



Graduate School of Development Studies

**CONTEMPORARY LAND GRABBING IN COLOMBIA  
THE ROLE OF THE STATE, ETHNICITY AND VIOLENCE**

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**List of Acronyms**

AUC Autodefensas Unidas de Colombia

CCC Colombian Constitutional Court

CECOIN Center for Cooperation with the Indigenous

CODHES *Consultancy on Human Rights and Displacement*

ELN National Liberation Army

FAO Food and Agriculture Organization

FARC Colombian Revolutionary Armed Forces

FTA Free Trade Agreement

HRW Human Rights Watch

IDMC Internal Displacement Monitoring Centre

IDPs Internally Displaced Persons

IFAD Institute for Food and Agriculture Development

ILO International Labour Organization

INCODER Colombian Institute for Rural development

INCORA Colombian Institute for Agrarian Reform

LDPI Land Deal Politics Initiative

NAFTA North American Free Trade Agreement

NRC Norwegian Refugee Council

ONIC National Indigenous Organization of Colombia

TNC Transnational Corporations

UN United Nations

UNDRIP United Nations Declaration on the Rights of Indigenous Peoples

US United States

WB World Bank

IDMC Internal Displacement Monitoring Centre

## **Abstract**

This paper emerges from a concern with the relationship between African oil palm agro-industrial expansion in Afro-Colombian territories and the subsequent appalling forced displacement and land grabbing of Afro Colombians. In spite of the favorable reports of enhanced security and political stability, there were between 3.3 and 4.9 million internally displaced people as of January 2010. According to government figures (Acción Social 2010), over 2.5 million people were forcefully displaced during former President Álvaro Uribe Vélez's time in office alone (from 2002 to 2009), and about 8 million hectares of land were abandoned (Gonzalez 2011). Although, forced displacement and land dispossession are not new phenomena—in fact, it can even be said that it is a historical outcome of the *long durée* of agrarian tensions and political violence that result, at the same time, from the skewed distribution and high concentration of land that characterized Colombia—they have increased ever since the second half of the 1990s. Many of the stories of displacement and land grabbing are associated to the fast spreading agro-industrial global project on biofuels—which in Colombia takes the form of extensive monocultures of African palm oil—and connected to paramilitary violence. What about the role of the state and state-led agribusiness projects such as African oil palm? To what extent development “green” projects like oil palm for biofuels may interplay with, influence, or complement these violent dynamics of displacement and land grabbing?

## **Relevance to Development Studies**

Colombia is today about to undertake an ambitious task of restituting lands to the victims, through the recently approved “Victim's compensation Law” and particularly, through one of its most celebrated chapters, the Land Restitution Bill (*Ley de Tierras*). This endeavor will require us to critically analyze the viability of the rural development model and the policies, practices and discourses that the state is so eager to push forward. This paper is an attempt to understand the role that the Colombian state has played in creating, maintaining and reproducing the existing rural project, which favors large-scale export oriented agribusiness over small-scale rural economies. One ought to be suspicious about how this context in which the Land Restitution program would potentially be happening, could erode all the good intentions.

## **Keywords**

The Colombian state, land grabbing, forced displacement, violence, Afro-Colombians, Curvaradó and Jiguamiandó, production of territory, Neoliberalism, Ethnicity

## PREFACE

I started conceiving and writing this Research Paper when two projects— with tremendous political, economic and social implications for Colombia and its constituents—were under negotiation and dominated the public political debate. One of them was just signed into law last June 2011; the other appears to be in train of becoming so. The first project I am referring to is what has come to be known as the “historic Colombian Victim’s compensation Law” (see BBC news 2011; and Human Rights Watch 2011), which seeks to compensate Colombians affected by violence. One of the celebrated chapters of this Law is the Land Restitution Bill (*Ley de Tierras*), which aims to return around 8 million hectares of stolen and abandoned land to five million internally displaced Colombians and provide reparations—including financial compensation—to victims of human rights violations and infractions of international humanitarian law.

The second project is the *Free Trade Agreement (FTA)* signed between the United States and Colombia in 2006, and approved by the Colombian Congress in 2008. However, due to human rights violations and anti-union violence in Colombia the US has delayed its approval, which is still under consideration. While the Colombian state has strongly pursued this bilateral project based on the optimistic logic that it will create jobs and economic stability for Colombians, activists declare that the commercial partnership will harm small farmers, increase the levels of social exclusion and raise vulnerability to violence and illicit activities. Current Colombian president Juan Manuel Santos has shown support to the agreement and hopes for this year approval from the US Congress.

A careful reader may wonder why, in a context marked by such relatively positive and progressive events like the above, I decide to keep digging into the nature and logics of displacement and land grabbing in Colombia? Why, if the *Victim’s Law* and specifically, the *Land Restitution Bill* is a form of transitional social justice that has the potential to reverse historical processes of dispossession and exclusion becoming a clear step towards the “so wanted” peace, I designed a research that puts the finger in the wound of this issue once again? Is it healthy and/or useful to continue scrutinizing how and why dispossession occurs and why it puts such a heavy burden to a particular population? Why then, if today’s focus could and should be on how to operationalize and enforce the *Victim’s Law*, to keep searching for explanations of displacement and dispossession?

I asked myself all these questions during the process. Although, I still meditate in some of them, I reached to a conclusion that allowed me to persevere in my original idea. Whilst, I do celebrate the approval of the *Victims’ Law* as: first, a project in itself that acknowledges the suffering and dignifies the victims; second, a powerful outcome of a historically rooted political (and often violent) struggle of many actors<sup>1</sup>; and third, as a public

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<sup>1</sup> According to Human Rights Watch (HRW 2011), 50 community leaders involved in advocacy campaigns for the restitution of their lands have been assassinated since 2005. On June 7, 2011—three days before the approval of the Victim’s Law—Ana Fabricia Córdoba, a prominent community leader, was killed, and Luz



acknowledgement by the Colombian state of the injustices and human rights violations and as a new acquired state responsibility, I believe there is a need to seriously analyze the nature of the agrarian and territorial state-led projects that may be facilitating the processes of 'accumulation by forced displacement and dispossession' of the rural population, particularly, of ethnic communities in Colombia (both Afro-Colombians and indigenous people).

I argue that it is imperative to understand the role that the Colombian state has played in creating, maintaining and reproducing the existing rural project, which favors large-scale export oriented agribusiness over small-scale rural economies. One ought to be suspicious about how this context in which the Land Restitution program would potentially be happening, could erode all the good intentions. I propose that the Land Restitution bill should be regarded as an opportunity to revise and rethink the rural model that has been adopted and become rooted by now in Colombia; to question its impact on everyday Afro-Colombians' and indigenous' lives; to ask: are these communities really better off? Are displacement, dispossession and land grabbing unfortunate and foretold consequences of the armed conflict or rather associated to the large-scale farming supported by the government apparatus and other important actors in Colombia?

This historical moment in Colombia should be taken as an opportunity to research about the potential effects of the *Free Trade Agreement* on land use and land ownership, on displacement and on dispossession. Are poor, small and medium peasant and agrarian communities ready to compete with the influx of cheaper subsidized products from the US? What implications could the FTA have on black and indigenous territorial rights? This should open a door of inquiry for scholars and activists to draw conclusions and insights from other countries' experiences with bilateral and multilateral agreements (like NAFTA in Mexico and its impact on corn producer small rural communities) that may offer us wise advice. One should take the time to ask how the *FTA* could undermine the constitutional rights credited to indigenous and Afro Colombians by privileging the international trade law?

I do not put the finger in the wound to play the radical. I do not open up the stories of forced displacement and dispossession to re-victimize the victims nor to sabotage the optimism that comes from such concrete initiatives for peace—like the *Land Restitution Bill*. However, I am neither saying that my project is power neutral or free of biases. This project is driven by my curiosity to understand the role of the state in the political economy of dispossession and land grabbing. It emerges from the need to understand why 10.8% of Colombian total population, and why particularly Afro-Colombians, has been condemned to seek asylum in its own country, to scrutinize further the causes of this *inxilio* and while doing that, attempting to both, re-humanize this phenomenon that appears to have become normalized in the Colombian society, as merely another expression of the country's internal conflict.

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Marina Becerra—president of the Association for Displaced Afro-Colombians (AFRODES) forced into exile. This Law is the materialization and consolidation of these individual's dreams and aspirations, and of all those who in different arenas and at various scales, are striving for their right to land and to live a dignified life.

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Map 1: Pacific coast region in Colombia (Oslander 2007)

## CHAPTER I: UNDERSTANDING GLOBAL LAND GRABBING: GAPS, QUESTIONS, AND METHODOLOGY

### 1.1 Introduction

The recent convergence of global crises in food, energy, finance and the environment has triggered a renewed investor interest in land and agriculture of the Global South (Borras et al 2011). Land has been “rediscovered” and “re-valued”, [key in the production of](#) alternative energy production, food crops, mineral deposits and reservoir of environmental services (*Ibid.* 2). In [this context](#), transnational and national—both private and public—actors have engaged in large-scale commercial land transactions to secure food supplies, but also to build and expand extractive and agro-industrial enterprises. Over recent years, the widespread interest in land acquisition or leasing is estimated to have already transacted around 50 to 80 million hectares of land in Africa, Latin America, Asia<sup>2</sup> [and post-Soviet Eurasia](#) (HLPE 2011: 10).

There is an on-going debate on whether these large-scale land commercial transactions, or what has come to be popularly known as “land grabbing”<sup>3</sup> (hereafter land grabbing), are beneficial or detrimental, and for whom. Some argue that land investments are imperative to improve the lives of the 75 per cent of the world’s poor who are rural and mostly engaged in farming (WB 2011: 15). [Promoters of large-scale land investments, such as the World Bank, argue that](#) when done right, large-scale farming systems can also have a place as one of the many tools to promote sustainable agricultural and rural development, and can directly support smallholder productivity (World Bank 2010: [xiii](#)). Articulated through a number of reports<sup>4</sup>, [the Bank](#) acknowledges the risks of large-scale land investments but stresses [their](#) potential opportunities. It argues that the risks are not intrinsic to foreign investments and mega-projects, but rather rooted in the weak land governance and corrupt and clientelistic institutions in Global South countries. Seen from this angle, land grabbing is a problem of land governance attributed to weak institutional frameworks<sup>5</sup>.

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<sup>2</sup> There are important disparities in the estimates. Von Braun and Meinzen-Dick (2009) argue that from 2006 to 2009 around 15 to 20 million hectares were under negotiation for acquisition or leasing. This estimate is quoted in IFAD’s Rural Poverty Report 2011 (88). The World Bank—in its 2010 report titled: *Rising Global Interest in Farmland: can it yield sustainable and equitable benefits?*—stated 45 million hectares. However, all sources agree that the trend is markedly upward and is likely to continue (HLPE 2011: 17).

<sup>3</sup> [There is not a unified definition of “land grabbing”, however, some international institutions \(WB, FAO\) tend to coincide in that it encompasses: a\) the transaction of more than 1,000 hectares, b\) the participation of any of the governments, c\) a foreigner buyer, and c\) the subsequent use of the land for the production of basic food, feedstock for biofuels, cattle ranching or monocultures of soy or maize. The general trend is that “land-poor/capital-rich” sovereign funds and associated agribusiness corporations make large purchases of agricultural land in “land-rich/capital-poor” countries prominently in Africa, but also Asia and Latin America \(Oliveira 2011: 1\)](#)

<sup>4</sup> The 2003 land policy report that introduced important revisions in official land policy thinking within the World Bank; the 2008 World Development report, *Agriculture for Development*, and its most recent 2010 document on global land grabbing, *Rising Global Interests in Farmland: Can it yield sustainable and equitable benefits?*

<sup>5</sup> The 2010 report is representative of this, as it advocates for the implementation of seven “principles of responsible agricultural investments”. The formulation of these principles is a joint undertaking and position by the WB, the UN Food and Agriculture Organization (FAO), the International Fund for Agricultural

Some argue the opposite. They state that large farmland acquisition by big investors has neglected and undermined rural communities' rights, and that the corporate obsession with non-food crops has raised food prices, in turn pushing more people into hunger. Oliver de Schutter (2011), UN Rapporteur for the Right to Food, argues that, first, the development of large scale investments will result in a type of farming that will have much less powerful poverty-reducing impacts. Second, as this kind of agriculture directs local economies towards crops for export markets, there is increasing vulnerability to price shocks of the target countries. Third, even with the improvement of titling schemes, large-scale projects will accelerate the development of a market for land rights with potential destructive effects on local livelihoods and on groups depending on the common, as it will increase commercial pressure on land. For De Schutter land grabbing should be not as technical issue but a natural outcome from the logics of capitalist development that commoditized land and labour.

Tania Li leads a critical perspective<sup>6</sup>. By “centering labour in the land grab debate,” she argues that mega-farms not only dispossessed large numbers of rural people from the land but also have low absorption of their labour, which is “surplus” to the requirements of capital accumulation (Li 2009: 66). This demonstrates that places (land and resources) are useful, but people are not, so dispossession is detached from any prospect of labor absorption (2009: 69). For Li, the WB's promise is sustained on a transition narrative that assumes a seemingly natural linear path. She rejects the “good governance” approach of the WB as techno-managerial simplistic solution. Li advocates for a more critical contextual analysis of the processes and powers involved in displacement and land dispossession, which are shifting land relations (Hall et al 2011). Li's critical views are increasingly shared by a growing number of scholars, as will be discussed further below.

There is a high degree of unity that current land deals can lead to land dispossession and to the further impoverishment and exclusion of small holder producers, pastoralists, indigenous peoples and other rural communities (see IFAD 2011: 87; WB Report 2011). However, there is a great degree of disagreement in the understanding of the root causes of rural poverty, dispossession and exclusion—understanding that informs their analysis and position towards the issue, and guides their view on development and policy recommendations. But together, they have managed to place land grabbing into the global discussion, posit questions of inquiry such as: what is being grabbed, by whom, from whom, for what and with what effects (Hall 2011: 23). It carries and suggests an immediate criticism to the negative impacts to rural livelihoods and suspicion to common, almost systematic, scenes of displacement and dispossession. It is also apposite because it has managed to show how new trends in the global political economy and new regimes of accumulation inform and transform development discourses, and how the latter, not only shape local realities, but also serve at the same time, as proxy for agro-industrial projects as new frontiers of accumulation. The debate reveals both the individual and collective role of multilateral organizations, foreign governments and transnational corporations (TNCs) in processes of land grabbing, as it also describes the nature and forms of resistance.

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Development (IFAD), and UNCTAD; and essentially the same as the “code of conduct” developed by the International Food Policy Research Institute (IFPRI) (see Borras et al. 2011: 213).

<sup>6</sup> Drawing from extensive empirical and ethnographical work from Indonesia, she challenges the WB's promise of reducing poverty through large-scale farming by boosting employment and payments for the land.

Building on this emerging scholarly interest and work on land grab, but taking one different step further, this study examines land grabbing in Colombia, focusing on the role of the central state. It takes off from an observation that the key role of the state tends to be marginalized in the dominant emerging scholarship on land grabbing.

A brief background on Colombia is warranted. African oil palm has been introduced to Colombia since the 1950s. However, in the last decade it has been further stimulated. This has been in response to the fast spreading agro-industrial global project on biofuel crops (such as soybean, African oil palm, sugar cane, corn and *Jatropha*) spreading through the world's fields as feedstock for bioethanol and biodiesel and regarded as alternative energy sources to overcome the assumed energy and climate global crisis stemming from fossil fuel (i.e. oil, coal, gas) dependence (McMichael 2010). Between 2003 and 2007 the oil palm planted area went from 206,000 hectares to 316,000 hectares. The Colombian government estimate is that 3 million hectares of land will be planted with oil palm trees by 2017 (Seeboldt and Salinas 2010).

Oil palm promotion is carried out in the context of pre-existing high degree of land concentration. Between 2002 and 2009, but particularly since 2005, land concentration in Colombia increased from a Gini of 0.86 in 2000 to 0.88 by 2009 (Ibañez and Muñoz 2010: 13). Much of the concentration of land has been associated to permanent crops (such as oil palm) 60 per cent and forestry 23 per cent that account for a total of 891 thousand hectares planted between 2000 and 2010 (Semillas 2011). Within these eight years, properties of more than 500 hectares (which 20 years before occupied 32 per cent of the fertile land) came to occupy 62 per cent of the fertile land and be owned by 4 per cent of the total landowners in the country. Land concentration in the hands of just a few coincides with the national government stimulus to private investment, mining, and agribusinesses. These two processes also coincide with the 2.5 million people forcibly displaced from their territories (Acción Social 2010) and the 6.6 and 8 million hectares of land abandoned or dispossessed.

Moreover, current oil palm expansion is carried out in the context of a protracted violent conflict in the countryside. For a country that has experienced chronic violent conflict and human rights abuses since the 1940s, forced displacement and land grabbing are generally understood as unfortunate by-products of the “political conflict between left-wing guerrilla [forces], right-wing paramilitary groups, and the State” (Ibañez 2003; 4). They are explained as conflict-induced phenomena generated by the multiple forces and sovereignties at play in the complex system of violence in Colombia (Richani in Mulaj 2010; Richani 2007), particularly associated to entangled processes of territorial control expansion by the paramilitary and neo-paramilitary groups or “emergent bands” (*Bandas Emergentes Criminales* or BACRIMS), and illicit crop production, that co-exist, compete, and cooperate for resource accessibility and control. Although, these violent dynamics are, indeed, causes of displacement and land grabbing, solely they not suffice the search for a clearer understanding of these two issues.

