

Introduction

In the southern part of Colombia, on the steep slopes of the Western Cordillera range of the Andes, two Afro-Colombian communities are making claims to the land on which they live and work, as ethnic groups. The two areas of land being claimed as Collective Territories for Black Communities face each other across the valley of the Cauca River as it cuts through the mountain on its way to the sea. The communities, trying to secure mining and farming access and resources in an ongoing struggle over land, seek autonomy and self-governance over their territories as well as community self-definition. Similar to ethnic territorial claims elsewhere in the world, such claims raise questions about the nature of state territory, legitimacy, and authority. How did these types of claims become possible and important? Do they put the state in question, or are they a result of such a questioning? What can such claims tell us about the Colombian state and about states in general?

What springs to mind when most people think of Colombia is drugs, violence, and a degree of chaos. It seems reasonable to assume that a place so consumed by these crises cannot function and must lack the rule of law and that the state must be out of control, with devastating consequences for the economy and society in general. Less noticed are Colombia's achievements compared to other Latin American countries—high economic performance and significant territorial concessions made to Black and Indigenous populations—which would usually imply a well-functioning state. The claims to territory as Black communities are set against this backdrop of often contradictory extremes.

The initial reaction to Colombia as out of control is grounded in convictions about the nature of states in the context of globalization, where drugs, violence, and chaos question the relevance and efficacy of the state. These convictions are held not just with regard to Colombia—across the world diverse scholars are questioning the role of states in shaping our lives today (Munch 2001; Sutter 2003; Jalata 2004; Saikal 2003). The questions arise from the analyses of state formation and of globalization and from the point of view of migration or social movements. They point to changes, causing, as Rose (1999) describes, a problem of analytical method where many of the conventional ways of analyzing politics and power seem obsolete. These changes question the natural frame of boundaries of the nation-state as a political system and the inevitability of geopolitics to be conducted in terms of alliances and conflicts among states.

Along with this notion that nation-states are no longer in the political driver's seat, some scholars see this change as produced by a wearing down of the nation-state by external forces of globalization and internal forces of pluralization (Menyhart 2003; Saporita 2003). This comes in two forms. First, the nation-state as social organizer is being eroded by globalization and the shift of the locus of power from the national to the supra- and transnational levels, and, second, the nation-state's legitimacy, authority, and sovereignty are being weakened from within by the increasing pluralization of modern societies (Koopmans and Statham 1999, 653). Moreover, the idea of the liberal state is challenged by claims for special group rights by collective actors who emphasize their cultural differences from the rest of society. As Munro (1996) points out, in some areas of scholarship the wearing down of the state has pushed scholars to consider the state as one

domain among many and no longer an overarching framework. Rather, scholars stress the fragmentation of politics, processes of economic disengagement from state control, and expanding areas of social life that fall outside the ambit of state authority.

At the same time, scholars have begun to realize the contradictory pattern developing within and between states. Part of globalization also includes nationalist, sectarian, and ethnic movements, which, as political subjects, demand specific rights and territorial and political autonomy. Restrepo (1997) makes the paradox of these actions clear:

Across the world, nationalist movements and ethnic minorities are acquiring a political importance that leads to both the fragmentation of the nation-states in which they emerge as well as the consolidation of rights that recognize ethnic and cultural alterity (p. 298).¹

This paradox of fragmentation and consolidation is also made visible with regard to military power and the legitimate monopoly of violence (Mbembe 2001; Rose 1999), the increased ability of the executive and the decreased ability of the administrative parts of governments (McLean 2003; Rudra 2002), and the production of wealth and the disparity of its distribution among and between states (Chua 2003; Griffin Cohen and McBride 2003). Jones (2000) argues that

a central paradox informs contemporary concerns: that, on the one hand, the state seems to be under threat from economic, technical, and cultural developments while, on the other hand, the military capabilities of states have never been greater and the concentration of state military strength—in the hands of the United States of America—has never been exceeded. (p. 3)

In sum, as Trouillot (2001) argues, “This century opens on two sets of contradictory images: The power of the national state sometimes seems more visible and encroaching, and sometimes less effective and less relevant” (p. 126).

We can conclude that as we begin the twenty-first century, the state is indeed in question. The urgency of this questioning today stems from the perceived changes in state relevance and significance resulting from the restructuring of world interrelatedness through technology, economic processes, mass communication, and social and political movements taking place in the latter half of the twentieth century. If indeed there is a new

world order, generally referred to as globalization, how has the nature and functioning of states, as well as the state's significance for everyday life, changed in conjunction with these processes?

In this book I focus on territorial claims by Afro-Colombians to explore the relevance, meaning, practices, functions, and locations of state power. I indicate shifts and changes in ideas of property and authority that necessitate a reassessment of the relationship between property and states. It is my argument that both property and authority are being reconstituted within states, and in the process the state is changing form and function, as is the concept of what a state is and does. Property, in particular, territory, as a key feature of states, allows us to see and make tangible the transformation of the nature of the state and state functioning.

