not mandated by the *Junta Directiva*.

4.4.3.1 - Changing the *Junta*, Changing Appropriate Resource Use

Although the ADI's *Junta* claims authority – and is authorized by the government – to regulate the management of forest resources within the territory, this does not ensure that throughout the years there is consistent ADI-mandated resource use, nor does it guarantee that only logging activities occur that are permitted by the ADI. Although they take up the responsibilities for regulating and controlling resource extraction, they can do so in a rather independent way, and efforts of state institutions that formulate appropriate resource uses within ingenious territories hardly – if they even do so at all – control the local actions and developments. This means that the *Junta Directiva*, in practice, has plenty of autonomy to interpret and employ state regulation. The *Junta Directiva* of Kéköldi is chosen every other year by the indigenous peoples who are affiliated to the ADI, which means that for two years straight, eight people work as the *Junta*. Then, elections are held again, and new people are elected by the community to fill the positions for the coming two years, and so forth. As the previous has illustrated that there is a wide variation in ideals that the indigenous peoples of Kéköldi have with regard to appropriate ways of interacting with nature, these conflicting ideals find their way in these election processes. Consequently, the biannual change of composition of the ADI's *Junta* is an opportunity for indigenous peoples living in Kéköldi to influence the coming *Junta's* management style, effectively laying a local claim to authority to decide what the appropriate resource uses will be for the coming two years. Unsurprisingly, the election times is actually used by groups of indigenous peoples to ensure that for the coming years, they can extract resources in the way that they like. Don Ignacio, a former member of the *Junta Directiva*, and someone that considers himself a “conservationist” clearly expressed this concern when we discussed this:

There are the “conservationists”, a few people that want to conserve. Then, there are de “developmentalists”, those who will allow the cutting down of trees, those who will easily give out these permits. So someone comes to the ADI and says ‘I want to cut down 20 *nispero* trees [a type of tree that grows very slowly]’. They give the permit, because they are friends. He cuts down the trees even though he did not plant them. These trees lie deep in the forest. Before, the *Junta Directiva* was different. Everybody worked without money and they worked together. All worked with a goal: helping and protecting the territory. Now the economic factor weighs heavier for the people. (Don Ignacio, personal communication, 06/03/2017)

However, having control in practice when it comes to the extraction of forest resources is not only dependent on the strictness of the *Junta* in handing out permits. Much of the dynamic that revolve around resource control in local practice also depends on the *Junta* fulfilling their full duty with regard to handing out such permits. Assessments should be done beforehand, to see if the trees can be cut. Also, it should be controlled afterwards if the trees that have been cut were trees that were permitted by

the *Junta*. As Don Ignacio stressed, if there is no control, people get away with cutting down a few extra trees.

4.4.3.2 – ‘Illegal logging’, Vigilance & the *Gurada Recursos*

Within the territory, logging that occurs without permission by ADI is recurring daily, and the actors who are responsible for these deforestation practices vary. One way in which non-mandated logging occurs in Kéköldi is by the non-indigenous peoples that live within the boundaries of Kéköldi. As the former of this analysis has shown, there remain a lot of non-indigenous peoples in Kéköldi, these numbers could even be increasing as the territory remains vulnerable to squatters. As the previous analytical chapter has shown, many of these non-indigenous people do not consider the local authority of the indigenous peoples as legitimate, and they resist control by them on their *fincas*. This is also the case when it comes to logging, as they do not feel that the ADI has anything to do with what they do on their land. Although the *Ley Indígena* stipulates that non-indigenous peoples cannot log in the territories, by means of threats and violence, they often are able to continue doing so:

Violence and attacks, sometimes happens, with illegal logging. They attacked us one time, they hit us, because we were controlling them. When that happens, we have to continue fighting to stop these things. We cannot hold back and lose the territory. (Don Mateo, personal communication, 02/03/2017)

Moreover, unmandated resource extraction occurs in Kéköldi when people from outside of the territory enter the Kéköldi to cut down trees. When hiking with Don Fabio on and around his *finca*, he took me to a location nearby where people had entered the territory and cut down a tree without any permission by the ADI. They come in, often during the dark, cut down a tree, and directly start sawing the tree



Figure 7 Offcuts of a tree that remained in the forest after illegal logging had taken place at night.

into manageable pieces of lumber. When the morning comes, the lumber has all been carried out of the forest, the people are gone and all that remains is a tree stump and some offcuts of tree that proved to be without value for the loggers (see figure 7).