Considering the emerging land grab literature on the one hand, and the case of Colombia on the other, one wonders: which other dimensions, elements and processes of land grabbing are not so explicitly addressed in land grabbing narrative? What about the role of the state and state-led agribusiness projects such as African oil palm? To what extent development “green” projects like oil palm for biofuels may interplay with, influence, or complement these violent dynamics of displacement and land grabbing?

## 1.2 Gaps in the Current Knowledge on Land Grabbing

There is a growing body of scholarly work providing invaluable insights to the debate already presented, on the extent, nature, and implications of contemporary global land grabbing. Researchers and academics have explored the role of Transnational Corporations (TNCs) in processes of land grabbing (Zoomers 2010; Leahy 2009; IFPRI 2009; Cotula and Vermeulen 2009a), the international expansion of ‘Agrofuels’ in the food regime and the effects on rural communities (McMichael 2010; Franco et al. 2010; Borras et al. 2008); the principles and ‘code of conduct’ necessary to frame responsible agricultural investments (WB, FAO, IFAD, IFPRI and UNCTAD), and the critical responses to the World Bank’s techno-managerial position to land grabbing (Li 2007, 2009, 2011; De Schutter 2011; Hall 2011; Borras et al. 2011). Meanwhile, there is also an extensive literature about the relationship between land and conflict in Colombia for the last hundred years (Salgado; Kalmanowitz; Ibañez; Oquist 1978), the armed violent conflict since the 1980s and its presence in Colombia’s agrarian frontier (Reyes 2009; Legrand 1988), on the ‘displaced’ (in Spanish *Los Desplazados*) and the resettlement strategies (Acción Social; Rodríguez), and a fast growing material on transitional justice and land restitution (Uprimmy 2005, 2006; Saffon, Rodríguez).

This body of scientific literature has contributed much to our current understanding of land grabbing and violent conflict. Yet, some gaps remain. There are at least five interrelated points that demonstrate the current gaps in the literature – seen from the Colombian perspective, and these are as follows:

**1. The Absence of Ethnicity.** Scanning the land grab literature, we get to know that many of the land grab activities occur in multi-ethnic societies such as Ethiopia. Yet, the general literature on land grab has not really addressed this dimension in any systematic way.

This literature has been quite hesitant about engaging in a serious analysis of race and ethnicity in land grabbing. In general terms, existing studies appear to be treating the “rural population”, the “smallholder farmers” and “the displaced” as monolithic, homogenous categories (almost like reified abstractions) of analysis, hence, neglecting other relational dimensions of human activity and thought, like race and ethnicity, that are being disrupted by global land rush. I argue that a more critical position will examine these categories and explore why certain rural communities and ethnic minorities are more affected than others. As suggested by the LDPI, one has to ask: What have been the socially differentiated impacts on livelihoods by ethnicity? (Borras et al. 2011: 212).

**2. Domestic politics in the shadow.** The broad literature on land grab treats the dynamics of domestic politics rather marginally. This is currently being addressed now in the literature, but not yet fully. The debate on land grabbing has been too centred on explaining the processes of “foreignization of space or land” (Zoomers 2010), as well as on deals by transnational corporations (TNCs) and foreign governments (see GRAIN). Research, mainly based on Africa and Asia, describes this trend as a new neo-colonial push by foreign actors to annex key natural resources (Hall 2011: 3) and highlight the role of new international players of the Gulf States, China, Libya, China and South Korea, in land acquisition (HLPE 2011: 18). Although it is imperative to grasp how TNCs and foreign governments especially in the context of globalization, the role of domestic politics and political economy are quite important in the land grab processes. The dominant analyses are too focused on exogenous/foreign causalities of land grabbing at the expense of overlooking the complexity



of internal dynamics of capital and the role of national states in contemporary land rush. By no means I am suggesting a ‘methodological nationalism’ that disconnects national states from the existing scalar hierarchies, but an analysis that, understanding the interconnection between these different scales and actors, critically assesses the state-led actions and omission, and other domestic agents and interests that may cause land dispossession.

**3. The Relative Absence of the State:** The role of the state in land grabbing is so central, but its place in the current land grab analysis is quite marginal. Given the generic characterization of land grab as ‘foreignization of space’, national states are often misconceived as hapless victims of foreign actors and powerful global commodity chains, forced into somewhat unidirectional instrumental processes of capital accumulation. Common narratives of “failed”, “collapsed”, “captured”, and “weak” states support this kind of observation, victimizing and ultimately erasing the state from critical analyses. This perspective fails to examine the participation of national states—and not just their negligence—in processes that may generate displacement and dispossession. Even states like the Colombian, which has been characterized as a state of “fragmented sovereignty” (Richani in Mulaj 2010: 31) —to describe how its sovereignty is shared with violent actors such as the paramilitaries and the guerrilla groups (ELN and FARC)—should be first understood as a complex system of state and non-state actors’ coexistence, conflict and cooperation—and as such, hold accountable for the role played in land grabbing processes. My third contention is then, that states and the conjuncture in which they are entrenched—in this case in an era of Neoliberal hegemony— ought to be regarded as *part-and-parcel* of large-scale land grabbing processes and not simply as tools of manipulation by multinational corporations.

**4. The missing ‘territory’ in the land grabbing narrative.** Given the relative absence of the state, the literature has also neglected the analysis of territory and territorialisation of state power. The emphasis appears to be on *land* as “a relation of property, a finite resource that is distributed, allocated and owned, a political economic question; land is a resource over which there is competition” (Elden 2010: 804), and not on *territory* as a politico-spatial organization, both, a key modality of modern statecraft and a strategic dimension of modern politics (see Brenner and Elden 2009). I argue that an analysis of territory as a state space (for contestation and resistance), a state project in itself (congruent to the project of nationalization), and as outcome of statecraft—imbued with meaning of everyday practices and experiences— will provide important insights on three aspects: the spatialized and territorialized dimension of state power, the crucial role of the state over the land and soil that it inhabits, owns, controls and exploits (ibid. 362), and the exclusion or inclusion that may result from such control (see Vandergeest and Peluso 1998). It will also illuminate the mutual constitution of state and territory, while territory enables, facilitates, and results from the evolution of state action; concomitantly, state action produces, facilitates and results from the evolution of territory (Brenner and Elden 2009: 364).

**5. An incomplete understanding of violence as land grabbing tool.** Although scholars like Kay (2001), Cramer and Richards (2011), Oslender (2007), and Richani (1997) have made important contributions to the understanding of the relationship between violence and the agrarian political economy, it is necessary to continue scrutinizing the role political violence plays in state territorial projects. In Colombia, and particularly in the



production of the Pacific coastal region as a new frontier of capital accumulation and progress, not only consent but also violence and terror have been effective tools for land dispossession and social control. For Lefebvre, “a founding violence and continuous creation by violent means—such are the hallmarks of the state” (Lefebvre 1991: 280-281). However, he warns us that violence of the state must not be isolated from the accumulation of capital nor from the rational and political principal of unification. He explains that violence is often cloaked in rationality (like in metaphors of progress and development) and rationality is used to justify violence (Ibid. 282). In their more recent work, Peluso and Vandergeest (2011) argue that counterinsurgency is one form of political violence that helps normalize both, state territorial projects as components of the modern nation-state creating, and newly racialized state territories and citizen-subjects.

The strength of the dominant framing of the land grab phenomenon is its emphasis on the transnational political economic forces driving the current global land rush. It can explain some of the features of what is going on in Colombia – but only partially. The marginal treatment of domestic political economic forces, politics and the role of state does in the dominant narrative on land grabs do not allow for a fuller understanding of land grab dynamics in Colombia which is largely driven by internal state and non-state forces. Addressing these weak points in the current literature will contribute to our better understanding of the dynamics and processes of land grabbing. This paper will try to demonstrate the relevance of each of these five elements when trying to grasp the phenomenon on land grabbing in the Colombian context. Until here, my objective was to set the intellectual stage in which this analysis stands, but more importantly, to underscore the need to hold the state accountable in processes of land grabbing by surveying the production of racialized territories, the state territorial strategies, and the role of political violence in these processes.

### 1.3 Research Questions and Arguments

This study asks the key question: whether and to what extent the State is involved in contemporary land grabbing, and if so, how and with what implications? We will take Colombia as a country case study. It is imperative to understand the role that the Colombian state has played in creating, maintaining and reproducing the existing rural project, which favors large-scale export oriented agribusiness over small-scale rural economies and to question the impact of this model on everyday Afro-Colombians’ and indigenous’ lives.

Disaggregating the central research question, I further ask the following (operational) questions: What is actually being grabbed, how and how much? Who is grabbing the land and for what purposes? How much of it is transnational corporations, foreign governments and how much national entrepreneurs and national capital? Has African oil palm agribusiness caused forced displacement and land grabbing; if so, how and with what implications? What is the role of the state in facilitating land grabbing? What are the official state discourses used to justify land grabbing? What are the policies that directly and indirectly support land grabbing? To what extent and why Afro-Colombian communities and territories are targeted for land grabbing? This paper argues that state is actually a key actor in the land grab process, acting as broker of not only transnational but mostly domestic land owning elites

The most fundamental objective of this study is to scrutinize the causes of the eviction of millions of people from ethnic communities in Colombia—particularly Afro Colombians—and the subsequent land grabbing for the advancement of oil palm agribusiness. To understand the role of the Colombian state—its policies, practices, and discourses of representation—that may have facilitated and legitimized land grabbing. Particularly, to show how the state has participated in the dramatic transformation of the lives of Afro-Colombians from Curvaradó and Jiguamiandó, two communities in the Pacific region (Chocó department). The final goal is to contribute to the debate on global land grabbing by suggesting new analytical building blocks that can enhance our understanding.

#### **1.4 Research Methodology**

This research requires an engagement with the literature on the State. I purposely go beyond common narratives of “failed”, “collapsed”, “captured”, and “weak” states—usually based on Weberian definitions of statehood—that, as mentioned, ‘victimize’ and tend to erase the state from critical analyses. Instead, I will deploy Henry Lefebvre’s and Gramsci’s (also, Gramscian analysis such as Jessop 2002; Poulantzas 1978) conception of the state as a social relation (Bieler and Morton 2004: 91) that is produced and transformed through the interaction of ‘political society’ (government functionaries, political parties, institutions, military) and the private sphere of ‘civil society’ through which hegemony functions (ibid., 2004: 92). This notion of the state is also a spatial one. Lefebvre argues that if no account is taken of this spatial dimension, we are left with a Hegelian notion of the state simply as rational unity without concreteness. This conceptualization of the state as territorialized social relation—as an arena for contested projects, processes and strategies (Lefebvre, 2009: 364)—enables us to amplify our view to capture the dynamics between the different legal/illegal, armed/unarmed, and public/private forces that exert influence in constitutive processes of state formation and production of territory.

Moreover, this research gives due importance to the broader world order in which this state performs and which influences it: Neoliberalism. This paper understands Neoliberalism from the vantage point of the neo-Gramscian perspective, particularly from propositions by Stephen Gill (1995; 2003). For Gill, Neoliberalism is a hegemonic project. It is hegemonic in that its political power is achieved through the ability of the state to build an ideological and intellectual discourse capable to win the consent of its citizens. Hence, it achieves to pull towards its interest, the interest of the rest of society. This approach allows us to grasp, understand and be able to explain the dialectical interaction between the material forces—grounded in the social relations of production—and the role of ideas. Having said this, however, the ontological point of departure of Gill’s analysis, as well as Lefebvre’s, is ideas—and on how they inform and guide socio-economic and political actions. This Neo-Gramscian angle provides a more nuanced reading on the state—entrenched in Neoliberalism—and the processes of land grabbing in Colombia because it sheds light on how structure and agency on the one hand, and material and ideational conditions on the other interplayed.

Having conceptualized State and Neoliberalism, this paper enters in dialogue with ‘production of territory’ as necessary feature for capitalist commodification and accumulation. This paper sees territory as a construction rather than as a pre-destined basis of state formation—imperative for the advancement of the Neoliberal project as it allows for the control of people and their relations to land-based resources (Vandergest and Peluso 1995: 387). Territory is conceptualized as a historically- and geographically- located site, stake

and outcome of power relations and political thought (ibid. 355)—source and objective of political conflict—an existential space of self-reference where “dissident subjectivities” can emerge (Guattari 1995: 23-24). I use, Brenner and Elden (2009) interpretations of Lefebvre’s work on the state in spatialized approaches to political economy and on territory as an essential feature of modern state space.

These three analytical building blocks (the state, neoliberalism, and production of territory) have to be complemented with a discussion on multiculturalism, understood as both, a discourse and a project of affirmations of cultural pluralism and culturally differentiated citizenship rights (Hale 2011: 185). This paper will try to pull how it is used by the states to gain control over a particular population and its territory, rectify the vertical lines of authority, and assert narratives of inclusive national development (Gupta and Ferguson 2002), that may legitimize processes of forced displacement and dispossession.

For this research, I will require important statistical data on the quantity of land grabbed<sup>7</sup>, the concentration of land, and the number of hectares cultivated with African oil palm in the country. I will also trace the historical interventions of the Colombian state in Afro-Colombian territories, looking at how these state-led territorial strategies have re-imagined and tamed this previously ignored and excluded Pacific region into what has become today, large extensions of uniform African oil palm plantations in Afro-Colombians communal titled lands. Special attention is paid to the policies, discourses and representations proposed by each project to justify and legitimize its objectives.

This paper will also employ a case study method, in two levels: a country case study – to examine the Colombian case of land grabbing, and a subnational case study: to focus on one specific case of land grabbing which is Curvaradó and Jiguamiandó in the Chocó department, in the Pacific region. There are three reasons for choosing this case: first, it is one of the best documented cases of oil palm related forced displacement and land grabbing<sup>8</sup>; second, it encompasses the complexity between the role of the State, ethnicity and violence, and third, the magnitude of the problematic: 17,000 Afro Colombians displaced from their territories in 1996, 29,000 hectares illegally occupied by oil palm companies (CIJUS 2011); communal lands title obtained by the year 2000 but only 6 per cent of the usurped lands returned by 2011, commissions us to ask questions about it.

Finally, literature review and other forms of secondary data are the principal methods that are going to be used for this research paper. I will use reports from different regional, national, and international academic and think tanks institutions that have written on land and conflict in Colombia. I will also explore web pages and reports from governmental institutions and human rights civil society organizations; and statistical data from NGOs, governmental and international organizations. I will also survey newspapers and electronic magazines. I will use documentary videos, as sources of information as well as sources of inspiration, reminders of the relevance and human faces of this study. I will engage with the debate on land grabbing and the literature on agrarian studies.

<sup>7</sup> I am aware of the fact that this type of data is just being gathered. I will try to follow the debate and the different estimates there are around this issue.

<sup>8</sup> There are many similar cases to this one in Colombia. However, they have not been studied and there is not data, information, testimonies or undergoing investigation, which makes it hard to analyze risking falling in speculation.

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The paper ~~proceeds as follows~~ is divided into five chapters, of which this one of the ~~first~~. Chapter ~~II~~~~One~~ lays out my analytical and conceptual bearings. ~~I start by decoding the state through the lenses of Henri Lefebvre and Antonio Gramsci. Then, I place the state in its context, Neoliberalism, and explain how this Neoliberal hegemonic project influences its nature, purpose and functioning. To end with the chapter, and following Lefebvre's propositions, I explain how the state produces territory as a strategy of capital commodification and accumulation. In Chapter III is an important piece of my story line in that it presents a brief explanation of the historical roots of the land tensions in Colombia, which sets the context for immersing into the case of land and territory in the Pacific region. Chapter IV presents and analyses the case of Curvaradó and Jiguamiandó. Finally some concluding remarks are made in Chapter V.~~

~~Chapter Two will present  
Chapter Three will contextualize,  
Chapter Four  
Chapter Five~~

## CHAPTER ~~II~~<sup>ONE</sup>: THEORETICAL FRAMEWORK

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### 2.1.1 Decoding the State

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Henri Lefebvre (1901-1991) is mostly known for his work on socio-spatial theory. His writings on cities and urbanization are largely cited in urban studies today. However, his equally insightful contributions to the understanding of state power, state space and of his recurrent critique of political economy are still under explored (Brenner and Elden 2009: 353). Lefebvre developed most of his seminal theoretical ideas about the spatial and state-theoretical dimensions of his critique of political economy by the mid 1970s—a period in which Lefebvre’s relation to politics shifted “from [and embrace of] grassroots militancy to a critique of the state” (in Brenner 2001: 786). During this period, he wrote three books: *The Survival of Capitalism* (1973, 1976); *The Production of Space* (1991[1974]); and *De l’Etat* (1976-1978), that contain his ideas about the state’s role in the production of space as imperative to sustain capitalism.

Drawing from Marx’s work on the state but raising a different problematic, Lefebvre argues that the second half of the twentieth century brought a “new state form,” a hyper-productivist politico-institutional ensemble to which he refers as “the State Mode of Production” (hereafter SMP). SMP describes what can also be called ‘*State Productivism*’ (Brenner 2001), which is the state’s increasingly central and direct role in facilitating the survival of capitalism (Brenner and Elden 2009: 359). Lefebvre argues that states are inscribed directly onto the very structure and logic of the capitalist state, deeply imbricated in producing, maintaining and reproducing the basic socio-institutional and territorial preconditions for expanding capital accumulation (Brenner 2001: 792). With the use of *State*

*Productivism*, as the new characterization of the state, Lefebvre challenges the assumption of the “rolling back” of state power—the notion that under an increasingly unregulated economy, the state becomes irrelevant.

