

Revista de Ciencias Sociales

50 *Años*
ANIVERSARIO

Indigenous rights in Latin America and Peru: An intercultural approach

Pérez-Romero, James Obed*
Pozo Johanson, Katherin**
Rivera-Gamarra, Ana Carolina***
Reyes Cuba, Claudia Katherine****

Abstract

The rights of indigenous peoples have been a highly debated topic in Latin American scenarios, being the result of a process of collective struggles to achieve social demands. It is a historical fact that contemplates a series of mechanisms that guarantee the protection of the indigenous populations of the region. By virtue of the above, this paper aims to evaluate the role of the law, as well as its degree of compliance in safeguarding the integrity of aboriginal populations in Latin America and Peru. The method used is that of documentary exploration, which contemplates the selection of bibliographic material from specialized academic sources. Among the main findings is that indigenous law has achieved relevance after the efforts made by international organizations such as the International Labor Organization and the United Nations. Likewise, in the Peruvian context, the current Political Constitution guarantees the protection of diversity, but, beyond the recognition of multiculturalism, the law must seek an intercultural approach as a mechanism to stop exclusion. It is concluded that interculturality is an effective mechanism to provide access to the right to dignity for indigenous populations.

Keywords: Human rights; indigenous rights; intercultural rights; exclusion; inclusion.

* Bachiller de Derecho. Investigador en la Universidad Privada del Norte, Trujillo, Perú. E-mail: n00123852@upn.pe ORCID: <https://orcid.org/0009-0002-8215-9340>

** Abogada. Investigadora en la Universidad Privada del Norte, Trujillo, Perú. E-mail: n00126184@upn.pe ORCID: <https://orcid.org/0000-0002-5894-6697>

*** Magister en Derecho del Trabajo y la Seguridad Social. Especialización en Gestión Pública y Administración Pública. Abogada. Docente Investigadora en la Universidad Privada del Norte, Trujillo, Perú. E-mail: ana.rivera@upn.pe ORCID: <https://orcid.org/0000-0002-1762-2194>

**** Doctora en Derecho. Magister en Gestión Pública. Docente en la Universidad Privada del Norte, Trujillo, Perú. E-mail: claudia.reyes@upn.edu.pe ORCID: <https://orcid.org/0000-0002-3976-162X>

Derechos indígenas en América Latina y Perú: Un enfoque intercultural

Resumen

El derecho de los pueblos indígenas ha sido un tema altamente debatido en los escenarios latinoamericanos, siendo el resultante de un proceso de luchas colectivas para lograr reivindicaciones sociales. Es un hecho histórico que contempla una serie de mecanismos que garantizan la protección de las poblaciones autóctonas de la región. En virtud de lo anterior, el artículo tiene como objetivo evaluar el papel del derecho, así como su grado de cumplimiento para salvaguardar la integridad de las poblaciones aborígenes en América Latina y el Perú. El método utilizado es el de exploración documental, que contempla la selección de material bibliográfico desde fuentes académicas especializadas. Entre los principales hallazgos se tiene que el derecho indígena ha alcanzado relevancia tras los esfuerzos realizados por organismos internacionales como la Organización Internacional del Trabajo y la Organización de las Naciones Unidas. Asimismo, en el contexto peruano, la Constitución Política vigente, garantiza la protección de la diversidad, pero, se plantea que, más allá del reconocimiento de la multiculturalidad, el derecho ha de procurar un enfoque intercultural, como mecanismo para frenar la exclusión. Se concluye que la interculturalidad es un mecanismo efectivo para brindar acceso al derecho a la dignificación de las poblaciones indígenas.

Palabras clave: Derechos humanos; derechos indígenas; derechos interculturales; exclusión; inclusión.

Introduction

This research begins with the recognition of the heterogeneity of the indigenous peoples of Latin America and Peru, their historical struggles for identity, to preserve their culture, their vital rights, for the safeguarding of their land, ensuring the transmission of cultural legacies in the face of the advances of Western globalization. Now, it is also taken into consideration that asymmetric and vulnerable contexts cannot be corrected by the mere will of individuals; they require profound theoretical and conceptual revisions that aim at transforming the norm, changing the flawed standards of law, and transcending towards an intercultural legal approach.