The ways in which the *Junta Directiva* of the ADI that aim at ensuring control over forest resources have been various. For one, they rely much on the vigilance of other indigenous peoples when it comes to controlling deforestation. Generally, people report to the *Junta Directiva* if there is unusual or unwanted activities near their houses. However, when possible the *Junta Directiva* also takes more drastic measures that aim at ensuring their authority over resource use within the territory. One way in which they aim at countering deforestation in Kéköldi that occurs without their consent is through the contracting of *Guarda Recursos* (Resource Guards, sometimes also called the *Guarda Forestales*; Forest Guards). The *Guarda Recursos* are contracted by the ADI, and their task is a difficult, yet straightforward one: Guard the forest and act against unwanted activities such as unpermitted logging and hunting. They do so by patrolling the terrain with vigilance, calling people out on unwanted or unpermitted activities, reporting such activities to the ADI or, sometimes, even make sure the police gets involved to resolve the problems encountered if this proves necessary. However, still with the *Guarda Recursos*, controlling resource use proved to be difficult. It is difficult for them, because, when the *Guardas* were on one side of the territory, logging would sometimes occur on the other side and vice versa. Don Fabio has worked for 4 years as a *Guarda Recurso* and he knows many problems related to the management of the forest resources in the territory. As he also specified, some indigenous persons lend themselves to illegal logging practices for people from outside the territory as well. ‘Instead of helping the territory they help the non-indigenous people’, he stressed. ‘This is a way in which the indigenous population turns itself against the indigenous territory’ (personal communication, 03/03/2017). Although these concern indigenous people, they also sometimes have threatened Don Fabio in doing his job as a *Guarda Recursos*.

The payments that the ADI receives for the PES arrangements has been used in the past in order to establish this system of *Guarda Recursos*. However, with the limited funds the ADI has in general, and the high amounts of money the different lawsuits cost that focus on recovering land within Kéköldi, there is simply not enough money to keep employing the different strategies that focus on either land recovery or resource control. Nowadays, they do not have *Guarda Recursos* anymore, which leaves the territory vulnerable to continued illegal logging.

4.4.4 – Who Controls Resources?

In this last analytical chapter, I have discussed struggles and strategies regarding local forest resource – trees and wood – control in Kéköldi. Here I have first exemplified the different ways in which the natural resources, have value for the people of Kéköldi. Then, I discussed the ways in which laws and guidelines that define appropriate resource use are defined on different levels of governance, and what this means on a local level in terms of resource use for the people of Kéköldi. Lastly, I have elaborated on some specific local dynamics and struggles regarding the control of this resource use which involves both indigenous peoples as well as non-indigenous peoples either living within or outside of the boundaries of the territory.

Resource control and its appropriate use is defined on different governance levels. This includes the national government's laws and decrees such as the forest code and the indigenous law in which are defined what is and what is not allowed within the boundaries of indigenous territories regarding who is allowed resource extraction and use, as well as general guidelines on how this should be done. Decentralisation measures transfer the authority to enforce these practices as well as the responsibility to control this use to the local level: the ADI. Here, these rules and regulations are interpreted and put into practice by the local *Junta Directiva*.

This analytical chapter has shown that on a local level, actors' control over forest resources is in contention due to different dynamics. First, local positions of authority are taken in a strategic way by indigenous peoples in the elections processes for the *Junta*, resulting in the ability to control the management style of the *Junta Directiva*, and consequent mandated logging activities. Second, control against unmandated activities, which mainly relies on social relations and vigilance by the indigenous peoples themselves, proves to be difficult. As the territory is large and people come at night to extract wood from the territory, effective control is hard to establish. Financial means are crucial in making this work, as they can then contract the *Guarda Recursos*. However, trade-offs have to be made on what they do with the income they have. When there is a need to pay lawyers to increase the land control, they simply do not have the money to pay *Guarda Recursos*, which limits control over natural resources.

5 – Conclusion

In this thesis, I have aimed at furthering the understanding of processes of state internal territorialisation as a land and resource control strategy (Vandergeest & Peluso, 1995; Corson, 2011; Sjörgen, 2015), by looking at how state's internal territorialisation process to create and maintain indigenous territories in Costa Rica relates to local struggles and strategies of land and resource control. I have done so, by presenting and analysing data that was obtained through an ethnographic case study in the Kéköldi indigenous territory in Costa Rica. For this, I have relied on theoretical accounts on access (Ribot & Peluso, 2003; Ribot, 1998), as well as an understanding on the relation between access and authority, (Sikor & Lund, 2009) as a framework for analysis in order to systematically investigate how the state's processes of internal territorialisation relates to localised forms of territorialisation and land and resource control in local practice.