Lefebvre goes on to say that in its attempt to protect and promote capitalist growth, the SMP takes charge of three spheres: 1) the regulation of energy; 2) The control of computers and information technology; and 3) the mediation of national and world market relations. Although, the first two may appear rather out-dated and unfounded in contemporary period (Brenner 2001: 793), the third remains salient and particularly relevant for this study. Regarding the role as mediator, Lefebvre rejects instrumentalist understandings that conceive the state as tool/victim of manipulation by multinational corporations and foreign governments. Although, he acknowledges the pressures that multinational corporations can exercise upon the national states, he argues that they do not always have to succumb to subordination and they “can resist imperialisms and can negotiate with global firms” (Lefebvre 1979 [2001: 778]). For Lefebvre only a strong and active civil society which take(s) part in the affairs of the state and who (is) constantly ready for mass actions, can prevent the state from selling itself and the country on the world market (*Ibid.* 778). ~~In his words,~~

~~Is the national State inevitably an instrument of multinationals for the explorations of territory, as well as being an instrument of the relations of production prior to the ascendancy of these multinationals themselves?...Beware! Certainly has happened, but the opposite it has also happened (*Ibid.* 777).~~

As David Harvey (2003: 154) has also argued, the motivations for state power to support capitalist development can be internally driven or externally imposed.” However, Harvey acknowledges that generally, the process requires some combination of the two. On the one hand, the states aiming to integrate themselves into the flow of global capitalism provide the “facilitative regime and adequate opportunities” for capital, through such means as privatization, low corporate tax regimes, or a good business climate (Harvey 2006: xxv). On the other hand, because the continuity of capital flow “rests upon the existence of adequate institutional arrangements that facilitate the continuity of that flow across space and time,” creating and sustaining these arrangements becomes a leading mission of the hegemonic states (Harvey 2010: 69).

Lefebvre’s theorization of the state as a *State Productivism*, together with Harvey’s ideas about the state’s motivations to participate in capitalist development, remind us of the importance of national states in the production and reproduction of capitalism. They both reject and disclose the myth on the absence of the state and show how necessary the state is for global hegemonic projects, as it acts as a mediator or almost, as ‘chief broker’ for capital (see Levien 2011: 26). The ‘new state form’ is proactive and productive reconfiguration. Yet, particular histories exist only within the frame of world history (Jessop 2008: 105). Hence, national states should not be regarded as self-closed “power containers” but should be studied in their complex interconnections with other states and political forces on other scales and the world order. If indeed there is a new world order, generally known as Neoliberal globalization, one has to wonder: how has the nature, purpose and functioning of the state changed in conjunction to these processes? In the following section, I explain the role of the state in an era of a Neoliberalism as a hegemonic project.

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## 2.2 On the State and Neoliberalism

Before decoding the role of the state in the context of Neoliberalism, it is first imperative to establish how this paper understands Neoliberalism. To do this, I interrelate Neo-Gramscian scholar Stephen Gill's conceptualization of Neoliberalism as a global hegemonic project and Charles Hale's (2005) considerations about parallel processes of culturally differentiated citizenship rights and Neoliberalism, which he presents as 'Neoliberal Multiculturalism'.

Gill argues that the "dominant forces of contemporary globalization are constituted by a neoliberal historical bloc that practices a politics of supremacy within and across nations" (Gill 1995: 5). He borrows Gramsci's most fundamental concept of *historic bloc* to refer to a prevailing order that is the result of a series of alliances and compromises between different social forces and that becomes a 'stable' organizational setting with its own moral and ideological conceptions. This *historic bloc* can be conceptualized as commensurate with the emergence of market-based transnational free enterprise system, which is dependent for its conditions of existence on a range of state-civil society complexes (Gill 1995: 400). This happens outside and inside the state, forming part of the local political structures as well as constituting global political and civil society. He then claims that one vehicle for the emergence of this *historic bloc* has been the set of "policies that subject the majority to market forces whilst preserving social protection for the strong" (Gill 2003: 119)—policies that are the concrete outcomes of a neoliberal discourse.

For Gill, the nature of the *historic bloc* necessarily implies the existence of *Hegemony*—another of Gramsci's important conceptual innovations. Although, Gramsci never clearly defined *Hegemony*, it has been understood as the process in which most of the members of a society reach a level in which their needs, behaviors and expectations are synchronized with the "needs of the productive forces for development, and hence to the interest of the ruling class" (Gramsci 1971: 258). This form of political power is achieved through the ability of the state to build an ideological and intellectual discourse capable to win the consent of its citizens. Hence, a Neoliberal *historic bloc* is hegemonic when achieves to pull towards its interest, the interest of the rest of society and therefore achieves unison of not only economic and political aims but also ideological and moral ones.

For Gill, the Neoliberal hegemonic project is grounded in three key complementary processes: Disciplinary Neoliberalism, New-constitutionalism, and Market Civilization (1995, 2000). ~~The first refers to the way in which ideas of particular elites become amalgam within political institutions, intervening to discipline the application of these ideas (2000). Here, concepts such as: market efficiency, discipline and confidence, policy credibility and competitiveness become best practices. New constitutionalism touches on the process of constitutionally and legally securing private property rights and investor freedoms. In other words, it is the imposition of discipline on public institutions to prevent national interference with the neo-liberal project's objectives. The third, and last, is about spreading and gaining consent over the "notion of market civilization based on an ideology of capitalist progress and exclusionary or hierarchical patterns of social relations" (Bieler and Morton 2004; 14).~~

Charles Hale (2002; 2005; 2011) enriches Gill's ideas and fruitfully contributes to the conceptualization of Neoliberalism for this work, as he analyses the relationship between parallel developments of state-endorsed 'multiculturalism' and Neoliberalism. Hale noticed

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that the widespread turn to Neoliberalism in Latin America (1980s and 1990s) coincided with the rise of multiculturalism, and started thinking on how these two processes work together, yielding a conjoined regime of governance (Hale 2011: 185). Departing from this observation, Hale challenges the conventional analysis that assumes that collective rights, granted to minorities groups, and the neoliberal ideology stand fundamentally opposed to one another, and argues that the Neoliberal *historic bloc* pro-actively endorses a substantive version of cultural rights as essential part of its hegemonic project. For Hale, Neoliberalism is a “full-fledged political project” (2005: 12) that encompasses market civilization (*à la* Gill), but for which it is also necessary to shape, delimit and produce cultural and ethnic alterity (ibid. 13). He coins the concept “Neoliberal Multiculturalism” to show this complicity, but stresses, that this apparent cohabitation supports only very limited appeals to difference and pluralism while resisting any genuine attempts at ethnic or racial mobilization towards transformation.

Hale specifically argues that collective rights to land (of Black communities in Honduras and Nicaragua), although may appear at first as compensatory justice from the side of the state, they actually help advance the neoliberal model by rationalizing land tenure and by locking the community into the mindset of the national state and its ideas of progress and development. By granting land titles and local autonomy, the state makes ethnic and racial minorities—often historically discriminated against and invisible—legible and visible citizens of its state-defined and regulated rights regime. For Hale, collectively owned property poses no direct challenge to the principle of private property or the reign of market forces (Hale 2011: 195), what it does, however, is to structure and regularize property rights, which is at the heart of Neoliberalism. Hence, special cultural and territorial rights and the reinforcement of Neoliberal notions on how to deal with land and resources converge to form a compelling logic: States devolve authority to far-flung spaces, recognize the inhabitants’ rights, and let them govern themselves (Ibid.) [or argue they do so], while it gains control over the land tenure and resources.

For Hale, however, multiculturalism is not a top-down project. Such view will deny any agency and social mobilization that helped bringing the multicultural question to the front, and the visibility and empowerment that may have come as a result—but a noble project co-opted for the consolidation of a Neoliberal hegemony. “Neoliberal Multiculturalism” has managed to become instituted as an official reality, rather than viewed as a produced “full fledged” political project that seeks to reorganize social relations and remake racial hierarchies to facilitate capitalist progress. It is as if multiculturalism came to sanitize the racist and ethnocentric position of capitalism (that evidenced assimilationist strategies of conversion), constructing a mirage of a Neoliberal project that accommodates and celebrates difference. Drawing from Gill and Hale, Neoliberalism, then, reconfigures the state as a ‘Janus-faced state’: as a proactive state—that conforming to the ideology—promotes, finances, subsidizes, and regulates capitalist growth, but also as one that produces and legislates cultural difference.

Lefebvre brings a new element to this definition and this is the importance of territory. Although the idealized image of contemporary Neoliberal hegemony presents us with a narrative of de-territorialized economic organization, Lefebvre argues that one of the powerful modalities of the State is its role in producing space for capitalist commodification and accumulation within this context. States are capable to transform inherited political-economic landscapes, contributing in turn, to the production of a qualitatively new framework for national socio-spatial organization (Brenner and Elden 2009: 358). From his



reading of Lefebvre, Brenner contends that the “new form” or the “Neoliberal form” of the State functions as an agent for the commodification of its territory, acquiring an unprecedented supremacy over other regulatory operations within state’s institutional architecture (Brenner 2001: 799).

In the following section, I describe ‘production of territory’ as both, a strategic dimension of the Neoliberal state to control people and their relations to land-based resources (Vandergeest and Peluso 1995: 387; Brenner and Elden 2009) and a political, highly contested process of state formation in itself (Brenner and Elden 2009). For this paper, territory is a historically- and geographically-located site, stake and outcome of power relations and political thought (ibid. 355)—source and objective of political conflict—an existential space of self-reference where “dissident subjectivities” can emerge (Guattari 1995: 23-24).

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### 2.3 On the Neoliberal State and Territory

Territorial arrangements are not fixed and pre-given, but fluid and produced. Gramsci and Lefebvre ~~remind commission-usus~~ to scrutinize the apparent *thingified*, ahistorical, and apolitical spaces to reveal the relations of power, conflict, alliance and competition that happen through and within them, and that produce them, in the first place. Gramsci rejects the naturalization or *fetishization* of national territory as the pre-destined basis of state formation (Jessop 2008: 112). Space does not exist in itself, but is contingent on specific social relations that construct it, reproduce it and occur within it. Similarly, Lefebvre argues that (social) space is a (social) product that has been concealed as such by a double illusion: the illusion of transparency—the appearance of the space as intelligible, and given, but also as innocent and free of traps (idealistic conception)—and the illusion of opacity—the impression of natural simplicity and material concreteness (material conception)(Lefebvre 1991: 26 and 27).

In order to break through the *fetishization* or double illusion, it is imperative to see territory as: a state space (for contestation and resistance), ~~as~~ state project in itself (congruent to the project of nationalization), and as outcome of statecraft. Its relationship with the state should be understood as mutually constitutive, and not as a unidirectional process in which the state makes and remakes a pre-given territory. Both are transformed and reconstituted by a continual struggle between contested territorial practices, territorial representations (imaginaries) and symbolisms. Given that they are social products, we can argue that territories are political and politicized by nature. Although, space and territory has been used interchangeably, I take Brenner and Elden’s definition of territory as the *state space* (Ibid. 362).

If territory is a political and politicized state construction, what are then, the territorial strategies employed by the “Neoliberal State” to facilitate its production and reproduction? Brenner and Elden state that there are diverse strategies, both institutional and extra-institutional, across a range of geographical sites and scale that can produce territory (2009: 368). These strategies—commonly technocratic and apolitical—operate in relation to the question of *mondialization* (Ibid. 318), which this paper understands as the adherence to the Neoliberal global project. The strategies can be in the form of projects of territorial cohesion and integration, mechanisms for addressing territorial inequalities, and state developmental

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strategies to promote certain spaces as sites for capital accumulation (ibid. 369); in fact, it can be a combination of the three, as it is the case of this paper. Such projects require territorial configurations in the form of, for example, large plantation farms, Special Economic Zones (SEZ), or transportation infrastructure for the sustenance of economic activities.

State territorial strategies manage to impose a semblance of order, stability and coherence upon volatile socio-spatial relations of Neoliberalism (ibid. 370). In the words of Lefebvre, “In the chaos of relations among individuals, groups, class fractions and classes the State tends to impose a rationality, its own, which has space [territory] as its privilege instrument” (ibid. 370). A sense of order and coherence is achieved through practices such as classification, partitioning, and management of the political-economic life within jurisdictional zones, as well as through systems of meaning and signification—on which forms of monitoring, regulation, control over the accessibility and allocation of natural and human resources (Vandergeest and Peluso 1995: 387), and discipline can be imposed. These state strategies to impose and maintain coherence, boundedness, and identity of territorial arrangements are, simultaneously, asserted and subverted.<sup>9</sup>

These ‘taming’ (Massey 2005) territorial strategies work through a combination of consent and coercion, through practice and representation. First, they rely on discursive representations of imagined developments, identities, and geographies, “designed to shape and reshape territorial spaces into nationalized, nationalizing unities within a broader context defined by “the world market” (Brenner and Elden 2009: 363). Second, they rely on policy and legal frameworks that help to delineate and enforce the projects.

Third, they necessitate the use of force, violence and fear. In the case of Colombia, the use of force does not exclusively mean the military wing of the state, mobilized through counterinsurgency and counter-narcotics operations—but also involve its complex and often, symbiotic interactions with paramilitary force. Counterinsurgency and counter-narcotics campaigns authorize and sanitize the legal use of force and violence to rule and shape these territories. While the military makes sure there is good business climate for private investment, paramilitary forces restrain social protest through life threats, fear and terror, and forcibly evict people from their lands. Without completely rejecting ‘resource curse’ studies’ (Ross 2004; Collier and Hoeffler 2004) argumentation that threats extractable resources as causal explanation for violence, I, however, agree with Peluso and Vandergeest’s (2011) political ecology understanding of violence and war as helping construct territory as a state space. Finally, fear is also a coercive tool in that it paralyzes and disciplines people’s individual and collective actions and imaginations, given more leverage for control and domination.

Production of Territory offers this work a framework through which analyse how the Colombian state has imagined, produced, consolidated, and legitimized geographies of African oil palm plantations in two Afro-Colombian communities: Curvaradó and Jiguamiandó. I propose looking at three overlapping and coproduced state-led political territorial projects: [1\) Production of Afro Colombians as new political subjects—rights-based identity](#), [2\) the reconfiguration of the Pacific region space and its incorporation into the national and international capitalist agenda](#), and [3\) the African palm oil for the African](#)

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<sup>9</sup> Although, this paper strives to show the dialectical interaction between the different forces that participate in production of territory, it is fully aware that Afro-Colombian resistance to state territorial strategies can be a research paper in itself. This paper has a bias towards the national state. It is the first moment in which you are clarifying your bias and your trust in dialectics. This should be clearer since the beginning to allow your reader to understand where are you going.

descendants: Nationalist multi-faceted project in Afro Colombians' fertile soil, ~~and 3) the securitization machine~~. These three projects mobilize certain discourses, set of ideas, institutions, and everyday practices—influenced by different actors at various scales—through which life and territory on these two communities is imagined as part of the Colombian nation. In addition, they define how ethnic citizens are to be governed and resources used and developed.

## CHAPTER ~~III~~TWO: LAND TENSIONS AND AFRO-COLOMBIANS

### 3.2.1 “The Battle for Land”<sup>10</sup> in Colombia: A brief history

In Colombia, land has always been at the heart of the class-based political ~~class-based~~ tensions and ~~the~~ violent conflict. Land is not just a natural resource, but also a source of political and socio-economic power, including for purposes such as to launder drug money, and “*Botín de Guerra*” (spoils of war). “If there is an epicentre, or flashpoint, that could have set the process leading to the war system in train it would be the conflicts that have surrounded the distribution of land” (Richani 1997: 40). The problematic relationship between the historically skewed distribution and high concentration of land, and conflict surfaced from the contradictory modes of production that emerged after independence from the Spaniards: The predominance of the Hacienda system, based on large concentrations of land or also known as latifundios—requiring ample supply of inexpensive labour—over the peasant subsistence economy of smallholdings or minifundios (Elhawary 2007).

Although, the Colombian government has attempted to resolve these conflicts through a variety of ways including ~~h normative and policy changes in the form of~~ land

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<sup>10</sup> In allusion to the documentary, *The Battle for Land* (2011). J. Mejía (Director) and J. Yepes (Producer). Motion Picture. Bogotá: Human Pictures

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reforms<sup>11</sup>, such attempts failed to resolve these conflicts; it has faced discouraging failures. These frustrated reformist attempts—resisted and disassembled by landowners and the agrarian bourgeoisie—have reinforced inequality in the distribution of land, high concentration, and have demoralized and, even radicalized, the struggle (“*la lucha*”) of those who were expecting to benefit from them (Saffon 2009), as in the formation of guerrilla movements in the 1960s. In the 1980s, the emergence of narco-trafficking further concentrated the land distribution. Land became a strategic asset to legalize illicit capital, security and refuge zones, and potential cocaine laboratory locations (Reyes 2009). Studies show that narco-traffickers hoarded 4.4 million hectares (FAO 2011: 4). Ostensibly partly for this reason that As a result, in 1994, the government designed a “Market-Led Agrarian Reform” (MLAR), conceived as the model to guarantee land access to *campesinos*, avoiding bureaucratic interference and unnecessary state intervention. The reform set a goal of redistributing one million hectares, of which 598,332 were processed given (1993-2001), 53.4 percent of them were *baldíos* titling (Ibáñez and Muñoz 2010: 5).