Recent research considers the approach to indigenous issues from diverse perspectives, such as marginality and social integration processes (Reyes-Ortiz, Martin-Fiorino & Padilla-Lozano, 2023); the review of normative aspects implicit in the political constitutions of each nation (Granja, 2022); labor precariousness (Palacios & Mondragón, 2021); the exclusion of indigenous

communities from education (Velásquez et al., 2022; Díaz-León, Palacios-Serna & Borrego-Rosas, 2024); fraternity and gender equality (Luzardo, 2023); the possibilities of alternative communication (Cusihamán-Sisa et al., 2023); comprehensive well-being and mental health (Curiel, Chiquillo & Amaya, 2024); among other topics that highlight the relevance and importance of the theoretical discussion of the indigenous problem in Latin America and, specifically, in Peru.

In light of the above, the article aims to evaluate the role of indigenous peoples' rights in Latin America and Peru, as well as their degree of effective compliance, to protect the integrity of native collectives, while proposing an intercultural review of their precepts, aspiring to achieve social change.

1. Methodology

The research offers a documentary-type exploration, considered a process of description, validation, and theoretical contrast of the observed phenomena. This

methodological approach offers a series of fundamental postulates about the object of knowledge, as it extracts valuable data for interpretation. According to Aldaz (2023), a legal-type investigation warrants a documented review of the phenomenon, which allows it to be understood from a broad perspective, from philosophical, ethnic, normative, and legal postulates, which consider, for the purposes of the article, the analysis of essential categories to define indigenous law in Latin America, indigenous law in Peru, and the urgency of intercultural law in the Peruvian context.

This is a study situated within the interpretative paradigm, based on the analysis of qualitative data, to expand the understanding of the object of study, serving as a foundation for future research. In this line of thought, the article considers the selection of documents from specialized academic sources, such as Scopus, Latindex, Redalyc, Scielo, Google Scholar, among others.

Likewise, it uses documentary sources provided by international organizations, such as: The United Nations (UN), the International Labour Organization (ILO), the Economic Commission for Latin America and the Caribbean (ECLAC), the Office of the United Nations High Commissioner for Human Rights (ACNUDH). In the Peruvian case, a review is conducted of the data provided by the National Institute of Statistics and Informatics (INEI) and the National Political Constitution.

2. Results and discussion

2.1. Rights of indigenous people in Latin America

Starting from the 1970s, indigenous struggles gained prominence, leading to changes in the conceptualization of Southern nations, accepting their heterogeneity and the existence of minority, diverse, and culturally varied communities, with a worldview, identity, and forms of organization different from those traditionally established.

For this reason, a stage of redefining citizenship begins, accepting social and collective struggles as elements that question the actions of the State and the asymmetric and social oppression contexts, from which indigenous social organizations and movements have emerged, publicly demanding the dignity of life, insisting on their inclusion in normative and legal discussions developed at the global level (Zeballosf-Cuathin, 2023).

According to Comisión Económica para América Latina y el Caribe (CEPAL, 2014), the struggle for indigenous rights in Latin America and the Caribbean has been progressive throughout history. It is a prolonged process of struggles in search of the reclamation and recognition of fundamental rights, where the ILO Convenio No. 169 on Indigenous and Tribal Peoples, signed in 1989, stands out. This convention establishes two fundamental principles: The right of indigenous peoples to cultural preservation, accompanied by their ways of life and self-development, and the right of indigenous peoples to decide their priorities, the development indicators that best suit their ways of life, their beliefs, spiritual well-being, and the management of their institutions (Organización Internacional del Trabajo [OIT], 1989).

The OIT (1989), considers it relevant to protect and provide shelter to tribal peoples, whose sociocultural conditions set them apart from the collective. Likewise, it urges the defense of the rights of indigenous peoples who are distant from urban life, inhabitants of a specific geographical locality, and also those populations that maintain their indigenous identity as a distinguishing criterion.

The aforementioned international organization points out that it is the State's responsibility to develop, coordinate, and protect the rights of indigenous peoples, while also promoting the fulfillment and operationalization of essential rights, in order to close economic gaps, eliminate social vulnerabilities, and ensure inclusion in social spheres.

Following the signing of ILO Convenio No. 169, the indigenous peoples of Latin

America entered a struggle to ensure that their existence was recognized at the constitutional level, claiming cultural, multicultural, pluricultural, ethnic, and multiethnic rights. In this context, the struggles carried out in Colombia, Mexico, Peru, Bolivia, and Ecuador stand out, leading to the recognition of customary law by the State, by government bodies, and by indigenous representation (Aylwin, 2014).