In the analysis in this report, I have first dedicated an analytical chapter to an elaboration on some preconditions that eventually led to the establishment of Kéköldi, as well as national decentralisation measures that related to the development of local authoritative body (ADI). Here, ineffective and incomplete state's internal territorialisation to establish Kéköldi as an indigenous territory, as well as the devolutionary structures that resulted into local indigenous authority have been the focus. The second analytical chapter focussed on strategies and struggles over Kéköldi's territorial boundaries, as well as strategies that included the setting of more localised boundaries, which resulted in spatial zoning within the boundaries of the territory. Here I have shown that the Costa Rican state has engaged in different territorial boundary alterations over time, as responses to local mobilisations. Although established and altered in state decrees and on maps, their existence in the practical landscape is contested, and efforts to physically express these boundaries by the indigenous peoples of Kéköldi are met with resistance by the non-indigenous people living in Kéköldi. The third analytical chapter sheds light on the complex situation with non-indigenous peoples that remained living within the territorial boundaries and how local indigenous strategies are employed with the aim of enhancing land control. With a state that refrains from complying with their own procedures of establishing land control for the indigenous peoples, local indigenous peoples engage in their own strategies to enhance land control. These strategies, however, rely much on financial funds, which are limited for the indigenous people, resulting in mostly ineffective local strategies of land control. The final analytical chapter discussed strategies and struggles over resource control. Here, I found that local positions of authority are taken in a strategic way by indigenous peoples in the elections processes for the *Junta*, resulting in the ability to control the management style of the *Junta Directiva*, and consequent mandated logging activities. Second, control against unmandated activities, which mainly relies on social relations and vigilance by

the indigenous peoples themselves, proves to be difficult and relies heavily in financial means to contract people to patrol the forests. With the lack of funds, controlling resource extraction is difficult.

From this analysis of state internal territorialisation and local struggles and strategies of land and resource control in Kéköldi, there are two main conclusions that can be drawn that further our understanding of the relation between state's internal territorialisation processes to establish indigenous territories and local land and resource control. Firstly, the Costa Rican state internal territorialisation processes with the aim of establishing indigenous territories coincided with national decentralisation measures which devolved much authority and autonomy to a local level. This combination has resulted in processes which I call a 'layered' character of internal territorialisation: The state process of establishing indigenous territories in itself is a clear example of internal territorialisation of the nation state level (Vandergeest & Peluso, 1995), but together with decentralisation measures, this state led process left room for local indigenous people to engage processes that equally can be characterised as localised forms of internal territorialisation. This for example included efforts to divide their territory in specific zones for which specific resource use rules were decided upon. In the case of the communal forest, the indigenous people have given additional local meanings to the forest, and included resource use rules for this forest. In the case of the PES areas, they have locally decided to subject parts of the forest to the national PES scheme, also resulting in additional zones in the indigenous territory for which specific resource use rules are formulated. As processes that are locally decided upon, these strategies can be understood as localised forms of internal territorialisation by the indigenous peoples. However, the local strategy to apply for the PES funding scheme, also resulted in the inclusion of other state policies, as well as other actors (such as the World Bank, which donates fund the Costa Rican PES scheme) that in indirect ways thus also assert control in Kéköldi. This 'layered' character fits in the ideas of Rasmussen and Lund (2018) in that the state's mandate to create indigenous territories including the outlining thereof on land provided the indigenous people with a 'frontier moment' on a local level to engage in their own processes of internally territorialising the land of Kéköldi.

My second argument relates closely to what Peluso (1995), Isager and Ivarsson (2002) and Lestrelin (2011) called counter territorialisation in their analyses of state territorialisation processes. In analysing territorialisation and control over land and resources in the case of Kéköldi, I find that the state-led process of establishing the indigenous territories has been highly limited in terms of commitment and practical execution from the state's part. This lack of practical commitment relates closely to different identified strategies that can be considered counter-territorialisation – including strategies that dispute territorial boundaries, the exclusion of people from the territories, as well as strategies that aim at reassessing what appropriate resource use is or should be. Examples of identified counter territorial strategies are the claim by the *Afrodecendientes* to exempt their living area from the territory in 1996, as well as for example squatters that keep entering the territory, disregard boundaries and land control laws. However, one local strategy that was found – one regarding local indigenous efforts that involved

demanding the national government in the court of law with the aim of making them to fulfil their own laws and duties regarding exclusion of people from the territory – shows that strategies against the state to increase local control over land and resources can also be employed by the local indigenous peoples to rearticulate and reinforce territorialisation process that were originally employed by the state. Such strategies are important to take into consideration when analysing territorialisation processes, as they can reveal dynamics that a focus on counter-territorialisation will not provide. Therefore I argue that when trying to understand the complex dynamics that are at play on a local level with regard to land and resource control in the context of ineffective state internal territorialisation, one must be cautious not to overlook, other, more complex forms of local territorialisation strategies, such as strategies that reaffirm or rearticulate strategies by others.