The description of historically rooted land tensions, the old concentration and unequal distribution of land, and the complex violence do not exhaust, however, the history of Colombia’s contemporary land dynamics. With the consolidation of the paramilitary in the 1990s, and narco-trafficking partly financing the armed struggle led by the FARC, the conflict for territorial control between various state and non-state actors was exacerbated. Land became strategic corridor for illicit trade, rent extraction, and *Botín de Guerra*. This situation has forcedly displaced between 3.3 million and 4.9 million people in Colombia ever since, making it the worst case of IDPs<sup>12</sup> in the world, before Sudan, Iraq, Afghanistan and Somalia (see CODHES 2011; 12). This eviction has left abandoned around 8 million hectares of land<sup>13</sup>. The Colombian Constitutional Court (CCC), which in 2004 declared the situation of forced displacement as an structural and systematic “Unconstitutional State of Things”, also established a relationship between access to land and forced displacement. Uprooting and land dispossession are associated not exclusively to armed conflict, but also to the economic interest for land as for the development of megaprojects.

In recent years, this historical land concentration has increased (FAO 2010; Ibáñez and Muñoz 2010). Between 2000 and 2009, but particularly since 2005, land concentration

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<sup>11</sup> See Annex No. 1. However, rather than engaging in a truly redistributive land reform, the government used to assigned “nobody’s lands’ (*baldíos*) to colonos; 150 thousand hectares annually between 1946 and 1954 and 375 thousand between 1955 and 1959 (Ibáñez and Muñoz 2010: 6).

<sup>12</sup> According to the Internal Displacement Monitoring Centre (IDMC), “IDP” is short for ‘internally displaced person’. The Inter-American Commission on Human Rights (1999) describes a displaced person as anyone who has been forced to migrate within the national boundaries, leaving aside her residence or her habitual economic activities because either her life, her physical integrity or her freedom have been either violated or threatened by situations such as armed conflict, generalized violence, violation of human rights, and any other situation that may alter public order. According to the UNHCR (2010), “there were 43.4 million forcibly displaced people worldwide at the end of 2009, the highest number since mid-1990s”, of which, 27.1 million live in situations of internal displacement as a result of conflicts or human rights violations. Although internally displaced people now outnumber refugees by two to one, their plight receives far less international attention.

<sup>13</sup> There is a considerable disparity regarding the land that has been abandoned by the displaced population. By 2008, INCODER (Colombian Institute for Rural Development) estimated 4.9 million hectares; Acción Social 6.8; and the National Victims Movement 10. In a recent study (April 2011), by Acción Social, INDEPAZ, and the Program for the Protection of Land and Patrimony of the Displaced Population (in Spanish PPTD), the estimate is 8 million hectares of land.

~~increased from the~~ *Gini Coefficient* ~~Coefficient increased from~~ of 0.86 in 2000 to 0.88 by 2009<sup>14</sup>—one of the highest in the world. According to a governmental agency (Acción Social 2011), in 2009, 78.3 per cent of landowners occupied 10.5 per cent of the national territory, whereas 1.1 per cent of the landowners have 52.2 per cent of the land. Although, traditionally extensive land acquisition had been related to cattle ranching, much of the concentration of land today has been associated with ~~to~~ permanent crops (such as African oil palm, sugar cane and cacao). Between 2000 and 2010 a total of 890.7134 hectares were cultivated, 68 per cent of this with permanent crops and 23 per cent with forestry (Semillas 2011), much of the latter are industrial tree plantations planted to eucalyptus trees for example. The government target ~~vision~~ by 2019 is to have 3.1 million hectares planted with sugar cane and oil palm, 2.1 of this destined to palm. This is of course largely in response to the domestic and global markets for biofuels as well as the ~~expanding~~ expanding demand for cooking oil, among others, from China.

Undoubtedly African oil palm is in vogue in Colombia. Mostly local and national elites, corporations, armed illegal groups, mafia and a combination of them (as will be explained in Chapter ~~IV~~~~Four~~) are increasingly demanding and using land to produce biofuels feedstock (sugarcane and palm oil) for the national market and exports since the adoption of national policies to promote biofuels in 2001<sup>15</sup>. These policies have contributed to exacerbate the negative effects of the agrarian structure for peasants, indigenous and Afro-Colombians and their access to land, as they tend to favor access for large-scale agro-industry. In this paper, I will concentrate particularly on Afro-Colombians.

### 3.2 The Agents: From invisible ‘Negros’ (Black) to visible ‘Afro-Colombians’ with rights

Afro-Colombians constitute the largest ethnic minority of the internal forced displaced or *desplazados*<sup>16</sup> in Colombia (CODHES 2009; ODR 2009; Colombian Commission of Jurists). For them the probability of being forcedly displaced from their lands and territories is 84 per cent much higher than for the *mestizo* population. A 2010 UNHRC report, from an independent expert on minority issues, observed that Afro-Colombian communities face “violence and oppression at the hands of a variety of armed actors, the ongoing struggle for their lands and territory, displacement, the impact of agro-business, logging and mining interests and ‘megaprojects’ aimed at economic development and exploitation of national resources.” The tragic irony is that the phenomenon of forced

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<sup>14</sup> According to Ibáñez and Muñoz 2010, more than the increment in the size of land property, it was the result of old landowners acquiring additional properties.

<sup>15</sup> Law 693/2001 for the promotion of ethanol. Law 939/2004 for the promotion of biodiesel. These two legal instruments constituted the first steps of an ambitious biofuels strategy that estimates more than 7 million hectares of land as the potential area for biofuels crops.

<sup>16</sup> Ulrich Oslender (2007) grasps and describes the naturalization and normalization of the category of the “displaced” or *desplazado* (in Spanish) in Colombia that heightens the degree of acceptability of the general public to this situation. For a Colombian, “Los desplazados” are normally Afro-Colombians or indigenous families one can see standing beside a traffic light in Bogotá, holding a poster in their chest that communicates their situation of displacement due to violence (“Soy un desplazado por la violencia”).

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displacement is happening in the territories that were entitled to *las comunidades negras*<sup>17</sup> (black communities) by Law 70 of 1993<sup>18</sup>.

‘Afro-Colombians’ stands for a historically and political constructed racial and ethnic category that has come to represent the afro-descendant population of Colombia. Their political and cultural identity have been constructed through processes of contestation and resistance towards a naturalized structural invisibility followed by a myth of racial democracy; development plans and capitalist enterprises in their ancestral territories, and the violent conflict. Four big groups constitute Afro-Colombians. The first is located in the Pacific littoral that extends 1300 km from southern Panama to northern Ecuador along the Pacific coast, and is constituted by four coastal departments: Chocó, Valle del Cauca, Cauca and Nariño. It has the largest number of Afro-descendent population<sup>19</sup>. The second group called “Raizales” is found in the Archipelago of San Andrés, Providence and Santa Catalina. The third is part of the San Basilio de Palenque community in the Bolivar region and hence called “Palenqueros”. The fourth is constituted by the Afro-Colombians that live in the municipal capitals and urban cities.

There is not a reliable estimate<sup>20</sup> of how many Afro-Colombians constitute the Colombian citizenry. Based on the last national census of 2005, 4,314.757 million people self-identified as “Afro-Colombians”. Officially today, they account for 10.4 percent of Colombia’s total population (which is 41.47 million<sup>68.384</sup>)<sup>21</sup>, and constitute the first largest ethnic-racial group in Colombia and the second in Latin America after Brazil (ODR 2009: 49). The Ombudsman’s office, however, considers that the figure could be close to 10.5 million people or the 25 percent<sup>22</sup>, while the respected *Universidad del Valle* estimates that they could account for 19 percent of the total population. Although the statistical disparities remained, deeply rooted in the specific conceptions of race and ethnicity and the methodologies of data collection, both government and community sources concur that the census failed to capture the full demographic and socio economic picture of the Afro-Colombian population.

<sup>17</sup> It is a juridical category that emerged in the Constitutional Reform of 1991, to represent: “the group of families of Afro-Colombian descent who possesses its own culture, shares a common history and has its own traditions and customs within a rural-urban setting and which reveals and preserves a consciousness of identity that distinguishes it from other ethnic groups.”

<sup>18</sup> According to AFRODES and Global Rights (2007), 79 per cent of the population that accessed the right to collective entitlement to land, is facing displacement and land grabbing.

<sup>19</sup> 90 per cent are Afro-Colombians, 6 per cent white and mestizos and 4 per cent indigenous (Valderrama 2006: 4).

<sup>20</sup> The Ombudsman’s office, however, considers that the figure could be close to 10.5 million people or the 25 percent<sup>20</sup>, while the respected *Universidad del Valle* estimates that they could account for 19 percent of the total population. Although the statistical disparities remained, deeply rooted in the specific conceptions of race and ethnicity and the methodologies of data collection, both government and community sources concur that the census failed to capture the full demographic and socio economic picture of the Afro-Colombian population.

<sup>21</sup> Intersectoral Commission for the Advancement of Afro-Colombian, Palenquera and Raizal Population, Office of the Vice Presidency of Colombia <http://www.vicepresidencia.gov.co/Es/iniciativas/Afrocolombia/Paginas/PoblacionAfrocolombiana.aspx> [June 21, 2011].

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Recent studies have started arguing that the historical invisibility of Afro-Colombians in statistical analysis is neither simply the result of oblivion nor of negligence, but outcome of the sustained mirage of racial equality in Colombia (Observatory of Racial Discrimination—Spanish short name ODR). In his book *Fronteras Imaginadas* (in English *Imagined Borders*, 2005), Colombian historian Alfonso Múnera argues that there is an “old and successful myth of a mixed nation (*mestiza*), according to which Colombia has always been, since the end of the 18<sup>th</sup> century, a country of *mestizos*, whose history has been exempted from conflicts and racial tensions”. Along these lines, a recent study from the Observatory of Racial Discrimination (ODR 2009), ~~from La Universidad de los Andes~~, contends that Colombia has been reproducing “a myth of racial democracy: the idea that Colombia is a racism-free country because, differently from South Africa or the United States, every race and culture melted together forever in a happy synthesis...a foundational belief of Colombian identity”.

Since the 1990s with the entangled emergence of what Charles Hale (2005) calls ‘Neoliberal Multiculturalism’—the myth of racial democracy is not longer sustained by the conception of a mixed nation or *mestiza* (as homogenizing nation-building project), but on the idea of a multicultural and pluriethnic nation. ‘Neoliberal multiculturalism’ has sanitized ethnic- and racial-based experiences of exclusion, and concealed the differential impact of the country’s violent conflict—for example the disproportionate incidence of forced displacement and land dispossession—on Afro-Colombians.

### 2.2.1.3.2.1. *The Ethnicization of Colombian Blackness*

The story of the Colombian Black population has been framed in tales of slavery and discrimination ever since the colonial times. ~~Most Black entered as slaves through Brazil or the Colombian port of Cartagena in the seventeenth, eighteenth and nineteenth centuries (Ng’weno 2007: 9).~~ Although, indigenous and Blacks were considered savage and pagans, there were clear differences between them. When the Spanish encountered American ‘*Indios*’ the initial tendency was to class them as “barbarians” (non-Christians and uncivilized) and also as “natural slaves” (Wade 1993: 29). In view of this brutality, the clergy ~~and particularly spurred by Dominican friar, Bartolomé de las Casas’s denunciation of the atrocities against the native population~~—persuaded the Spanish Crown to sign the New Laws abolishing the *Encomienda*<sup>23</sup> system and the slavery of Indians. The Indian slavery was, hence, legally prohibited from 1542 in Spanish America (Wade 1993: 30). For Blacks the situation was different. Slavery was never questioned as a legitimate status for Black; it was even legally and socially accepted. This practice was founded in the idea that Blacks were easily controllable and exploitable as they were brought to an unfamiliar place, uprooted from their homeland.

—With independence, the racial order began to lose some of the strict colonial underpinnings. Slavery was abolished by the 1850s in most countries in Latin America, but this did not mean the *de facto* disappearances of racial discrimination. ~~of both Indians and Blacks.~~ While Indians began to gain some legal recognition and became targets of state

<sup>23</sup> In the *Encomienda* system, a group of Indians “was technically entrusted to a Spaniard so that he could help them learn the ways of civilization (naturally including the Christian religion) and in return for such guidance and protection receive tribute from them” (Bushnell, 1993:13). The *Encomienda* constituted therefore an effective way of exploitation and forced association under which the Spanish people got power, prestige and wealth.

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policy and academic and intellectual discourses, Blacks were of less interest to the states, intellectual elites and the mestizo populations in Latin America (Wade 1993: 34). ~~Colombian anthropologist Nina Friedemann calculated that between 1936 and 1978, out of the 271 people that became professional anthropologists, only five focused on blacks (referred to in Wade 1993: 34). The category *Negro (Black)* appeared to have neither relevance for expert knowledge nor institutional space in state practices.~~

Black invisibility was partly due to the overtly racist and ethnocentric collective *imaginaire* and the systems of representation associated to blacks and blackness, “as simple, with no talents...prurient to brutality...idolater of a confusing mixture of superstitious and pagan practices and the gospel; passing the days in laziness and ignorance (Caldas 1966:87)—being produced and reproduced in Colombia. Partly, the result of its assumed geographical isolation in territories covered by dense steamy jungle, surrounded by rivers and humidity, malaria and others diseases. As a liberal politician from the southern Pacific expressed back in 1934: the Pacific region was “a lethargic and recondite littoral, an absent place entrapped in its own isolation,” forgotten by the national government to its own device and in dire need of redemption and progress (Yacup 1934).

Carrying the burden of these deeply rooted stereotypes, but inspired by the Civil Rights movement in the United States, the anti-Apartheid movement, and the struggles for land (“land to the tiller”) all throughout Latin American, by the 1970s various Black student cultural activist groups began to form. ~~They started actively opposing the discrimination they were facing in education, work and housing markets.~~ Parallel to this, academic perspective on black studies began to change. ~~Academics Friedemann together with well known anthropologist Jaime Arocha (Friedemann and Arocha 1986; Arocha 1998b) became very vocal about the invisibility of Black communities in historical and ethnographical accounts of the country, as well as for the invisibility of the imprints of ‘Africanness’ in the Colombian culture. They rejected “the erasure of Blackness in a society governed by a dominant ideology of mestizo national identity, that an ideology that while it made room for indigeneity as an institutionalized form of ‘otherness’, ignored and vilify Blacks” (Wade 2009: 5). Despite of the different emphasis, both student activists and scholars achieved to re-politicize the situation of the black population in the country.~~

The Black mobilization was not only urban and among students or intellectuals, ~~it also emerged in the Pacific territory and with the interest of defending their land.~~ By 1985, Black peasant communities from the middle Atrato River, with the support of Catholic groups, began conceiving their territory as collective property and developing strategies for natural resource use (Escobar 2008: 53) to stand against reckless practices of economic appropriation of the region’s resources since the colonial times (I will refer to this later in this section). A number of local organizations intending for a measure of self-governance, grouped under the umbrella organization called Integral Peasant Association of the Atrato River (ACIA in Spanish) (Ibid.). ACIA was an exercise of collective articulation of a concept of territory for black communities, with a focus on ethnicity and cultural rights. ~~In 1988 ACIA and the Regional Autonomous Corporation of the Chocó (CODECHOCO), signed an accord that awarded ACIA 800,000 hectares of land in an unofficial agreement, which, although was not legally binding became a district model (Ng’weno 2000: 11).~~

These national, regional and local ~~in scope~~ mobilizations did not happen in a vacuum. They were importantly underpinned by debates and the adoption of new

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vocabularies, discourses and policies emerging at the international level on how to address the ethnic question. ~~The As a revision of its 1957 assimilationist convention No. 107, the~~ International Labour Organization’s Convention on Indigenous and Tribal Peoples (ILO 169) ~~emerged of in~~ 1989 and ratified by the Colombian government in 1991, ~~to~~ put pressure on governments to recognize indigenous people’s traditional lands and to grant them some form of administrative autonomy (Offen 2003: 44). ~~–~~ILO 169’s definition of collective cultural rights helped shape the discourses of indigenous and black movements, as it also provided them with legal leverage to hold national governments accountable for their actions and inactions (Plant 2000). ~~–~~The convention was instrumental for the ‘territorial turn’ in Latin America, a trend of territorial titling of collective lands to indigenous and black communities in a number of countries<sup>24</sup>.

### 3.2.2 ***The 1991 Political Constitution and the ‘Ley de Negritudes’*** ***(Law 70 of 1993)***

Compelled by the global conversion to Neoliberalism since the 1970s, in 1990 the Colombian government under the presidency of César Gaviria (1990-1994) initiated a transition towards an economic liberalization known as Apertura Económica or economic opening. Gaviria managed to foster a constitutional process—that resulted in the creation of the 1991 Political Constitution—that included both, deeply Neoliberal clauses and an ample proposal of democratization with particular attention to a renewed rights discourse.