Through this, marked importance is given to the autonomy of indigenous populations, the protection of territories is prohibited, and municipalities and territorial districts are created, as those established in Colombia, Ecuador, or Mexico. This stage of reformism gave rise to a stage of seeking recognition for the rights of the invisible, victims, and those excluded from the neoliberal policies of the 1990s, so the essential sense lay in breaking the conventional power structures, closing the normative, legal, and regulatory gap that invalidated the fulfillment of the rights of the indigenous populations of the region (Aylwin, 2014).

Aylwin's (2014) position can be contrasted with Walsh's (2002) postulates, which assert that this historical stage has profound relevance, as it seeks the recognition of customary indigenous law, with the aim of opening up theoretical, legal, normative, and ethical discussions that stem from pluralism, the recognition of the coexistence of various legal systems, but with an underlying equality. By virtue of the above, there is a call for the construction of social coexistence, a new political culture based on the legitimization of interculturality, as a dialogical space between the similarities and differences of the various social actors.

The struggles for indigenous rights that began in the 20th century were strengthened by the United Nations Declaration on the Rights of Indigenous Peoples in 2007, which emphasizes the self-determination of peoples and the minimum characteristics to ensure state protection, non-discrimination, the right to development, integrity, the preservation of their culture, land ownership, the safeguarding

of natural resources, and active participation in national political arenas. Such a declaration recognizes the existence of populations on all the continents of the planet.

Therefore, it is not limited to an Americanist vision, but emphasizes the indigenous communities scattered across Asia, Africa, America, and Europe, not offering, according to the Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (ACNUDH, 2013), an explicit definition of indigenous peoples, but rather being governed by international consensus and adherence to the identity to which they belong.

As can be seen, the UN has been a pioneer in the discussion on the rights of indigenous peoples and communities. Since the 1980s, it has promoted various programs, projects, activities, and policies to address indigenous issues, establishing dialogue processes between indigenous communities and representatives of the State and various international organizations.

The work developed by the UN aims to integrate perspectives to address the issues of human rights and land, which is why its actions converge with relevant events such as the Earth Summit of 1992, the World Conference on Human Rights of 1993, the Fourth World Conference on Women of 1995, among other activities that, although the central focus was not on indigenous issues, the discussion of this reality was present (CEPAL, 2014).

Now, it is not until the year 2007, when, through the aforementioned Declaration on the Rights of Indigenous Peoples, that the UN manages to consolidate various perspectives to address indigenous rights in the region, seeking the recognition of their human rights and the preservation of culture, while also fostering harmonious relations between the State and the communities. The ethical foundation of this proposal is based on democratic values, justice, non-discrimination, and the joint effort to ensure regional development (Organización de las Naciones Unidas [ONU], 2007).

The ideological basis of this statement is contained in the following assertion: "Indigenous peoples have the right, as

communities or as individuals, to the full enjoyment of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights, and international human rights standards (ONU, 2007, Art. 1).

From these foundations, based on the respect and safeguarding of human rights and individual freedoms, the other rights contemplated in this declaration are derived, among which the Right to self-determination, self-governance, and autonomous forms of subsistence stand out. In essence, Article 4 of the declaration guarantees the political status of indigenous communities, the freedom to fully develop economically, socially, and culturally, with self-determination being a form of right recognized by the international community, which extends to other rights. According to the ACNUDH (2013), self-determination supports the rest of the political rights contained in the 2007 Declaration (ONU, 2007), such as:

- a. Right to the preservation of their own political, legal, social, and cultural institutions (Art. 5).
- b. Right to identity and nationality (Art. 6).
- c. Right to cultural preservation, to non-forced assimilation, and to the establishment of effective mechanisms for the prevention of these eventualities (Art. 8).
- d. Right to cultural, religious, traditional, and spiritual expressions (Art. 12).
- e. Right to land, territories, and resources (Art. 26).

While there are many elements that make up this declaration, these articles highlight its intention, which is the recognition of the inherent rights of indigenous communities, contributing to the preservation of cultural diversity in the Latin American region. For Martínez (2024), this statement establishes the evidentiary basis for recognizing and denouncing the injustices suffered by indigenous peoples throughout their history, a theoretical stance that can be compared with other authors such as Méndez & Morán (2014); Dussel (2021); Torrez (2023); and Alvarado (2023), among others, who assert that the starting point of the process of discrimination

against indigenous populations has its origin in the conquest of America, a process that led to the invisibilization of their rights and identity, initiating a colonial stage that has persisted to the present day.