Finally, this analysis is a good empirical example that gives an insight into processes of internal territorialisation and the role of authority and legitimacy in such processes. Not unlike the case of Bluwstein and Lund (2018), as well as others (Isager & Ivarsson, 2002; Lestrelin, 2011; Correia, 2019) this study shows that processes of state internal territorialisation are not fixed, indisputable processes that yield desired and envisioned outcomes of actors that employ them. Rather, they are incomplete, contingent and invoke discussion and struggle, resulting in alternative and contesting forms of local land and resource control. For Kéköldi, these struggles relate to territorial boundaries, the control of space and the exclusion of actors from this space, as well as how resources can be used within the territorial boundaries. Under circumstances of limited commitment and inadequate practical execution from the state to establish the indigenous territory, both the legitimacy of local indigenous authorities, as well as the legitimacy of the indigenous territory as existing bounded space is contested on a daily basis by other, non-indigenous actors.

6 – References

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Appendix I - Interviews

Table with information regarding the conducted interviews. As stated in the methodological chapter, the names used in this thesis are not the real names of the people that contributed to this research by means of interviews in order to guarantee their anonymity. Names that are used in this thesis are commonly used Spanish names that were randomly chosen from the lists on the website nameberry.com.

Respondent Code	Date	Name	What	Remark
R-01	27/11/2016	Doña Carmen	Open interview	Former <i>Junta Directiva</i>
R-02	30/11/2016	Doña Melia	Open interview	Former <i>Junta Directiva</i>
R-03	12/02/2017	Doña Ema	Semi-structured interview	
R-04	13/02/2017	Don Elia	Semi-structured interview	
R-05	14/02/2017	Don Bernardo	Semi-structured interview	
R-06	16/02/2017	Doña Josefina	Semi-structured interview	<i>Junta Directiva</i>
R-07	16/02/2017	Doña Laia	Semi-structured interview	
R-08	17/02/2017	Don Alejandro	Semi-structured interview	
R-09	19/02/2017	Doña Analies	Semi-structured interview	
R-10	21/02/2017	Don Eber	Semi-structured interview	
R-11	22/02/2017	Doña Alicia	Semi-structured interview	
R-12	22/02/2017	Doña Marianna	Semi-structured interview	
R-13	22/02/2017	Doña Anita	Semi-structured interview	
R-14	24/02/2017	Don Cristian	Semi-structured interview	<i>Junta Directiva</i>
R-02	26/02/2017	Doña Melia	Semi-structured interview	Former <i>Junta Directiva</i>
R-15	28/02/2017	Doña Lorena	Semi-structured interview	
R-16	28/02/2017	Doña Felipa	Semi-structured interview	
R-17	28/02/2017	Don Raúl	Semi-structured interview	
R-18	02/03/2017	Don Mateo	Semi-structured interview	<i>Junta Directiva</i>
R-19, R20	03/03/2017	Don Fabio, Doña Gina	Semi-structured interview	R-19: Former <i>Guarda Recursos</i>
R-06	04/03/2017	Doña Inesa	Semi-structured interview	<i>Junta Directiva</i>
R-21	04/03/2017	Doña Ana	Semi-structured interview	
R-22	04/03/2017	Doña Maria	Semi-structured interview	Former <i>Junta Directiva</i>
R-01	06/03/2017	Doña Carmen	Semi-structured interview	Former <i>Junta Directiva</i>
R-23	06/03/2017	Don Ignacio	Semi-structured interview	Former <i>Junta Directiva</i>

Appendix II - Meetings

Table with information regarding specific meeting participations in the context of this research.

Date	What	Where	Remark
10/11/2016	Bribri Culture Night	Puerto Viejo	An open evening in the town hall of Puerto Viejo
05/02/2017	Cultural experience class	Kéköldi	
19/02/2017	ADI community meeting	Kéköldi	I attended a community meeting with government officials.
05/03/2017	Hiking and vigilance with Don Fabio	Kéköldi	