~~The 1991 Political Constitution starts by saying that Colombia is a social state under the rule of law (1991, Article 1). That means that the state is the main duty bearer of the fundamental rights established throughout the text. In addition, Article 7 recasts Colombia as a pluriethnic and multicultural nation.~~ The 1991 Constitution replaced the 1886 Political Constitution, which not only did not recognize such ethnic and cultural diversity, but established a conception of a culturally, religious, politically and legally homogenous nation. It made multiculturalism a state policy, bringing significant transformations to the politics of representation in Colombia. Key analysts of this phenomenon argue that this juncture generated “the relocation of ‘blackness’ in structures of alterity” (Wade 1997: 36; Restrepo 2002), the construction of a visible and legitimate cultural and political agent, and its repositioning within the ethnic and racial structures of a society that was just starting to view itself as pluri-ethnic, moving away from the the mirage of race mixture or *mestizaje*.

The Transitory Article 55 (AT 55) included a definition of ‘Black communities’ as a political construction of ethnic subjects. Law 70 of 1993 or *Ley de Negritudes*, as it is called, which developed the AT 55 into law, recognized “non-transferable”, “imprescriptible”, and “non-mortgageable” collective property rights for black communities in the rural riverine zones of the rivers of the Pacific basin<sup>25</sup> (Lands of the Black Communities). It also established mechanisms for the protection of the cultural identity and rights, as for the promotion of the economic and social development of this ethnic group. It has been celebrated for being both, a landmark of official multiculturalism in Latin America, in

<sup>24</sup> Colombia, Brazil, Ecuador, and Central America.

<sup>25</sup> The collective rights to land were given to the Afro-Colombian communities localized in the Pacific region, excluding “Raizales” and afro-Colombians living in the Atlantic coast (Rincón 2009). Wade (2002) argues that the law has regionalized the issue of blackness in the Pacific coastal region and also ruralized blackness by focusing in rural land claims while ignoring the large urban black populations.

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particular with regards to Afro-descendants rights, and a progressive land reform in itself—as it has managed to title more than 5,1 million hectares of ancestral lands to black communities (MADR 2010). Between 1996 and 2010, 160 collective territories have been entitled to Afro-Colombian communities<sup>26</sup> promising to counteract the historical exclusion and racial discrimination, while protecting the economy and political organization of these communities.

As it has been declared by a group of academics, intellectuals and researchers of the Pacific Littoral in a letter ~~signed and sent~~ to the current President of Colombia, Juan Manuel Santos, although the legal framework advanced in the 1990s has been a major step forward for black communities' visibility, “sadly, the situation has been different in the last decade”<sup>27</sup>. The Pacific region—~~which for many of these analysts used to be a~~ paradigm of peace subsumed in a country of war and violence (Restrepo 2002; Wouters 2001; Agudelo 2000)—it has become a new space of violence and terror (Oslender 2007). An amalgam of mining concessions, illicit crops aerial fumigations, high militarization, violent threats and massacres, state complicity, and the promotion of mega-projects such as oil palm for biofuels, have caused the eviction of Afro-Colombians from their territories, eroding their constitutional rights to self-determination and autonomy over the territory, but beyond, the right to live. Nowhere is this more evident than in the development-induced forced displacement of these rural black populations from their lands since 1996—namely development projects promoted by the state, such as the large-scale agribusiness of African palm ~~plantations~~.

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<sup>26</sup> 5.2 ~~millions 41.397~~ hectares and 63.312 beneficiary families. INCODER is studying 27 petitions of collective titling, of approximately 454.152 hectares and 14.316 beneficiary families.

<sup>27</sup> “Carta al Presidente Juan Manuel Santos a diecisiete años de la promulgación de la Ley 70 de 1993,” Agosto 27 de 2010, [www.nasaacin.org](http://www.nasaacin.org) [July 2011].

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## CHAPTER THREE

### RE-INVENTING COLOMBIA'S PACIFIC COAST REGION

#### 3.34 The Place: Reinventing the Black Pacific while reasserting State Hegemony: From excluded 'Litoral Recóndido' to African oil palm agribusiness development pole

Ever since the early post-conquest period, the Black Colombian Pacific has been integrated into the world economy through exploration, slavery, gold mining, timber extraction, sugar cane plantations, cattle ranches, and large haciendas<sup>28</sup>. This region has historically supplied many covetable world commodities: gold, emeralds, sugar, labour, and today, African oil palm. Notwithstanding, it was not until the 1980s—in the midst of the global rise of the Neoliberal hegemony—that the region started to be subjected to an explicit and articulated strategy of incorporation into the national project and global neoliberal capitalist model in the name of development (see Escobar 2008: 4). ~~Particularly, the *Apertura Económica* or economic opening in Colombia in the 1990s changed its historical relationship with the 'backwards' Pacific coastal region and turned this territory into Colombia's new development frontier based on an extractive model, once again. In this section I will describe the different state led territorial strategies that have re-imagined and tamed this previously ignored and excluded *Litoral Recóndido* into what has become today, large extensions of uniform African oil palm plantations in Afro-Colombians communal titled lands. Special attention is paid to the policies, discourses and representations proposed by each project to justify and legitimize its objectives.~~

##### ~~3.1.13.3.1: Black Pacific: Literal Recóndido (up to the 1980s)~~

~~The Pacific region has historically been regarded~~ The Pacific coastal region has historically been regarded as the uncivilized backwater of Colombia, yet a highly desired place. For centuries, it ~~has been~~was considered “nobody’s land, without God and law, potential and real “*botín de guerra*” (Almario 2003), “a lethargic and ~~recondite littoral~~ (*Litoral Recóndido*) to be conquered and colonized” (Yacup 1934). Its pristine ecosystems (~~coral reefs, mangroves, coastal forests and high and lowland tropical moist forests~~), countless rivers, and dense jungle have positioned it as one of the biodiversity jewels in the world. Civilizing and nationalizing interventions have come in three forms: extractive economic activities, Catholic missions, and infrastructural projects.

The 1886 Political Constitution of Colombia promoted state territorial concessions for the exploitation of natural resources and the attraction of foreign investment. Hence, from the late nineteenth-century onward, concessions to Pacific territories were granted to national white and *mestizo* and to international firms boosting logging, mining, rubber extraction, mangrove bark trade, and the expansion of sugar and banana plantations. The

<sup>28</sup> In the scope of this paper, I cannot do justice to the long and complex history of black communities and geographies during Spanish colonial times and after independence.

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Catholic missionaries, although not necessarily a modernizing force, “helped prepare the ground for the seemingly perpetual delay in the modernization process” (Escobar 2008: 160). By 1950s, the government expanded Tumaco and Buenaventura ports, while railroads, roads, and pipelines descended from the Andean mountains to connect the littoral with the interior. These infrastructural projects dilated the economic frontier and transformed these two cities into centres of commercial expansion and permanent support for the extractive economy.

Land dispossession had already been rampant in the Pacific region. By 1959, the government passed Law 2<sup>nd</sup> ~~(first forest bill in Colombia)~~, “regarding the forest economy and the conservation of non-renewable resources,” which declared the Pacific lowlands as “forest protection reserve” (Sánchez Gutiérrez and Roldán Ortega 2002: 5). By the early 1960s, many of these ~~same~~ ‘protectorate lands’ were opened up to colonization and private titling, enabling a faster pace of extraction of resources by people external to the region, while eroding all attempts from the communities to access their traditional lands. The Agrarian Social Reform Law of 1961<sup>29</sup> not only ignored the customary land claims of resident Afro-Colombians in the Pacific, but used accusations of “irrational land use” by black communities to justify the need to title lands to white individuals (Offen 2003: 57). At the end, the Agrarian Law sparked large-scale colonization and land privatization—18 per cent of the Pacific region become privatized at this time (Sánchez Gutiérrez and Roldán Ortega 2002: 6).

While these transformations were happening in the Pacific, the Andean coffee-producing regions of Colombia were, since the late 1940s, drowned in the first internal conflict known as *La Violencia* (from 1946 to 1966), first on bipartisan basis and then as a class-based violence. The Conservative party used police and military forces to terrorized Liberals and communists, while powerful landowners mobilized peasants to persecute supporters of opposing factions (Thomson 2011: 335). Gradually, however, the war turned into class based, of rich landowners against peasants. This period left a toll 200,000 people killed, two million forcibly displaced, and 393,000 hectares of land dispossessed (Oquist 1980), land that was illegally grabbed to expand agribusiness projects in the departments of Tolima, Cundinamarca and Valle del Cauca (Thomson 2011: 336). Although, the Pacific population was also ascribed to the political parties, studies about “the geographies of war” in Colombia have shown that the Pacific littoral was almost at the margin of this one and subsequent violent conflicts until the 1990s<sup>30</sup> (Agudelo 2002: 150). During this period the region—although facing exclusion and its people racial discrimination—was *remanzo de paz* (a “peace haven”, Arocha 1993).

### ~~3.1.2.3.3.2. *Reinventing the Black Pacific while reasserting State Hegemony: From Economic Progress to Biodiversity Conservation*~~

The emerging global discourse on development, catapulted by former US President Harry Truman’s inaugural speech (1949), and gradually shaped by the new important players

<sup>29</sup> The third attempt to Agrarian Reform in Colombia (for more detail see Annex 1).

<sup>30</sup> According to Almario (2003), in 1962 a special commission created to inform about *La Violencia* presented that, except Chocó (400 people assassinated between 1949 and 1958), violence was absent from the Pacific region.

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of the global governance regime<sup>31</sup>,—together with the expansion of the Neoliberal project with the inauguration of Thatcherism, was already generating some echo at the interior of the country. Core ideas like favoring a development model based on the expansion of large agribusiness, urbanization and industrialization were already being implemented—standing in sharp contradiction to redistributive attempts of land reforms. It is within this context that emerged an interest from the political elite, state planners, and development experts to annex isolated regional economies such as the Amazon and the Pacific regions to the national project. It was not until the 1980s, however, when this became an articulated state territorial project that combined capital, technology, and market schemes to guarantee the Pacific access to development.

In 1983, President Belisario Betacourt (1982-1986) launched the Plan for the Integral Development of the Pacific Coast (Plan de Desarrollo Integral de la Costa Pacífica, PLADEICOP). Spurred by awareness of the Pacific’s historical oblivion of the region, its peripheral position within the national territory, its poverty and underdevelopment—but also celebrating its immense genetic diversity and natural resources—the program was a first attempt to find “the most efficient ways to maximize the exploitation of forests, fishing, and mining resources required immediately by the nation” (in Agudelo 2002: 49). ~~Coordinated by the National Planning Department, it~~ replaced the previously dispersed Afro-indigenous territorial colonisations with a more systematic plan of state and private enterprise-led economic growth and development enclaves. The project envisaged an initial expenditure of \$308 million between 1983 and 1988 for the construction of roads, hydroelectric and energy plants, telecommunication networks, as well as to boost forestry, fishing, agriculture and mining (Jon Barnes 1993). PLADEICOP was taken on-board and further expanded by the presidency of Virgilio Barco (1986-1990), which saw it as imperative for the insertion of Colombia to the international market.

PLADEICOP was a first straightforward economic development project for the Pacific sustained on two *rationales*: 1) a benevolent integration of satellite Pacific to the centre, as a way to address the historical territorial inequality and exclusion, but also, 2) a state developmental strategy to promote the Pacific as new frontier of capital accumulation. Although, the project did have a social welfare component, its main emphasis was on fuelling the extractive economy for the national common good. As such, PLADEICOP inaugurated the ‘Pacific Era’. It put the Pacific region into the national government agenda as a potential ‘developmentalizable’ entity (Escobar 2008: 161).

The second taming strategy came in 1992, in a document entitled “*Plan Pacífico: A New Strategy for Sustainable development of the Colombian Pacific Coast.*” *Plan Pacífico* came to further developed PLADEICOP’s objectives, but with an additional layer in the narrative of legitimation, that of “sustainability”. Funded by the World Bank and the Inter-American Development Bank,<sup>32</sup> it focused on addressing the basic needs of local communities—diagnosed as the inadequate or non-existent housing, sanitation, electricity and telecommunications services—by establishing institutions to better develop “untapped” natural resources and investing in building region’s infrastructure to strengthen its commercial links with the Andean interior and foreign markets (Asher and Ojeda 2009: 295). Although the document gave ~~notable~~ prominence to the social project and the institutional capacity building, the energy, transport, telecommunication, mining and forestry projects

<sup>31</sup> Such as USAID, the World Bank (WB), the International Monetary Fund (IMF), and the Inter-American Development Bank (IDB).

<sup>32</sup> With a budget of US\$250 million for the initial period, 1993-1996 (Escobar 2008).

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account for the largest share of the Plan's total budget (Jon Barnes 1993).

Asher and Ojeda (2009), and Offen (2003) argue that conspicuous in the draft of the *Plan Pacífico*, the Colombian state—committed to establishing both the legal and institutional basis to promote market-led economic development—embarked on the World Bank's Natural Resource Management Program (PMRN in Spanish). Drawing from the Forestry Action Plan (1985), PMRN had the objectives of: 1) outlining the institutional and regulatory framework for natural resource management; 2) developing sound systems forest concessions and royalties; 3) conducting ecological zoning; 4) engaging in land titling<sup>33</sup>; and 5) establishing policies to manage watersheds and national parks (2009: 295). In seeking to clarify property rights, establish clear policies related to natural resource use and ecological zoning, PMRN aimed to define, plan and regulate territorial use, management and occupation. PMRN was a clear state effort of ordering natural resources, landscapes, and society and making them all “legible” (as suggested by Scott 1998) to the national state plans and to the international capital and trends. Nature was the fulcrum of this taxonomic project and was fundamental, both for “state fixations” –statehood and conceptions thereof becoming spatialized—and for capital accumulation (2009: 293) which could come in future exploitation for pharmaceutical industries or in fact, as it will be seen, for agribusinesses.

The third state territorial strategy ~~for the Pacific region~~ arose in the form of *Bio-Pacífico* Project, ~~which was~~ It was conceived within the guidelines of the Convention of Biological Diversity<sup>34</sup> and the Global Environmental Facility (GEF)<sup>35</sup>. *Bio-Pacífico* was a 5-year initiative (1993-1998) funded with US\$9 million from the GEF and the Swiss government. It aimed at determining the biodiversity conservation policy, the “scientific, social, economic and political elements necessary for a new strategy of biodiversity conservation and the sustainable utilization of the region's [Pacific] biological resources” (in Escobar 2008: 187).

For *Bio-Pacífico* a path towards conservation required the synthesis of scientific knowledge and local traditional knowledges of conservation. For that, it proposed a participatory development strategy as “community-based conservation” which brought the project into dialogue with the Afro-Colombian communities. Although, the project propelled grassroots organization, social movement networks and nurtured activism<sup>36</sup>, the synthesis was not achieved. *Bio-Pacífico* demonstrated a clear bias towards the scientific, economic, and political elements of biological diversity and conservation. In numerous occasions the director of the project declared how the conservation of the biological richness of Chocó was a decisive step in meeting Colombia's national and international obligations and important source of negotiating power internationally, leaving Afro-Colombians with

<sup>33</sup> Some authors argue that the PMRN propelled the black communal lands by helping establish Regional committees and Community Councils to work on demarcating the lands.

<sup>34</sup> Established at the Rio Earth Summit in 1992, the Convention had the three objectives: 1) Conservation of biological diversity, 2) Sustainable use of its components, and 3) Fair and equitable sharing of benefits arising from genetic resources. It has been celebrated as the first legislative framework, which explicitly refers to indigenous peoples and their knowledge. Colombia ratified this convention in 1994 by passing law 165, Biodiversity Law.

<sup>35</sup> This is another result of the Rio Earth Summit set up by the UNEP, UNDP, and the World Bank for biodiversity conservation.

<sup>36</sup> Escobar (2008: 192) refers to the efforts of the communities to de-commodified notions of nature and territory, and restructure the *Bio-Pacífico* (PBP) project “taking into account the conjectural importance of biodiversity...we consider the reformulation of the PBP must depart from a reconceptualization of biodiversity and its must include a significant restructuring and redefinition of principles, policies, strategies, criteria... and projects”.

limited decision power on what constituted biodiversity and how to preserve it (Asher and Ojeda 2009: 296). For some scholars (Escobar 1997; Peet and Watts 1996; Asher and Ojeda 2009) the participatory conservation efforts managed to reinsert nature and culture into a system of production of material profit.

Certainly, each of these state-led territorial strategies—informed and influenced by processes and discourses of transnational actors—could have taken a whole research paper to be analysed. The purpose, however, for bringing them to this discussion is to highlight how they were used to reinvent, make visible and legible, and legitimize the incorporation of the Pacific region into the national development agenda. This reinvention was threefold: of the Pacific territory, a subject making, and a reconceptualization of the state. In almost a decade, the historically recondit Pacific littoral became the epicentre for major infrastructural investments, subjected to ecological zoning, reorganization of natural resources, and land titling. The Pacific was not longer a place to conquer and civilize, but a “developmentalizable” geo-strategic territory, key for the country’s road to progress and development. The “lethargy and backwardness” of its people was, at least discursively, replaced by an understanding of communities as owners of wisdom and localized knowledge on how to interact and preserve nature. Afro-Colombians identity underwent a shift from “irrational land users” to “guardians” of their territories.

Until this moment, the reinvention of the Pacific did not implicate the use of violence or coercion, but that of consent, through the ability of the state to build an ideological and intellectual discourse with powerful ideas such as sustainable development, conservation, and multiculturalism. Notions of ‘biodiversity protection areas’, the ‘Pacific as a genetic biodiversity bank’, ‘Chocó *bio-geográfico*’, and ‘*Bio-Pacífico*’ were displayed as the new narratives, representations, and social constructions both, as a strategy and hegemonic categories that constituted and legitimized a single way of thinking about this space but also about the nation. The new image of the Pacific as a ‘biodiverse-ethno-territory’ also functioned to produce the idea of the Colombian state as a guarantor of rights, the manager and steward of its economic, social and ecological resources (Asher and Ojeda 2009: 300).