Torrez (2023) considers that, from this moment on, indigenous populations entered processes of exclusion, stigmatization, and subalternization, as a constant denial of their cultural identity. Culture that, according to Morán (2021), enjoyed considerable development, complex forms of social organization, economic solidity, and advanced forms of civilization within the historical framework of the conquest. It is a denial that has persisted over time and has led to the emergence of various processes of resistance and questioning for the rights denied and rendered invisible by Western civilization (Alvarado, 2023).

For Martínez (2024), beyond the recognition given by international organizations, indigenous rights represent a process of struggle, with distinguishable strategies, inserting themselves into an alternative narrative that seeks the consolidation of indigenous rights as an integral part of human rights, thus demonstrating the urgency of overcoming the limitations of the monoculturalism implicit in the Latin American region.

According to the above, this implies the conceptual, normative, and interpretative restructuring of social order and human rights, accepting that they are more than a rhetorical or discursive strategy, but that, amidst their universality, they must address peculiar situations, specific cultural conditions, understanding the ways of being, living, acting, and taking action of indigenous populations, erasing existing barriers in geographical limitations, setting aside the dogmatic and traditional vision of human rights.

Following the 2007 Declaration, indigenous populations gained relevance on international stages, proposing a series of territorial, educational, and public law reforms in defense of cultural identity. For this reason, the demands took on other dimensions,

becoming particularly pronounced in each nation, driving struggles from social bases, from ethnicity, from communal niches, to the point of projecting themselves internationally. These demands aim to create conditions for the dignification of existence, to guarantee living spaces, natural and territorial resources, and the free expression of their traditions, protected by constitutional laws and current international agreements.

The recognition of indigenous rights tends towards the transformation of social and legal structures in the region, while also addressing the monoculturalism promoted by the Westernization of life. As part of the process of change, the struggles and social movements that have arisen over the centuries have driven changes from within international agreements and international regulations, giving rise to cultural pluralism and interculturality, questioning the univocal sense of history and reality, demanding an understanding of cultural dynamism and variability, which requires a new definition of citizenship, based on equity, respect, and tolerance, essential foundations of intercultural dialogue and knowledge.

2.2. Indigenous Rights in Peru

In the Peruvian context, the existence of various indigenous populations can be noted, from the coast, the highlands, to the Amazon, established in communities, sharing the occupation of territories referred to as ancestral, as a way of preserving their identity, preventing external threats, the impacts of the negative effects of Western globalization, and other exogenous elements that harm the natural development of their activities.

In the census conducted by Instituto Nacional de Estadística e Informática (INEI, 2017), 5,771,885 people were defined as indigenous inhabitants in the Andean region, which accounts for 24.9% of the total population surveyed in Peru. Of this population sample, 2,801,412 represent the male population and 2,970,473 represent the female population. Likewise, when breaking

it down by age, 1,722,149 belong to the youth population, aged between 15 and 19 years, 1,647,548 correspond to young adults between 30 and 44 years, 1,139,975 to adults aged between 45 and 59 years, 924,900 to the elderly, and finally, 337,313 minors.

Regarding the preservation of indigenous languages, the INEI (2017) reported that, at the time of the census, 2,893,670 people identified as Quechua speakers, followed by 392,228 Aymara speakers; both ethnic groups have used their native languages since childhood. In addition to this, there are small population groups that keep other native languages alive. However, this reality is conditioned by the learning of Spanish, being the second most used language among indigenous populations, followed by Quechua. Thus, Spanish has become a mechanism of interaction and contact with the rest of the Peruvian population.

For its part, the Ministerio de Cultura de Perú (2016) states that indigenous rights are protected and recognized by the Political Constitution of 1993, which in its articles 51, 38, and 44 establish constitutional supremacy for the protection of civil rights, being the supreme norm for identifying and resolving administrative and judicial matters. Likewise, it assumes the role of the State as a guarantor of human rights, balancing human rights, and circumscribing all legal norms to these spaces.

Indigenous rights in Peru are defined by the characteristics present in the original peoples. In other words, they are assumed to be collectives or groups of people subject to law, in addition to recognizing the right to have their own representatives, their procedures, and the free exercise of their rights before the State and other individuals. It thus guarantees the right to self-determination, the preservation of customs, traditions, and unique cultural qualities, which implies a differentiated treatment, connected to the protection of human rights established in the political constitution (Ministerio de Cultura de Perú, 2016).

