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主 論 文 の 要 旨

論文題目

The Territorial Dispute in Colombia and the Different Perspectives over *Resguardos*
(コロンビアにおける領域紛争と先住民居住区 (レスグアルド) に関する異なった視点)

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論 文 内 容 の 要 旨

This investigation analyzes the conflict between indigenous people and governments in Colombia over lands and more specifically the indigenous reservation areas, known as *resguardos*.

In chapter I, the study presents the introduction. It is explained that one of the factors which has been prolonging the dispute between indigenous people and governments has been not the physical control of lands but instead the legitimacy over *resguardos*. After briefly introducing the background of the country and the literature review, this chapter also foretells the main argument of this study that the legitimacy over land possession has always depended on governments, who, however, have through history demonstrated a lack of will in protecting indigenous people and their reservation areas.

Chapter II explores the concept of legitimacy and it briefly analyzes the different definitions stated by academics. It checks two opposed perspectives among scholars which either understand from 1) the perspective of the society that recognizes or supports a government or 2) the point of view from the government concerning the responsibility the state must have towards the population accomplishing their needs. This section also studies how the legitimacy over the possession of lands has not been recognized by the governments despite the existence of laws in some other countries. It briefly describes how the legitimacy over land possession in Guatemala, the US, Indonesia, the Philippines, and in the CAR, has been considered as fragile and why it has depended on the will of the state. This chapter suggests that the problem has always been in governments who did not

accomplish their responsibility. This means that governments acknowledge the existence of laws, but in the end, the laws are not respected by them.

Chapter III reviews the discourses previously made over land conflicts in Colombia by contrasting the ways how scholars conceived *resguardos* and how they approximated their analyses to the territorial disputes between indigenous people and governments. The relevance of this chapter in this investigation lays in the necessity of highlighting the conceptualization that the scholars have made about *resguardos*. They have varied opinions not only because of their attitudes whether to support governments or indigenous people but also because of the periods of their focus. The chapter will also check two major contradictory positions among authors. The first indicates that governments through history have neither protected the fundamental rights over *resguardos* despite the existence of laws; and, the second says that the rights of indigenous people as well as their *resguardos* are protected under laws. This chapter will also check the different conclusions of the scholars, which have not been consensual over this topic. Separating their arguments may help understand the current panorama of the disputes over *resguardos*.

Chapter IV presents the historical background of the territorial dispute over lands in Colombia starting from the colonial period up to now, putting emphasis on the creation of *resguardos* and the process in which indigenous peoples and governments entered into conflict. This chapter analyzes the position of indigenous peoples and governments towards *resguardos* through history and in that course, it also examines the laws and regulations created for those lands. This chapter goes back in time to find the definition of the concept of *resguardos* according to the enacted laws, which apparently have fluctuated frequently through history between the interests of indigenous peoples and governments. Consecutively this chapter says that the conflicts have been generated due to 1) the presence of divergences in the perspectives of indigenous peoples and governments over the land, 2) the constant cycle of mutual accusations through history that these two parties have had over who does the lands belong to, and 3) the lack of clarity regarding how many of these lands exist in total.

Connected with the analysis of discourses previously made and the historical background, chapter V examines *resguardos*' efficacy in the protection of indigenous communities against external threats by analyzing the facts, specifically the existing relation between *resguardos*' official

registries and the levels of FID in Colombia. In this same line, the chapter studies the reason why despite the existence of laws the legitimacy of *resguardos* is not respected and why there are contradictions in the same ratified laws that go against mutually as for the main purposes of those lands. Finally, this section observes whether *resguardos* have served to protect indigenous communities.

Chapter VI presents the second part of the empirical analysis and checks how the presence of other external factors like armed combats, *coca* leaf production, and mining activities have not only worsened the conflict between indigenous people and governments over *resguardos* but also threatened the internal order of the state. And by compiling data, interviews, and testimonies, this section studies why despite the existence of laws and regulations FID continues to exist and is so far considered as the main evidence of ongoing territorial disputes in Colombia. Therefore, this chapter demonstrates that the combination of several interrelated factors regarding the disputes over lands and *resguardos* creates not only disorder but above all a boundless vicious circle in Colombia in which the IDPs are the most significant evidence.

Finally, chapter VII, presents the conclusions of this study.