In 1995, organized indigenous and black groups gathered [for the first time since the new Constitution in a 5 day workshop in Perico Negro, Cauca \(Ibid. 299\)](#). ~~For the first time since the new Constitution they came together~~ to discuss their concerns vis-à-vis the territorial strategies for the Pacific. Both criticized the neoliberal logics that have underpinned projects like *Bio-Pacífico* as they prized economic growth and Western science as the formula for sustainable development. They agreed that rather than ameliorating their material and cultural existence, the large-scale model of growth and development advanced by neoliberalism will bring drug traffickers and other armed actors to their territories. That same year, the National Indigenous Organization of Colombia (ONIC) co-authored a book titled *Tierra Profanada (Profaned Land 1995)*. The publication aimed at sensitizing state planners and development agents of the risks of implementing megaprojects in indigenous territories. Both, the workshop and the book were prophetic of what was going to happen just a few years later in places like Curvaradó and Jiguamiandó, which is going to be analyzed in the next section, as a new territory for the capitalist expansion and new agrarian frontier of development.



CHAPTER **IV** ~~FOUR~~: AFRICAN OIL PALM IN AFRO-COLOMBIAN TERRITORIES

Curvaradó and Jiguamiandó

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The town where I lived can vouch that we were forcefully displaced from our land. We do not deserve a life like this. The way they are finishing us off like chickens.

It is difficult now. Before it was the palm companies against the communities. Now it is the communities against the palm-growers, allied with the government, allied with paramilitaries.

—Two testimonies of Afro-Colombians captured in *The Battle for Land* (2011)

J. Mejía (Director) and J. Yepes (Producer). Motion Picture. Bogotá: Human Pictures

Parallel to the deployment of discourses on environmental sustainability and biodiversity conservation through the enhancement of localized indigenous knowledges, and while euphoric celebrations were happening around ethnicity and multiculturalism, in the early 1990s the Colombian government began constructing and spreading a vision of a competitive, modern, and efficient Colombia as an economic player in the global market. President Cesar Gaviria's National Development Plan (PDN) titled "The Pacific Revolution" clearly epitomized this emphasis.

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According to the modern theory of development, the purpose of the State is not to substitute the market and competition, but to promote them, because the **most competitive** economies have been the most efficient, and because the **most efficient** have generated the **most growth and equality**. There are evident benefits from the promotion of competition among enterprises and sectors. This compels one to assign resources efficiently, so then, can be manifested in a **more competitive production** and more **competent producers** (PDN 1990-1994: 5. Emphasis given by the author).

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This 19-page long academic-like economic chapter of the PDN reveals the economic model that was to be implemented in the country, for which competition and efficiency were the guiding principles. Proponents of this vision were a group of young and influential neoliberal economist educated in the US who occupied important positions and advisory roles within the government, such as in the Department for National Planning (where the NDPs are produced) and the Ministry of Finance (Rodriguez Garavito 2009: 50).

With this plan, the Colombian government established the standard canonical propositions and reforms of neoliberal restructuring: concurrent deregulation, liberalization of trade and prices, and privatization of state assets and enterprises. By 1992, non-tariff trade barriers were removed, while tariffs on imported agricultural products were reduced gradually from 31.5 to 15 per cent (Richani 1997: 40). As a result, between 1990 and 1997, agricultural imports increased by an annual average of 23 per cent, while, at the same time the agricultural output growth marked historical lows (Thomson 2011: 342). The state tried to ameliorate this agrarian crisis by increasing incentives—in the form of export subsidies—to the production of sugarcane, flowers, bananas, and African oil palm—all which were receptive to the global market opportunities. The state adopted a reform model that subjected the agro-food sector to the needs of the global economic regime and disregarded

the consequences of such an approach for national food production and small-scale agricultural production.

It was through this neoliberal vision and policy reforms that the government began crafting a new territorial project for the Pacific region, that was to become officialised and further encouraged by president Álvaro Uribe Vélez during his two terms in power (2002-2010). This chapter presents a case that encapsulates how this territorial project advanced by the Colombian state—based on large-scale agribusiness of oil palm—privileged the powerful fraction of “agrarian bourgeoisie”, here associated with the territorial project of the paramilitaries, while it disqualified, displaced and dispossessed Afro-Colombians of their entitled lands. Although, Afro-Colombians did gain political recognition and visibility through Law 70 of 1993, this has been achieved under a conjuncture of Neoliberalism, which is reconstituting particular forms of state interactions with agribusiness and modes of production that precludes any progressive form of social justice through land re-distribution. This analysis challenges the meta-narrative that presents forced displacement and dispossession as unfortunate by-products of Colombia’s chronic violent conflict, instead, proposing one that understands them as unfortunate by-products of an exclusionary “national” and “nationalistic” class-based economic development model.

What follows is not a chronological description of the genesis and expansion of African oil palm in the Pacific region, which some scholars have already documented in detailed (Escobar 2008). Rather, by focusing on the case of Curvaradó and Jiguamiandó<sup>37</sup>, one of the most publicized and best-documented cases regarding Afro-Colombians forced eviction and subsequent communal land grabbing, this chapter strives to analyze: First the use of insurgency and counter-insurgency violence in the competition for Afro-Colombians’ land; second, the narratives of legitimization—such as ‘pro-poor,’ ‘counter-insurgency/security’, and ‘green development’ discourses—utilize to sanitize the uprooting and land grabbing; third, the governments’ projects and policy frameworks that supported African oil palm but more importantly, the legitimization of land grabbing. ~~I also look at how this project (re) imagines and (re) fashions Afro Colombians and their territories to incorporate them into a central and modern Colombian state. I analyze the implications of this construction by asking how much Afro-Colombians win from it.~~

#### 4.1. The ‘Genesis’ of their Inxilio: Curvaradó and Jiguamiandó

The communal forested territories of Curvaradó and Jiguamiandó are located in the northwest of Colombia, in the Chocó department, surrounding the basins of the rivers with their names, both affluent of the Atrato River. They are part of the Urabá gulf-region<sup>38</sup> (hereafter Urabá Chocano), one of the most contested and conflicted areas since the incursion FARC guerrilla fronts<sup>39</sup> and narco-trafficking back in the 1980s, as it is

<sup>37</sup> I respectfully invoke the permission of all the people affected to open the dossier of their stories, once again.

<sup>38</sup> Spans the northern ends of the administrative departments of Antioquia, Córdoba, and Chocó. Curvaradó and Jiguamiandó are located in the Chocó part of Urabá, meaning Urabá Chocoano, but influenced by the political dynamics of the this region as a whole. I will be referring to Urabá in this chapter to illustrate this ample tensions that put these two communities in a vulnerable position. The Pacific coast is the region within which Chocó is a department; the north-western part of Chocó is part of the Urabá (in Panamá called Darién).

<sup>39</sup> Throughout the years, this area became an operation zone of FARC fronts, 5, 8, 57 and 58 of the José María Córdoba block, *El Espectador* 2008 [July 23 of 2011].

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geographically strategic for drugs and arms smuggling. Their principal municipal seats are Belén de Bajirá and Carmen del Darién<sup>40</sup>.

The dramatic story of Curvaradó and Jiguamiandó began in December 1996. Paramilitary groups attacked the local inhabitants of the town of Riosucio, accusing them of being favourable to guerrillas, seeking to gain control over the geo-strategic Urabá region. At that time, the military had full control of the area under attack, in which five people, including the major, were assassinated (see Grajales 2011: 25). The violence in the region intensified when months later, in February 1997, the 17<sup>th</sup> Brigade of the Colombian army<sup>41</sup> and Block ‘Elmer Cardenas’ (BEC) of the paramilitary forces launched a joint offensive known as ‘Operation Genesis’ to drive the 57<sup>th</sup> Front of FARC out of the region. Former chief of the demobilized AUC<sup>42</sup>, Freddy Rendón (alias “El Alemán” or the German) declared<sup>43</sup> that AUC commander Carlos Castaño and the chief of intelligence of the 17<sup>th</sup> Brigade had agreed on the collaboration and that twelve paramilitary members were to guide the operation. Recent investigations have shown that these counterinsurgency alliances between the paramilitary and the state apparatus was an initiative of Vicente Castaño (Carlos Castaño’s brother) as an attempt to systematize a model to combat the guerrillas that could be replicable in different regions of the country, in exchange of supporting local government entities such as *Juntas de Acción Comunal* (Community Action Boards), regional and national elections (*Verdad Abierta* 2011).

For four days, apocalyptic-like “Operation Genesis” involved aerial bombardments, massacres, disappearances and torture against the population. As the Inter-ecclesial Commission for Peace and Justice (2006), a critical NGO that has followed and evaluated the case, described:

As days passed, as the pestilent odor of dynamite transformed the ecosystem and the abandoned ranches stood as monuments of destruction; as the smoked houses darken the summer and the river echoed the crying...it became clear that the counterinsurgent operation was actually against the civil population. There was never a real combat, no guerrilla...As days passed truth emerged, the military strategy of the State was the same as the paramilitary’s.

Although, there are discrepancies about the presence of guerrillas in the area—the UN Commission on Human Rights (in IMDC 2007: 30) argued that Operation Genesis did succeed in forcing the guerrillas away from the lower reaches of the tributaries of the Atrato River—both accounts agreed on that the direct outcome was massive forced displacement

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<sup>40</sup> [According to the last Census \(2005\), Belén de Bajirá has a population of 13.907 while Carmen del Darién has 5111.](#)

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<sup>41</sup> Colombian military was backed that year by \$87 million in US for counterinsurgency and anti-narcotics support (Ballvé 2009). In 2008 the Attorney General started investigating the retired Military general Rito Alejo del Río (who received training in the School of the Americas, US) for torture, and murder of a farmer from Urabá. He is now in jail for these charges.

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<sup>42</sup> AUC stands for *Autodefensas Unidas de Colombia* (United Self-Defensed Forces of Colombia). During Alvaro Uribe’s administration, it was implemented the paramilitary ‘demobilization’ process under the Justice and Peace Law (JPL) in 2005. This is conceived as the first transitional justice law in Colombia’s history.

<sup>43</sup> These testimonies came with the demobilization program under *Ley de Justicia y Paz* and a series of documents found in the ranch of Jorge Pinzón Arango, the man who linked the paramilitary with the Urabá community, also coordinator of the political project in to capture positions within the state apparatus (*Verdad Abierta*) [July 10 of 2011]. “El Alemán” accepted his partial responsibility for the Bojayá massacre in 2002, in which a gas cylinder was thrown to a church where 199 people congregated that day, most of them children.

of civilians. Approximately, 15,000 to 17,000 inhabitants of this region had no choice but to leave and seek refuge in neighbouring towns like Turbo and Mutatá (Ibid.).

The story had an unexpected twist. As the systematic acts of violence and forced displacement subsided in 1999, and people began to return to their lands, they found their ancestral territories planted with African oil palm and all-fenced, displaying “Private Property” signs. Since 2001, eight oil palm companies have settled in, with the protection of the same 17<sup>th</sup> Brigade of the Colombian army and private security groups<sup>44</sup> (Quevedo and Laverde 2008) demonstrating how, what started as a counterinsurgency operation by the state and paramilitary efforts, became an economic strategy of capitalist penetration and land appropriation for the expansion of African oil palm agribusiness. In response, that year, the communities conformed their community councils to process the collective title over their territories, which they did not have prior their forced eviction. By 2000, INCORA (the Colombian Institute of Agrarian Reform) had granted the titles (Resolution 02809/2000 and 02801/2000) of around 46,084 hectares for the communities around river Curvaradó and 53,973 for Jiguamiandó.

The titles, however, managed to neither cease the expansion of oil palm in Afro-Colombians’ territories nor return the lands to them. The law of violence and terror achieved to intimidate and keep communities away from their lands. Testimony of the terror is that between 2001 and 2004, around 110 crimes were perpetrated against community members (Inter-ecclesial Commission for Peace and Justice and Cinep, 2005: 5), which called the attention of the Inter-American Commission on Human Rights (IACHR) that requested reiteratively (2003, 2004, 2006, 2008, and 2009) the Colombian state to adopt all necessary measures for the protection of the communities (CIJUS 2011: 54-55). Meanwhile, President Pastrana (1998-2002) announced by 2001 his intention to devote three million hectares to expanding African oil palm (Escobar 2008: 85) and the National Development Plan CONPES (3169 of 2002), regarding Afro-Colombian policy, encouraged the large oil palm agribusinesses for this population.

Fourteen years after the ‘Genesis Operation’, but just four after the beginning of official investigations in 2007, the National Attorney General’s office revealed that the Operation was the spearhead to clear the fields for the expansion of oil palm in the region. “The offenses perpetrated against Curvaradó and Jiguamiandó constitute an underground form of industrialization of crime,” stated the Attorney General office (*El Espectador* 2010). The dossier from on-going proceedings dismantled that the paramilitary agribusiness project converged and coincided with the interests of oil palm entrepreneurs (private oil palm agribusinesses such as Urapalma S. A., Palmas de Curvaradó S. A., Palmura S. A), and the rural development model based on monocultures of oil palm that was supported by the government of Andrés Pastrana Arango (1998 to 2002) and what was to be catapulted during Álvaro Uribe Vélez’s two terms (2002-2010) and seems to be as relevant for current president Juan Manuel Santos (2010-2014). Last year, the unit of Human Rights of the

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<sup>44</sup> The Superintendence of Private Security and Surveillance gave licenses to different enterprises for the protection of their businesses.

National Attorney General's office sort order to capture 22 entrepreneurs of oil palm involved in land grabbing from 1997 to 2001 (*El Tiempo* 2010).

Despite of the historical clarification and reconstruction of the events that has been achieved, ~~with the support of the IACHR, the National Attorney General's office, human rights institutions, NGOs, and the communities themselves,~~ Curvaradó and Jiguamiandó are still reclaiming justice, truth and access to their entitled territories. Ironically, while the struggle continues, the national state keeps rectifying the agrarian model based on agro-fuels—as it is described in detailed in the Development National Plans, rural statutes, and other laws; and embedded in nationalistic discourses.

## 4.2. Armed Conquest of Afro-Colombian Urabá's Territories

### 4.2.1. *The First 'Columbus': FARC in the region*

Given the geo-strategic location of Urabá as a border region with Panamá, the Pacific Ocean and the Caribbean, serving as corridor for arms and illicit crops smuggling, both guerrillas and paramilitaries have equally sought control of this territory. Prior to the development of the banana economy in the 1960s, Urabá was poor and politically backwater (Brewer 2010: 11). The region was recondite, hot and rainy, and an inaccessible poorly suited place for most agricultural activity. In the 1960s, the United Fruit Company moved operations from Magdalena to Urabá, which marked the beginning of colonization of the region.

Conflict began as the United Fruit started lobbying the state against regulation of the industry, including policies protecting workers long hours, low wages and poor working conditions (ibid. 12). This instigated the creation of labour movements and protestation against land concentration and exploitation, in the form of land invasions. Workers unionization was intensified by the presence of the Colombian Communist party that saw an opportunity for leftist support in the Urabá. In spite of state repression and persecution to trade unions, unions' membership increased. By 1990, they came together into an umbrella group called Sintrabanano as a strategy to keep asking for concessions but also to oppose assassinations of leaders by paramilitary groups allied with the national elite banana growers.

The FARC entered the region in the 1970s. By the end of this decade, the 5<sup>th</sup> front already had an estimate of 215-500 combatants and by the end of the 1980s a total of 1,150 (ibid. 14) allied with Sintrabanano. "The guerrillas were able to take advantage of the difficulties of trade unions in the public sphere, and assume a role of representation and protector of the movement" (Plamondon 2008 in Ibid. 14), while collecting protection fees from peasants. This constituted the guerrilla's hegemony in the region. During this period, EPL (Popular Liberation Army) also occupied the region. Although FARC and ELP ideologically sympathized, they competed with each other by backing each a different union group (EPL allied with Sintagro). This competition subsided, however, as the two unions merged into Sintrainagro representing 14,000 banana workers (Chomsky 2007: 101). In 1991, as ELP demobilized, FARC became the only insurgency in Urabá, increasing its activities and number of combatants.

### 4.2.2 *Insurgency Cleansing: Paramilitarization of Urabá*

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Counterinsurgency efforts contributed to contain and actually freed the region from guerrilla's territorial control, while also reconfiguring the Urabá region—more precisely, the lower Atrato Valley where the Afro-Colombian communities of Curvaradó and Jiguamiandó were located—into state territories disciplined within and by the state hegemony (Peluso and Vandergeest 2011). Counterinsurgency has been a point of convergence between the state and paramilitary forces since the emergence of paramilitary. Paramilitary groups began as landlord' sponsor private militias, aided by the army or the police to combat guerrillas and protect the *latifundios*. They were legitimated in 1965 and 1968 as part of the counterinsurgency initiative Plan LAZO/LASO (Latin American Security Operation), under the direction of the US (Thomson 2011: 336), and ever since, have collaborated with the Colombian government's dirty war against leftist insurgents.