As can be appreciated, the existing ethnic diversity in Peru represents the cultural richness of the nation, the possibility of

expanding knowledge, through the Aymara and Quechua worldviews, which have a rich ancestral tradition and have been resilient against processes of exclusion, colonization, and Western globalization. On the other hand, ethnicity in Peru emphasizes the prevalence of cultural heterogeneity which, in today's world, is crucial for the preservation of Southern nations and in the struggles for the preservation of the identity of the peoples (Hinojosa & Catacora, 2024).

According to Hallazi (2019), despite the efforts made by international organizations and the Peruvian State, the lack of clarity regarding indigenous rights to land, territories, and the freedom to associate collectively results in a state of political helplessness. Subject to these vulnerabilities, they face various threats, such as mining activities, which have forced indigenous populations to relocate from their place of origin. Such activities cause soil degradation, water pollution, and violate what is established in the national Political Constitution, which guarantees the preservation of national heritage.

This reality is the result of the lack of clarity in the laws that grant protection to indigenous populations and prioritize concessions and exploitation, creating conditions of social vulnerability. Following this line of argument, concessions affect land ownership, the free exercise of its use and enjoyment, highlighting weaknesses in the Peruvian legal system, especially when it comes to establishing effective and transparent mechanisms for conducting public consultations prior to land intervention.

However, it is not only the exploitation of land and concessions that constitute threats to indigenous rights, such as the loss of biodiversity, the advance of large-scale corporate industries, urbanization, the construction of tourist complexes, housing, and roads that, while representing national progress, mask the progressive displacement of indigenous populations (González, 2020). In this line of thought, social conflicts, violence, and corruption also represent forms of violation of indigenous rights, as they create

complex, destructive situations that result in the diminishing of the cultural and linguistic diversity of indigenous populations.

Despite the legal advances that have been made in Peru, indigenous populations continue to face great challenges, particularly regarding land tenure and protection, as their own resources, as well as their relationship with the land, have been displaced to make way for the instrumental logic driven by modernity. In this line of thought, cultural diversity is exposed to the danger of external threats, such as the exploitation of nature, excessive urbanization, the lack of protection and safeguarding of cultural identity, which creates scenarios of defenselessness, corruption, and social vulnerability, widening the previously existing social gaps.

2.3. Intercultural Rights in Peru

According to Flórez, Puente de la Vega-Aparicio & Canahuire (2023), the treatment of interculturality in Peru begins in the 1979 Constitution, which states that social democracy is the political foundation of Peruvian society, accompanied by education that provides autonomy to individuals while preventing the violation of laws that promote intolerance and marginalization. Therefore, it proposes the preservation of the identity of the peoples through public laws aimed at bilingual education, with special emphasis on indigenous languages.

These constitutional foundations represented the first political, legal, and normative attempts to define interculturality in Peru, marking a reform process following the military government of Velasco Alvarado, which spanned the years 1968 to 1975. While this represented a significant advance, its guidelines had greater importance in the educational sphere, leaving aside the underlying legal urgencies.

Since the establishment of the Political Constitution of 1993, new perspectives and orientations on interculturality in the Peruvian context have emerged. Regarding the above,

Ponce & Espinoza (2012) start from the premise that Peru is a multicultural nation, composed of various ethnic groups that exhibit customs, habits, and ways of being that are distinguishable from one another, elements that are implicit in the constitutional text.

However, the aforementioned authors, like Walsh (2005); and Alarcón, Fernández & Leal (2020), believe that the recognition of multiculturalism does not call for intercultural dialogic action, nor for the preservation of the right to cultural, linguistic, and social heterogeneity, since the Peruvian political organization does not recognize the plurality and interculturality implicit in the national territory, but rather presents a multicultural model of society, which tends towards a permanent homogenization of culture and adaptation to liberal and neoliberal models of accelerated industrialization.

According to Alarcón et al. (2020), the adoption of these models is insufficient to subvert the order and modify the conception of the State, which masks social inequalities and inequities, racial segregation, the unjust distribution of wealth, and the establishment of power structures that privilege the dominant culture. The multiculturalism recognized in Latin American spaces implies a process of cultural separation or segregation. It assumes the coexistence of different cultures, but without reaching an intercultural coexistence, which has become a gradual subordination of identities, the creation of displaced and invisibilized groups by Latin American policies and legal systems.

In the Peruvian case, although 44 languages coexist, including Amazonian, Andean, and Spanish, there is a trend towards the decline of indigenous languages, which means a considerable loss of the existing cultural wealth in the nation, since language is a symbol of culture (Cassirer, 2016), denoting plurality, from which the realization of peoples derives. In other words, the pursuit of the reclamation of Aboriginal rights means the review of national law, recognizing that it is a social phenomenon; that is, it is a human product, which is based on moral norms;

therefore, it obeys a broad universe of action, such as culture.

Indeed, there is a concordance between law and culture, as long as social welfare is sought, representing a break with the static vision of the law and betting on legal pluralism, which goes against the centralist vision of the State, recognizing that Peru is not only a multicultural country but an intercultural one, experiencing political events, political tensions, and discrepancies, but all of the above constitutes intercultural dialogical processes of encounters and disagreements, which progressively legitimize the existence of indigenous nations within Peru.

However, historically, Peru has used indigenous elements to consolidate an Andean utopia. In other words, a vision of the indigenous is constructed based on the theoretical statements of non-indigenous intellectuals, subordinating racial differences, who considered the indigenous as synonymous with peasant or Indian. Now then, despite the fact that these linguistic connotations have been modified over time, the entrenched structures remain in social settings (Walsh, 2005).

Under this approach, the indigenous person continues to be seen as a peasant, as an Indian, as an inferior social class that, as urbanization, migration, and ethnic crossings advance, are displaced and made invisible, being deprived of their rights to education, cultural expression, and the use of their language, while what is characteristic of their culture is designated as folkloric, anecdotal, rural, aligning with stereotypical views of the aboriginal.

The above should lead to modifying the applicability of the laws, resorting to effective techniques and procedures that allow for dialogical and confrontational interaction between indigenous groups and the rest of the Peruvian population. With confrontation, there is no allusion to negative processes, but rather to dialoguing from tensions, which necessitates creating spaces for encounter, breaking the masked racism hidden in the extended definitions of multiculturalism.

Interculturality urges us to rethink the law, to review the norm, its ethical dimension, to understand the various social actors, to consider inclusive perspectives, to rescue the ancestral vision of the peoples, which includes feeling and thinking about the land, caring for nature, preserving language, diversifying culture, engaging in dialogical encounters, crossing rights, seeking viable, flexible alternatives, which are not free from bidirectional resistances, but which strive for a different and inclusive society.

In this sense, the aim is for intercultural rights in Peru to advance towards equity, social justice, and the recognition of cultural identity, transcending multicultural approaches and promoting a genuine process of knowledge exchange between the cultures that make up this nation. This warrants the reformulation of the law from an intercultural, dialogical, and critical perspective, with the aim of safeguarding the wealth and diversity of Peru, as a commitment of the State to society and in response to the demands of the historically developed struggles around cultural heritage.

Conclusions

The enormous growth of global society necessitates the establishment of safeguarding mechanisms for the preservation of indigenous populations, their culture, their languages, and their territories, as an essential part of their collective rights, acquired through an arduous process of resistance and social conquests over the centuries. In this sense, the research provides a theoretical-documentary contribution for the understanding and expansion of knowledge regarding indigenous law and its intercultural peculiarities, as part of customary norms that must be applied, practiced, and exercised to achieve social inclusion and effective dialogue among social actors.

Seen this way, the intercultural approach to indigenous rights transcends the multicultural vision of the law that, subtly, masks criteria of exclusion and social marginalization by defining the

indigenous person as peripheral, as a peasant, illiterate, as a folkloric entity, which must be preserved to comply with international regulations. In contrast, the proposal aspires for interculturality to guarantee the right to preservation, dignify the human condition, and urge the inclusion of indigenous populations, strengthening the political system of Peru and the Latin American region.

The research, in addition to its evident theoretical contribution, which provides a broad understanding of the phenomenon addressed, such as indigenous law and its intercultural peculiarities in the Peruvian nation, aspires to implementation through regulations, plans, and projects that promote inclusive social action. However, the research is not without limitations, as it does not focus on specific communities and the resolution of spatio-temporal problems, but rather aims to provide guidance to intercultural contexts characterized by political, economic, and social tensions that come into conflict with the rights of indigenous populations.

Additionally, it leaves open the possibility of constructing new lines of research, linking intercultural action with law, with the legal system, with the philosophy of law, with the legal protection of the environment in indigenous territories, among others. In this way, the relevance and pertinence of this type of research for the social sciences are evidenced, with a clear intention of collective benefit.