By the end of the 1980s, paramilitary presence in the region grew significantly. Paramilitary became a complex confluence of various actors, among these: large landholders, drug traffickers, urban bourgeoisie, large cattle ranchers, regional politicians and army officers (see Grajales 2011). The diversity of its members also reveals the different projects in which paramilitary were involved, apart from counterinsurgency duties. Some of these activities are: drug and weapons trafficking, money laundering, local, regional and national politics and agribusinesses—all, which required production of territory to serve the purposes. The paramilitary faction in the region came to be known as *Autodefensas Campesinas de Córdoba y Urabá* (ACCU), founded by the three brothers: Fidel, Vicente and Carlos Castaño. ACCU was soon to become one of the most powerful fronts of the *Autodefensas Unidas de Colombia* (AUC). It is argued that Urabá's militant banana unions were one of the early military objectives of paramilitary counterinsurgent forces, as they were viewed as insurgents and saboteurs of the economic security of the banana companies. By 1996, the ACCU entered the Lower Atrato valley, in Chocó.

The counterinsurgency's role played by the ACCU came in a conjuncture that made it seemed necessary, regardless of its devastating effects. As FARC had been abusing its hegemonic power in the region, and kidnappings, extortions and other forms of crimes were being perpetrated against both, landowners and farmers converting the region into one of the most violent in the country, counterinsurgent operations got justified (*El Tiempo* 1997) and supported, even by the state. Through decree 356 of 1994, following the request of landholders, the government allowed the use of assault weapons and the training of the members by the military of security firms known as Convivir (“Live Together”) (Grajales 2011: 12). Recently, the National Attorney General's office declared that Convivir were facades of the paramilitary project in the Urabá region (*Verdad Abierta* 2011). The political violence provided a justification as well as a mechanism—military [and paramilitary] deployment and [coercive] tactics—for intensive and extensive national state intervention in landscapes over which it have had only weak hegemonic power (Peluso and Vandergeest 2011). Under the banner of ordering and securing the ungovernable region of Urabá, the paramilitary obtained free pass to enter the area and impose its own violent hegemony and regain the territory for the state.

Through the strategy of threats like the most publicized yet frightening one: “sell us your land, or we'll negotiate with your widow;” bombardments, selective killings and massacres, the paramilitary also achieved producing a bounded-by-fear landscape (see Oslender 2008: 81), tamed and docile to be controlled and manipulated around its interests.

Violence was used to ‘clean’ territories of insurgency presence, but also appeared to be “the conjoined twin of all sophisticated forms of land control” (Lund and Peluso 2011). Contrary to the guerrillas, who intended to replace the state, paramilitary groups deployed their violent capital to further their economic project, and rather than working outside the state, paramilitaries seek to participate within its realm and obtain material and political benefits from it (see Grajales 2011: 6).

In the year 2000<sup>45</sup>, once the paramilitary in command of BEC gained full control of the Urabá region, it began advancing an economic project based on the appropriation of land. This same year In recent declarations, Ever Veloza alias “H.H.” former leader of Block Bananero remembered: “having at least a squared meter in the Urabá region is better than owning a mine, Vicente Castaño once said to me.”<sup>46</sup> It is also known, that alias “El Alemán” is one of the paramilitaries that grabbed more land from peasants. Only in Turbo, he took illegal possession of 60 farms that make a total of 3,500 hectares of land, while the communities of Curvaradó, Cacarica and Domingodó report 22,000 stolen hectares (*Verdad Abierta* 2011).

The Pacific “land was *Botín de Guerra*”<sup>47</sup> one again, this time for the advancement not just of banana plantations, but of African oil palm agribusiness. As manifested by the Inter-American Court for Human Rights (CIDH 2003), “since 2001 the firm Urapalma S.A. has promoted oil palm in approximately 1,500 hectares of collective land areas belonging to the communities”. Recent testimonies from demobilized ex-paramilitaries affirm that Vicente Castaño was the founder of Urapalma, which expropriated land from Afro-Colombians and then, legalize it, through a series of sophisticated strategies: the subscription of usufruct contracts signed by non-community members, fictitious commitment proceedings, the manipulation of the existing cartography, and through the creation of fake farmers’ organizations to apply for “strategic alliances” funding (this will be explained below). Duncan, a security analyst at the University of the Andes, argues, “palm was a perfect way [for paramilitary] to consolidate their militarized social control over a territory and invest capital accumulated from drugs into a profitable business” (Ballvé 2009).

### 4.3. Let’s talk business: African oil palm in usurped black territories

The presence of African oil palm in rural Colombia dates from 1932 when the first seeds were planted in Valle del Cauca department for ornamental purposes. Its extensive cultivation started in 1945, mainly in the Magdalena department, as the United Fruit Company introduced seeds into the banana-growing areas (Ibid. 71). The production was further promoted by two conjunctures: first, the Import Substitution Industrialization (ISI) policy of the time, that encourage domestic production to reduce imports; and the visit in 1958 of a FAO expert, Maurice Ferrand who, in the role of advisor to the government, encouraged the establishment of oil palm plantations, the adoption of modern techniques,

<sup>45</sup> Same year when the INCORA granted the collective land titles to Curvaradó and Jiguamiandó.

<sup>46</sup> The author’s translation of the original sentence in Spanish: “Tener un metro cuadrado en el Urabá es mejor que tener una mina, me dijo Vicente Castaño” remembered alias H.H. (*Verdad Abierta* 2011) [July 22 of 2011]

<sup>47</sup> “Land was a spoils of war,” declared Raúl Hasbún alias “Pedro Bonito” a former banana entrepreneur and paramilitary leader who demobilized in the *Ley de Justicia y Paz* program. His declarations came last 25, 26 and 27 of January 2011 in Medellín referring to the political an economic project of the AUC in the Urabá Region of the Antioquia side, project that appeared to have been shared among many of the paramilitary regional blocks.

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and the initiation of a research program (Ibid. 70). Following the expert recommendations, the government donated two thousand hectares for the establishment of an agricultural experimental farm in Tumaco, the southern Nariño department. According to the Palm Growers' Association (Fedepalma), established in 1962, by the mid-1960s, there were already 18,000 hectares planted.

Although, plantations of African oil palm have more than half a century in Colombia, a considerable increase came during the 1990s, but more since the beginning of the 21<sup>st</sup> century, when the number of planted hectares grew in less than ten years, from 161,000 in 2001 (Fedepalma 2006b: 37) to 336, 956 in 2008 (Fedepalma 2009: 50). Although, most of the oil palm produced in Colombia has been for domestic use, with only 33 percent being exported mainly to the European Union (EU), in the recent years, production for domestic and export biodiesel is being promoted (McMichael 2010: 19). This corresponds to the rising global demand on biofuels crops as the paramount alternative energy source to overcome the assumed energy and climate global crisis stemming from fossil fuel (i.e. oil, coal, gas) dependence (Ibid.).

Carlos Murgas Guerrero, director of the *Caja Agraria* during Gaviria's presidency, member of the board of directors of Fedepalma in the 1990s, former Ministry of Agriculture in 1998-1999, FAO's delegate, friend and sponsor of Uribe's campaign for presidency, and today, one of the main Colombian African oil palm entrepreneurs— is one of the first names that come when asking how African oil palm came to be preponderant (see *El Espectador* 2011). In spite of the well-known denunciations of forced displacement, assassinations and disappearances, Murgas and Pastrana conceived African oil palm as an important engine of development and a viable rural economic project. In March 2001, during the Asian Strategy Leadership Institute (ASLI), Pastrana offered three million hectares of land to Malaysian entrepreneurs to cultivate oil palm in Colombia.

The expansion of oil palm plantations has become a true national project, so that with it come progress, investment and social development to large areas of Colombia that are now ready to join the growing and processing of this primary commodity (Mondragón 2007).

As Minister of Agriculture in 1998, Murgas (also known as “*Zar del Agro*”) stimulated oil palm cultivation through accessibility to cooperation resources, credits and rural capitalization incentive scheme through the Productive Alliances for Peace (APP in Spanish), a model that came to be reinforced by Plan Colombia—a multibillion-dollar US aid counter-narcotics and counter-insurgency package—and a few years later by Uribe's policy framework.

In 2002, Plan Colombia authorized US\$75 million a year for “alternative development” programs aiming to substitute coca crops (often for cocaine production) with oil palm, as one of the interesting alternatives (Ballvé 2009). Since then, [around US\\$ 19 millions funds](#) have been given to agribusiness partnerships between entrepreneurs and peasants<sup>48</sup>. Studies have shown, however, that most of these projects have been implemented in areas that experienced land dispossession from communities, and given to illegal

<sup>48</sup> [Most of the funding for the productive alliances have been channeled through big oil palm enterprises such as Oleoflores, Grupo Daabon, CI El Roble, Indupalma and Gradesa \(which is alleged to have links with drug trafficking\).](#)

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recipients, like paramilitary members. Ironically, as senator Gustavo Petro clearly puts it, “Plan Colombia is fighting against drugs militarily at the same time it gives money to support palm [monoculture], which is used by paramilitary mafias for money laundering;” it is as if “the United States was implicitly subsidizing drug traffickers” (Ballvé 2009).

During Pastrana’s administration, African oil palm’s support was framed in counter-narcotics and insurgency discourses, notions of partnerships and alliances, but above all, framed within the peace rhetoric that characterized Pastrana’s presidency<sup>49</sup>. This paper does not want to demonize these strategies for peace, as some of them may have accomplished improving the quality of life of small farmers and minority groups. However, it is evident that in the case of Curvaradó and Jiguamiandó, projects were complicity hijacked by powerful social classes at the expense of Afro-Colombian communities. In recent declarations, “El Alemán” said that former president of the Association of Successful Entrepreneurs for Peace, Luis Ignacio Guzman was implicated in illegal land transactions in Urabá (*Verdad Abierta* 2010) and Hasbún argued that Guzmán was a good friend of Vicente Castaño and the oil palm project (Ibid. 2011).

#### ***4.3.1. The Uribe’s Era (2002-2010): From Conservationists to “Green Strategically Allied Afro-Entrepreneurs”***

Since Álvaro Uribe Velez came to assume the presidency in 2002 and for a total of eight years, the neo-liberalization of the agrarian programs, policies and related institutions was taken to the extreme and oil palm agribusiness expanded. Evidence of this can be found in the radical restructuring of the Ministry of Agriculture, which was constitutionalized by Law 790 of 2002 (López 2009). This law permitted the creation of Incoder (Colombian Institute for Rural Development) through the simultaneous elimination of Incora (the Colombian Institute for Agrarian Reform established in 1961), the fishing institute (*Instituto Nacional de Pesca y Acuicultura—INPA*), the agency for co-financing rural investment (*Fondo de Cofinanciación para la Inversión Rural—DRI*), as well as the national institute for land adjustment (*Instituto Nacional de Adecuación de Tierras—INAT*) (López 2009). Uribe and his cabinet shrunk and weakened the institutional capacity to attend the rural issues and further fragmented the agrarian public policy.

By 2003, the government passed Law 812, which approved the National Development Plan 2003-2006: “Towards a Communitarian State.” Law 812 modified Art. 20 of Law 160 of 1994<sup>50</sup>, regarding the subsidy to purchase land (70% of the cost of the land given by the government) to what became known as the ‘integral subsidy’ administered by Incoder. The integral subsidy imposed a series of conditionalities to potential applicants, conditions that would guarantee the efficiency of the public investment. They aimed at promoting “viable productive projects of entrepreneurial, agricultural or agro-industrial character, under principles of competitiveness, equity and sustainability” (Decree 1250 of 2004). Beneficiaries were selected in a competitive process according to the fulfilment of technical and economic viability criteria (and not on need-bases), their will to engage on

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<sup>49</sup> From 1999 to 2002, President Andrés Pastrana established peace negotiations between the Government and the FARC, in an effort to bring the violent conflict to an end. He even demilitarized a zone in the region of El Caguán in the Meta department for the peace dialogues to happen. The project failed.

<sup>50</sup> The last attempt of redistributive land policies Market-Led Agrarian Reform. See Annex No. 1

export-oriented agricultural projects (oil palm, cacao) and their adherence to the model of “strategic alliances”.

The strategic alliances follow the AAP model of Pastrana. They are a form of corporate peasant contract farming heavily subsidized by the government through grants, tax breaks, and low-interest loans (Ballvé 2011: 15). This project was also funded by the WB, which in 2003 lent Colombia US\$32 million for installing the “entrepreneurial culture” among the peasantry. The WB has supported strategic alliances and biofuel crops together, by claiming that “biofuels” have the potential to revive peasant agriculture by letting the “private entrepreneurs in extensive value chains linking producers to consumers and including many entrepreneurial smallholders supported by their organizations” (World Bank 2007: 8). It has called rural communities to transition towards becoming entrepreneurs, and upgrade themselves technologically to be able to integrate the agro-supply chains. Strategic alliances were also supported by USAID through ARD Inc. in a US\$41,5 million program, between 2003 and 2006, called the Colombian Agribusiness Partnership Program or CAPP.

In theory, “strategic alliances” constitute a ~~quite thoughtful and philanthropist strategy for development, in which the big and powerful partnerships with the small and weak towards a common beneficial project.~~ In reality, however, they have been a way for oil palm companies to ensure themselves accessibility to land, (cheap) labour<sup>54</sup>, and funding. They are nothing more than promoting and subsidizing big landowners at the expense of the peasantry, indigenous and Afro-communities (Mondragón 2003), subordinating communities to the assumed best practices (market efficiency, discipline and confidence, policy credibility and competitiveness) preached by a neoliberal model, but making them dependent on them and becoming indebted for 15 years or more (Seebolt and Salinas 2010: 37). Although, Afro-Colombians do have legal rights over their communal lands, their autonomy is prescribed and self-determination limited, by dialectics of coercion (counterinsurgency) and consent (strategic alliances). As Fajardo (2011) argues, the major difference now, is that they hold a title that facilitates the legalization of their land grabbing.

Are strategic alliances truly voluntary alliances? And if yes, strategic for whom? In 2003, USAID granted Gradesa US\$257,000—an oil palm refinery company that was alleged to have links with land grabbing and drug trafficking (Thomson 2011: 348). In 2007, two years after it was revealed that two of its board members were implicated in money laundering (*La Silla Vacía* 2008), USAID gave Gradesa a second grant for US\$400,000 (2011: 348). Some investigations have shown how the BEC created a fictive ‘community association’ to demonstrate the strategic alliances required when ~~applying~~ applying for cooperation funds (see Ballvé 2011). Meantime, the extravagant amounts of money do not reflect in Afro-Colombians’ quality of life, and quite the opposite, fall in contradiction to the massive displacement and dispossession these communities are confronting—a panorama in which international organizations appeared complicit.

Certainly Vicente Castaño had a clear vision and an accurate reading of the country and its politics when he said,

We have palm crops in Urabá. I found the businessmen myself to invest in those projects that are durable and productive. The idea is to bring the rich to invest in

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<sup>54</sup> it is said that African oil palm plantations hire less people than any other crop.

such projects in different parts of the country. By bringing rich people to these areas, state institutions will come. Unfortunately, the state institutions only come there are rich involved. We must bring those rich businessmen all over the country; that is one of our commander's missions (*La Silla Vacía* 2011. The author's translation).

The coercive and illegal African oil palm expansion in Curvaradó and Jiguamiandó in usurped black communal lands demonstrates the symbiotic interaction between the paramilitary, national entrepreneurs and the “political society” (*à la* Gramsci)—all of which, although departing from their own particular interests and goals, coincided in the viability and profitability of this agribusiness as a regional, but also as a national capitalist development project. In a coordinated fashion, these predominantly domestic actors (involved in complex dynamics of their own society, class struggle and politics) and the international cooperation reconfigured the Afro-Colombian territories into a large-scale monoculture of oil palm for biodiesel.

The territorial project found legitimization in counterinsurgency discourses, as discussed earlier, but also in pro-poor “green neoliberal development” discourses. In spite of reports submitted by the verification commission (by Incoder), the Attorney General, and the Ombudsman Bureau (*Defensoría del Pueblo*) in 2005, all which confirmed the land grabbing crisis of Afro-Colombian legal territories, Uribe's kept supporting the agribusiness with allusions to the environmental benefits of biofuels. These discourses, but also practices and policy tools, seem to have displaced the previous representations of the Pacific littoral as a territory for biodiversity conservation and sustainable development. As Escobar (2004) argues, the model of development advanced since Gaviria and magnified by Uribe has had no space for any sort of racial or ethnic *alterity* and hence displacement seeks to eradicate such difference and co-opt ethnic groups into the dominant neoliberal capitalist model.