Referencias bibliográficas

- Alarcón, J., Fernández, Z., & Leal, M. (2020). La Interculturalidad y el reconocimiento de los múltiples otros en la convivencia educativa. *Boletín Antropológico*, 38(100), 458-484.
- Aldaz, Á. R. (2023). Metodología para redactar un proyecto de investigación en la ciencia del derecho. *Revista Científica FIPCAEC (Fomento de la investigación y Publicación Científico-*

- Técnica Multidisciplinaria*). *Polo de Capacitación, Investigación y Publicación (POCAIP)*, 8(2), 461-476. <https://www.fipcaec.com/index.php/fipcaec/article/view/836>
- Alvarado, J. (2023). Las resistencias interculturales como cuestionamiento a los supuestos coloniales de la modernidad. *El Banquete de los Dioses. Revista de Filosofía y Teoría Política Contemporánea*, (13), 213-236. <https://publicaciones.sociales.uba.ar/index.php/ebdld/article/view/9165>
- Aylwin, J. (2014). Los derechos de los pueblos indígenas en América Latina: avances jurídicos y brechas de implementación. En J. F. Beltrao, J. C. Monteiro, I. Gómez, E. Pajares, F. Paredes y Y. Zúñiga (Coords.), *Derechos Humanos de los grupos vulnerables* (pp. 275-300). dhes. Red de Derechos Humanos y Educación Superior. <https://archivos.juridicas.unam.mx/www/bjv/libros/14/6618/21.pdf>
- Cassirer, E. (2016). *Antropología Filosófica: Introducción a una filosofía de la cultura*. Fondo de Cultura Económica.
- Comisión Económica para América Latina y el Caribe – CEPAL (2014). *Los pueblos indígenas en América Latina: Avances en el último decenio y retos pendientes para la garantía de sus derechos*. CEPAL. <https://repositorio.cepal.org/server/api/core/bitstreams/b1b631f7-30df-4668-9047-6e2060cb30a6/content>
- Constitución Política del Perú. 29 de diciembre de 1993 (Perú).
- Curiel, R. Y., Chiquillo, J., & Amaya, N. (2024). Salud mental e interculturalidad en poblaciones indígenas en América Latina: Bienestar integral en el contexto actual. *Revista de Ciencias Sociales (Ve)*, XXX(E-9), 604-615. <https://doi.org/10.31876/rcs.v30i.42339>
- Cusihuamán-Sisa, G. N., Alarcón, J. G., Aguilar, C. I., & Valdivia, F. (2023). Comunicación alternativa: De las bocinas populares a la hipermedición digital en Arequipa-Perú. *Revista de Ciencias Sociales (Ve)*, XXIX(E-7), 367-380. <https://doi.org/10.31876/rcs.v29i.40471>
- Díaz-León, K., Palacios-Serna, L. I., & Borrego-Rosas, C. E. (2024). Educación inclusiva: De las consideraciones teóricas a la praxis social. *CLÍO. Revista de Historia, Ciencias Humanas y Pensamiento Crítico*, 4(8), 169-183. <https://doi.org/10.5281/zenodo.12598876>
- Dussel, E. (2021). *1492. El encubrimiento del Otro: Hacia el origen del mito de la Modernidad*. Ariel Publisher.
- Flórez, I. Y., Puente de la Vega-Aparicio, V., & Canahuire, V. (2023). Aproximaciones teóricas de las políticas públicas con enfoque intercultural en las universidades del Perú. *Chakiñan, Revista de Ciencias Sociales y Humanidades*, (20), 210-227. <https://doi.org/10.37135/chk.002.20.12>
- González, T. (2020). El sistema jurídico de los pueblos indígenas: una forma de hacer justicia. *Boletín Mexicano de Derecho Comparado*, LIII(158), 619-650. <https://doi.org/10.22201/ijj.24484873e.2020.158.15631>
- Granja, L. C. (2022). Reconocimientos proteccionistas de la población afrodescendiente e indígena en las constituciones políticas de países latinoamericanos. *Revista de Ciencias Sociales (Ve)*, XXVIII(2), 86-98. <https://doi.org/10.31876/rcs.v28i2.37922>
- Hallazi, L. A. (2019). El derecho a la tierra y los territorios de los pueblos indígenas en el Perú. *Ius Inkarrí*, 8(8), 375-398. <https://doi.org/10.31381/iusinkarri.vn8.2746>