~~The case of Curvaradó and Jiguamiandó is often read as an exceptional case of excesses that does not—and should not—speak for the general panorama of displacement and dispossession in Colombia related to agro-industry. I am, however, not so sure about this exceptionality. Two relatively recent studies: A 2006 research by the NGO Human Rights Everywhere (HREV) and a 2011 study by the Center of Socio Legal Research (CIJUS) from the Universidad de los Andes in Colombia, show 6 and 9 different cases, respectively, in which complex modalities of land grabbing are deployed. A few days ago, Congressman Iván Cepeda—one of the most vocal political critics of the rural project in the country—called for an investigation into ex-President Alvaro Uribe's role in the sales of 75,000 hectares of land in Montes de María mountains.~~

~~As I mentioned in the prelude of this paper, Colombia is today about to undertake an ambitious task of restituting lands to the victims, which means reversing the deeply rooted model of over-accumulation and land concentration. This endeavor will require us to critically analyze the viability of the rural development model and the policies, practices and discourses that push it forward. As the case of Curvaradó and Jiguamiandó teaches us, the land tensions are not going to be resolved with legal titling and money to finance projects. They had the two: Communal land titles granted by Incora by appealing to Law 70 of 1993 and money was being donated to palm companies, supposedly contribute to the strategic productive alliances that include them. Yet, their lands have not being given to them and the money is not in their hands.~~

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## CHAPTER V: CONCLUSION

This research has demonstrated, in the first place, that there is in fact a problem of massive land grabbing in Colombia, particularly of ethnic communities' ancestral territories officially titled to them by the Incoder (or Incora). As the case of Curvaradó and Jiguamiandó reveals, out of the 101,057 hectares that correspond to the communal councils, oil palm companies have illegally usurped 29,000. Although local, national and international NGOs and human rights institutions have confirmed these events and asked for the land restitution to the communities, the territories are still in the hands of oil palm entrepreneurs. Meanwhile, local efforts to denounce the situation and struggle for justice have been silenced with exile or death, and families simply forced to find refuge in often, hostile urban places, conforming a universe of 3.3 to 4.9 million IDPs—the worst in the world.

Secondly, this paper shows that the state has actually been involved in their land grabbing, by actively participating in the production of new territories for economic growth and development, expanding and consolidating its hegemony over this previously isolated and ungoverned places, meanwhile creating new venues of capital accumulation for powerful

and influential class fractions, at the expense of the forced eviction and land grabbing of ethnic communities that inhabit strategically located and naturally rich coveted territories. Curvaradó and Jiguamiandó clearly epitomize the various state territorial strategies used for shaping the Afro-Colombian territories into monocultures of oil palm for biofuels: 1) through the deployment of discursive representations of imagined capitalist developments “designed to shape and reshape territorial spaces into nationalized, nationalizing unities within a broader context defined by ‘the world market’” (Brenner and Elden 2009: 363), regardless of their internal contradictions and incompatibility with the communities’ will; 2) through policy and legal frameworks that help delineate and enforce the agribusiness project; and 3) through the use of coercion in counterinsurgency military operations in orchestration with paramilitary forces.

I chose to historically analyse the nature and position of the Black Pacific coast within Colombia for three reasons: First to highlight its dynamic and fluid construction looking at the relations of power, conflict, alliance and competition that happen through and within it and that produce them in the first place; second, to identify the different actors and their interests, agendas, and discourses on progress and development that shaped and influenced the region; and third, to grasp the role of the state in this territorial production and dealing with the emerging discursive and structural conditions.

One of the important lessons of this historical look is that the *Apertura Económica* in the 1990s did in fact dramatically change the state’s relationship with the ‘backwards’ Pacific coastal region. Contrary to the common idea of neoliberalism as the pursuit of open markets freed from state intervention, the expansion of African oil palm monoculture for biofuel production started after the state implemented a favourable regulatory regime. Its spread was deeply contingent upon the strong presence of the state. Both, the contemporary conflict and land grabbing are shaped by the rush to integrate the global neoliberal hegemonic project, since this land grabbing is influenced by the interest of export agribusiness and the global food system for which it produces (Thomson 2011: 348).

The 1990s brought a “full-fledged neoliberal political project” (Hale 2005: 12), which encompassed, simultaneously, the capitalist ideology, the promotion of multiculturalism, sustainable development, and environmental conservation. All these projects were portrayed as compatible and mutually reinforcing. This impression of complementarity and harmonic fusion allowed the Colombian state to gain legitimization for its actions. It not the purpose of this paper to undermine this aspect, but rather, to show the relevance of the domestic idiosyncrasies and politics in the land grabbing processes. As illustrated in the case of Curvaradó and Jiguaminadó, local and national elites and entrepreneurs were the main actors demanding and using land to produce biofuels for feedstock, and both, international agencies and domestic capitalists interests tended to facilitate the consolidation of the agribusiness and the large-scale agricultural model within which is framed. \_

The case of Curvaradó and Jiguamiandó is often read as an exceptional case of excesses that does not—and should not—speak for the general panorama of displacement and dispossession in Colombia related to the agro-industry and extractivist projects. However, as shown by two recent studies: A 2006 research by the NGO Human Rights Everywhere (HREV) and a 2011 study by the Center of Socio-Legal Research (CIJUS) from the

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Universidad de los Andes, six and nine different cases, respectively, present complex modalities of land grabbing. In August 2011, Congressman Iván Cepeda—one of the most vocal political critics of the rural project in the country—called for an investigation into ex-President Alvaro Uribe’s role in the sales of 75,000 hectares of land in Montes de María mountains. Rather than an exception, this case should be taken as a rough abstraction from more intricate processes taking place around land tenure in Colombia. This case illustrates key features that characterized how the global land grab plays out in Colombia.

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## Appendices

**Appendix 1:** A historical chronology of the most important agrarian policies and the Colombian conflict (1930s-today)

<u>Law/Event</u>	<u>Description</u>
<u>Law 200 of 1936</u>	<u>There have been numerous attempts to change the agrarian structure of Colombia. Law 200 of 1936 was the first serious attempt to reorganize land ownership and modernize the agrarian sector since the colonial times. In the midst of agrarian conflicts between landowners (<i>hacendados</i>) and peasants—and pressured by this very tension—President <b>Alfonso López Pumarejo</b> (elected in 1934) introduced the concept of the ‘Social Function of Land’. This consisted in given land to those who occupy the land and make use of it and pretended to legitimize private property. However, this law brought further chaos. Violent conflicts erupted as landlords scrambled to evict tenants and squatters (Thomson 2011: 334). It also pushed peasants to colonized wasteland. Those responsible for mediating the disputes tended to favor the landlords, leaving the <i>latifundios</i> intact (ibid. 335) and also by giving subsidies and technical support. According to Sánchez and Meeterns (in Ibid: 335), this agrarian reform turned <i>latifundistas</i> into capitalist entrepreneurs. Some of the positive (+) outcomes were that it managed to put the issue of land concentration in the public political debate; it created an agrarian jurisdiction; and the gave faculty to the state to expropriate land it is unused for 10 years.</u>
<u>Law 100 of 1944</u>	<u>With <b>López Pumarejo</b> as president (re-elected in 1942), this new law defined the rights and obligations of tenants in a way that secured landlords’ control of the land (Richani 2002: 22). It strengthened the <i>latifundio</i>, as it created a dependency relationship between the landless peasant and the landowners (Fajardo 2002). This law eroded all attempts to redistribute land for those who work in it. It also revoked the disposition of Law 200 for expropriation by the state. The exacerbation of the unequal agrarian structure and the failure of the Law 200 attempts, were fertile ground for <b>La Violencia</b> to unravel.</u>
<u>La Violencia</u>	<u><b>La Violencia</b> (1948-1953)—Colombia drowned in the first internal conflict based on a bipartisan and class-based violence that left a toll 200,000 people killed, two million forcibly displaced, and 393,000 hectares of land dispossessed (Oquist 1980). During the conflict manufacturing and commercial agriculture grew rapidly with overall economic growth averaging 6,6 percent (Thomson 2011: 335). These sectors benefited from the land dispossession and usurped lands.</u>
<u>Emergence of FARC and ELN</u>	<u>The Colombian Revolutionary Armed Forces (FARC) is the oldest and largest peasant-based guerrilla with a strong Leninist orientation created in 1964. Since its origins its primary goal has been championing agrarian reform and land rights. The National Liberation Army (ELN) appeared almost simultaneously. It was mainly conformed by men and women from urban centers and students with stronger interests in politics and limited territory influence and deferred from the FARC in its ideology, mostly grounded in Che Guevara’s revolutionary ideas and the Cuban Revolution (Collier and Collier, 1991: 687).</u>
<u>Counterinsurgency (Paramilitary)</u>	<u>These groups began as landlord’ sponsor private militias, aided by the army or the police to combat guerrillas and protect the <i>latifundios</i>. Paramilitary groups were legitimated in 1965 and 1968 as part of the</u>

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	<p>counterinsurgency initiative Plan LAZO/LASO (Latin American Security Operation), under the direction of the US (Thomson 2011: 336).</p>
<p><a href="#">Law 135 of 1961</a></p>	<p><a href="#">In order to contain violence and the rise of communist regimes in Colombia and as it did in other Latin American countries, the United States launched the program <i>Alliance for Progress</i> (AFP, 1961-73). One of the areas at the heart of the AFP was the agrarian reform. This led to the establishment of Law 135 of 1961, “On Social Agrarian Reform” that created the INCORA (<i>Instituto Colombiano de la Reforma Agraria</i>—Colombian Institute for Agrarian Reform). INCORA’s objective was to change the land tenure relationships in the densely populated western (or Andean) section of Colombia, where <i>latifundia</i> and <i>minifundia</i> often existed side by side. Elhawary (2002) argues that the failure of the reform was rooted mainly in political blockages it received from segments of the ruling elites and their allies, further by the US concentration on high-visibility projects and short-term stability through macro-economic support.</a></p>
<p><a href="#">Law 1 of 1968</a></p>	<p><a href="#">President Carlos Lleras Restrepo (1966-1970) wanted to intensify and expand INCORA’s work aiming at promoting equal accessibility to land. The law allowed INCORA to participate in expropriation of underutilized land and land titling to peasants. Even though, this was important, it did not have long lasting effects. The next president, Misael Pastrana (1970-1974) did not agree with this reform and called these “land invasions” a ‘subversion of public order’ (Thomson 2011: 338).</a></p> <p><a href="#">Transition → In the second half of the 1960s, state credit programmes increased their support for commercial export projects: 933 per cent in African palm production (Thomson 2011: 337).</a></p>
<p><a href="#">The ‘Chicoral’ Agreement of 1972</a></p>	<p><a href="#">President Misael Pastrana signed a contract with the big landowners compromising himself to stop land titling and to repress through the military any attempt of land occupation by the peasantry (Kalmanovitz, 1978). It also confirmed its commitment to provide financial and institutional support for large-scale agriculture, while the landowners agreed on paying a tax for the land. This has been perceived as a counter agrarian reform (Zamocs 1982).</a></p>

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<p><u>Integrated Rural Development (Spanish DRI)</u></p>	<p>The agrarian policy of President <b>López Michelsen</b> (1974-1978) was based on a new reformist compromise—part of a broader change in global policy outlook— that saw rural development programs as a substitute for land redistribution (Thomson 2011: 338). The WB, FAO and Inter-American Development Bank supported its implementation, encouraging peasant economy to link with the wider markets, adopting new seeds, pesticides, and technology. This new agrarian program did not change the unequal agrarian structure, on the contrary, it consolidated even further the <i>latifundia</i>—given that landowning elite diverted the government funds to their advantage.</p> <p>Transition → Dependency on foreign technology and land concentration exacerbated even further the agrarian situation. According to Thomson (Ibid. 340), the declining profitability of legal crops served as fertile ground for the marijuana and coca cultivation (taking advantage that production was declining in Bolivia and México).</p>
<p><u>1980s-The new actor: Narco-bourgeoisie</u></p>	<p>In an previous fieldwork research (October 2008), exploring experiences of illicit crop production for different communities throughout the world (Peru, Vietnam, Laos, Thailand and Morocco), I came across a former Colombian narco-trafficker, a poet, a journalist, an activist, father of seven children and founder of a Christian Children’s School in the deepest part of the humid Peruvian Amazon; who told me that by growing marihuana and coca Colombian former coffee producers took revenge for their historical exploitation. Tired and demoralized due to the low cost of coffee, marihuana in the 70s and coca in the 80s seemed like a much better option. “Coca for cocaine production was like a social revolution in itself,” he forcefully stated. The cocaine industry financed the guerrilla groups, boosted paramilitarism with close ties to the drug cartels, and worsen the violence.</p>

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<p><u>Law 160 of 1994</u></p>	<p><u>Agrarian reform returned to the government agenda of president César Gaviria Trujillo (1990-1994), this time in the form of Market-Led Agrarian Reform (MLAR). It was conceived as the model to guarantee land access to <i>campesinos</i>, avoiding bureaucratic interference and unnecessary state intervention. This program was institutionally channelled through INCORA, which by the time had lost its traditional source of finance, a share of duties on agricultural imports, which was eliminated with agricultural trade liberalization. MLAR came as a response to the shortcomings of the State-Led Agrarian Reform (SLAR) that had characterized INCORA in the past. Art. 20: The government offered a subsidy of 70 per cent of the total cost of the land, but the beneficiary had to present its own funding for the project (Fajardo 2002).</u></p> <p><u>Transition → By 1996, the World Bank introduced loans aiming at land reform. By 2000, only 10 per cent of the planned 1 million hectares were distributed, but mostly to rich peasants or the agrarian bourgeoisie (Borras 2003: 381). In putting greater emphasis efficiency, scale, technology, and on attracting external investment, as strategic to boost agricultural productivity, MLAR avoided addressing other dimensions of power and historical inequity entrenched in agrarian reform.</u></p>
<p><u>Merger of the INCORA and three more institutions into the INCODER</u></p>	<p><u>Since Álvaro Uribe Vélez (2002-2010) came to power in 2002, the ‘neo-liberalization’ of the agrarian programs, policies and related institutions was taken to the extreme. Evidence of this can be found in the radical restructuring of the Ministry of Agriculture, which was constitutionalized by Law 790 of 2002 (López 2009). This law permitted the creation of INCODER but the simultaneous elimination of INCORA, the fishing institute (<i>Instituto Nacional de Pesca y Acuicultura—INPA</i>), the agency for co-financing rural investment (<i>Fondo de Cofinanciación para la Inversión Rural—DRI</i>), as well as the national institute for land adjustment (<i>Instituto Nacional de Adecuación de Tierras—INAT</i>) (López 2009). The justification was that the process of agrarian reform in Colombia could not achieve its goals (Houghton, 2008: 91). Uribe and his cabinet have shrunk and weakened the institutional capacity to attend the rural issues and have further fragmented the agrarian public policy.</u></p>
<p><u>Law 812 of 2003 (Art. 24)</u></p>	<p><u>It modified Art. 20 of Law 160 of 1994, regarding the subsidy to purchase land (70% of the cost of the land given by the government) to what is now called ‘integral subsidy’ given by INCODER. However, beneficiaries are chosen by the fulfilment of technical and economic viability criteria, and the will to engage on export-oriented agricultural projects (cacao, African oil palm); not on the basis of</u></p>

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	<p><u>need.</u></p> <p><u>In addition, the World Bank lent US\$32 million in 2003 to introduce the peasantry into the ‘strategic alliances’, aiming at installing the “entrepreneurial culture” and promoting “alternative development”. The “alliances” are a form of corporate peasant contract farming that is heavily subsidized by the government through grants, tax breaks, and low-interest loans. This is seen as nothing more than promoting and subsidizing big landowners at the expense of the peasantry, indigenous and afro-communities (Mondragón 2003).</u></p>
<p><u>National Development Plans 2002-2006: “Towards a Communitarian State”</u></p> <p><u>2006-2010: “Communitarian State: Development for all”</u></p>	<p><u>Uribe’s National Development Plans reiterated state subsidies to be provided according to criteria of productivity, profit potential and the export agenda. The rural development legislation, which backs the NDP, allowed for the expropriation of those lands that have not been exploited by their owners in the last five years (Thomson 2011: 346). Some critics argue that this rural development model was founded on neoliberal principles such as: market efficiency, discipline and confidence, policy credibility and competitiveness become best practices.</u></p>
<p><u>Rural Development Statute (Law 1152 of 2007)</u></p>	<p><u>Approved by the Congress in 2007, this was Uribe’s rural development platform (model) based on the <i>developmentalist</i> criterion of increasing exports production as a requirement for fighting against poverty and landlessness. In 2009 was declared unconstitutional because of the government’s failure to consult with indigenous and Afro-Colombian communities.</u></p>
<p><u>Agro Ingreso Seguro (AIS) or Agricultural Income Security</u></p>	<p><u>In 2007, the Ministry of Agriculture engineered one of the most controversial fiascos. Based on the Law 1133 of 2007, the Ministry developed a program to provide subsidies for smallholding farmers (López 2009). Among the principal objectives of AIS were “to promote productivity and competitiveness, reduce inequality in the country and prepare the agricultural sector to face the challenge of the economy’s internationalization” (López 2009). The scandal was grounded in the fact that many – if not the majority – of the program’s subsidies, particularly those designated for “irrigation and drainage” projects, have gone to a few of the wealthiest landowning families. The disclosure of this program revealed and confirmed at least three important trends: First, the intimate linkages of the “agrarian bourgeoisie” and the government, second, the rampant cronyism; and third, the “government’s rural development policy, which promotes large-scale agro-businesses of commodities such as African Palm, sugar cane (for biofuels), and rubber at the expense of small holdings.</u></p>

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<p><u>National Development Plan</u> <b>2010-2014: “Prosperity for all”</b></p>	<p>For president <u>Juan Manuel Santos</u> (2010-2014), agriculture is definitely one of the motors for economic growth. The NDP recognizes the relevance of conflict and violence for the agrarian structure, but does not take seriously the concentration of land. Its main focus is on competitiveness, efficiency and technological advancement to meet the global challenges in terms of food and energy security. It is biased towards large-scale production and hence, it encourages small landholders to enter into productive alliances. The peasants are regarded as land providers and labor force for large projects. This NDP is the continuation of Uribe’s Rural Development Statute, declared unconstitutional.</p>
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