- Hinojosa, J., & Catacora, E. (2024). El pensamiento andino decolonial como herramienta de transformación política en Quechuas y Aymaras del Sur del Perú. *Ciencia Latina. Revista Científica Multidisciplinar*, 8(1), 1896-1912. https://doi.org/10.37811/cl_rcm.v8i1.9576
- Instituto Nacional de Estadística e Informática – INEI (2017). *La Autoidentificación Étnica: Población Indígena y Afroperuana*. INEI https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1642/
- Luzardo, R. C. (2023). Igualdad de género de la mujer indígena. Una mirada desde la fraternidad. *CLÍO. Revista de Historia, Ciencias Humanas y Pensamiento Crítico*, 3(5), 140-158. <https://doi.org/10.5281/zenodo.7514107>
- Martínez, A. (2024). Los derechos de los pueblos indígenas como estrategias para la descolonización. Un análisis de sus potencialidades. *Política y Sociedad*, 61(1), e84276. <https://dx.doi.org/10.5209/poso.84276>
- Méndez, J., & Morán, L. (2014). Pensar más allá de la modernidad eurocéntrica en perspectiva decolonial. *Revista de Filosofía*, 31(78), 42-55. <https://produccioncientificaluz.org/index.php/filosofia/article/view/19600>
- Ministerio de Cultura de Perú (2016). *Derechos Colectivos de los Pueblos Indígenas u Originarios*. Ministerio de Cultura. <https://centroderecursos.cultura.pe/sites/default/files/rb/pdf/derechos-colectivos.pdf>
- Morán, L. E. (2021). Filosofía e identidad cultural latinoamericana: Una discusión inacabada. *Revista de Filosofía*, 38(99), 415-428. <https://doi.org/10.5281/zenodo.5652162>
- Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos - ACNUDH (2013). *Los pueblos indígenas y el sistema de derechos humanos de las Naciones Unidas*. ACNUDH. https://www.ohchr.org/sites/default/files/Documents/Publications/fs9Rev2_SP.pdf
- Organización de las Naciones Unidas - ONU (2007). *Declaración de las Naciones Unidas sobre los derechos de los pueblos indígenas*. ONU. https://www.un.org/esa/socdev/unpfii/documents/DRIPS_es.pdf
- Organización Internacional del Trabajo - OIT (1989). *Convenio Núm. 169 de la OIT sobre Pueblos Indígenas y Tribales*. OIT. https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms_345065.pdf
- Palacios, Y., & Mondragón, S. (2021). Precariedad laboral en población afrodescendiente e indígena agravada por el conflicto armado en Colombia. *Revista de Ciencias Sociales (Ve)*, XXVII(2), 338-351. <https://doi.org/10.31876/rcs.v27i2.35918>
- Ponce, G. R., & Espinoza, M. (2012). *La interculturalidad en el derecho peruano para los conflictos sociales*. Universidad Nacional del Altiplano de Puno. <https://derecho.unap.edu.pe/mespinoza/2012/10/la-interculturalidad-en-el-derecho-peruano-para-los-conflictos-sociales/#sdfootnote14sym>
- Reyes-Ortiz, G., Martín-Fiorino, V., & Padilla-Lozano, C. (2023). Marginalidad indígena e integración social en América Latina: Modelo proposicional. *Revista de Ciencias Sociales (Ve)*, XXX(1), 186-201. <https://doi.org/10.31876/rcs.v29i1.39745>
- Torrez, Y. F. (2023). Espejo eurocéntrico y el silencio/ negación del “otro”: Genealogía colonial de la (in)

- comunicación. *Chasqui: Revista Latinoamericana de Comunicación*, (152), 15-28. <https://revistachasqui.org/index.php/chasqui/article/view/4828>
- Velásquez, O., Apaza, E. V., Medina, D. E., & Blanco, L. F. (2022). Exclusión educativa en Perú: Desde las épocas prehispánicas hasta el bicentenario de la República. *Revista de Ciencias Sociales (Ve)*, XXVIII(4), 470-483. <https://doi.org/10.31876/rcs.v28i4.39142>
- Walsh, C. (2002). Interculturalidad, reformas constitucionales y pluralismo jurídico. *Boletín ICCI- RIMAI*, 4(36). <https://icciec.org/ano-4-no-36-marzo-del-2002/>
- Walsh, C. (2005). *La interculturalidad en la educación*. UNICEF. https://centroderecursos.cultura.pe/sites/default/files/rb/pdf/La%20interculturalidad%20en%20la%20educacion_0.pdf
- Zeballosf-Cuathin, A. (2023). Multiculturalidad y derechos indígenas en América Latina. *Revista Direito e Práxis*, XV(3), e67502e.