I approach Colombia as a window to understanding the nature of the state, because the highly fraught situation of governing in contemporary Colombia—the violence, divisions, and economic structure—constitutes a historical conjunction that could lead in a variety of directions. Colombia serves as a good case study that anticipates the direction of state transformation in terms of (1) territorialities and (2) categorization as subjects of the state. Because Colombia offers a vista into phenomena that are often hidden in other political and social circumstances, it is a rich illustration of the dynamics of the processes by which states are transformed. Thus Colombia is an extreme rather than exceptional site from which to study the state. Colombia can be used as an extreme example of many other states whose organization of people and power mirrors that of Colombia, precisely because it allows us to ask questions about state functioning that would otherwise not be visible, or at least would not appear obvious.

Colombia

Situated at the northwestern corner of South America, Colombia's varied geography includes the Pacific and Caribbean coasts, high central plateaus, and tropical lowlands. In Colombia the Andes chain of mountains divides into three ranges, or cordilleras, running from south to north, with vast river valleys between them. The cordilleras are separated by the Cauca and Magdalena rivers, which flow into the Caribbean in the north. These varied

landscapes give life to an astonishing biological, agricultural, and livelihood diversity. Rich in natural resources such as water, forests, minerals, and excellent soils, Colombia has an export economy that depends largely on agriculture (coffee and flowers) and mineral products (petroleum and coal).

Claims to land are not a new phenomenon in Colombia; rather, Colombia can be characterized by intensive agrarian conflicts over public lands,



Colombia in 1999

the status of private property, and the distribution of land in general; these conflicts have reduced the legitimacy of the state in the minds of many rural people (LeGrand 1986). The conflicts have been regional in character and have intensified in certain periods, such as in the latter half of the twentieth century during the interpolitical party war known as *La Violencia* (1948–1968), during the agrarian reforms instigated by the U.S. policy Alliance for Progress (1970s), during the bonanza in illegal drug production and trade, and during the governing crisis of the 1980s. Although these disputes have occurred among different sections of the populace, the state has been the important context in which these fights have taken place.

In the 1980s much of the violence consisted of attacks on state representatives, including the murder of 300 members of the judiciary and 4 presidential candidates. The extreme violence perpetrated by drug traffickers, the paramilitary (right-wing private militias), the leftist guerrillas, and the armed forces in a fight for power spurred the government and the people of Colombia to seek solutions through peace settlements. The 1991 constitution was created through the National Constituent Assembly and came into being as part of negotiations that demobilized guerrilla groups.

The new 1991 constitution aimed to reduce conflict by advocating the reorganization of the national territory. At the same time, the government attempted to co-opt marginalized groups to its side by agreeing to demands for ethnic territories, creating for the first time “collective territories for ethnic groups” in the new constitution. Law 70 of 1993 makes this provision real for Afro-Colombians, recognizing them as ethnic groups and setting the provisions for Afro-Colombian territorial, cultural, and citizenship rights. Since 1995, Afro-Colombians have been claiming collective territories as ethnic groups under this rubric.

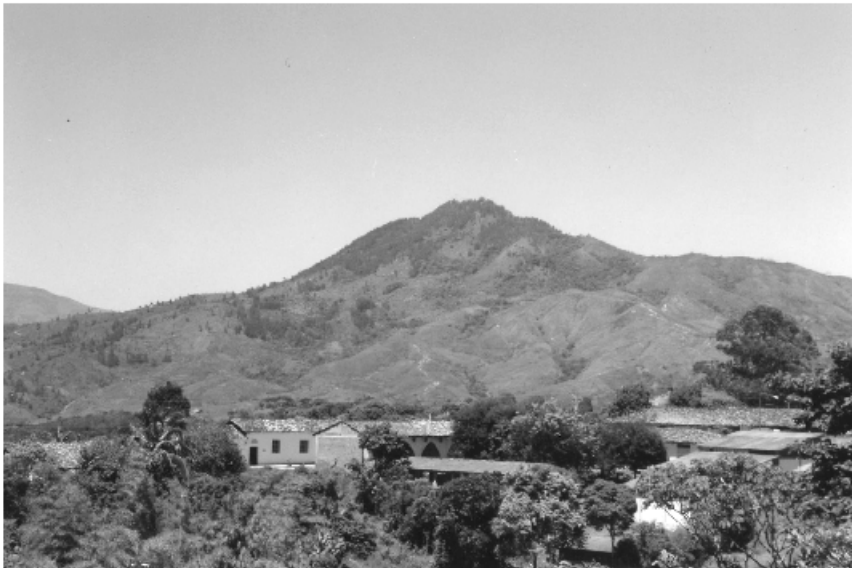
AFRO-COLOMBIAN CLAIMS TO TERRITORY IN BUENOS AIRES

The first day that I visited the municipality of Buenos Aires in 1996 in search of a place to do fieldwork—a place that was far from the heat and the sugarcane of the Cauca valley and a place where farmers actually owned the land they worked on—I was introduced to Don Nelson Sandoval,² the head of the Miners’ Cooperative of Buenos Aires. Don Nelson suggested that if I was

interested in land claims by Afro-Colombians, I should go to a meeting of the Community Council of Black Communities of Cerro Teta (*Consejo Comunitario de Comunidades Negras de la Teta*) that was being held in town. This meeting established my main contacts with the claimants over the hill Cerro Teta, and I was to return two years later in 1998 to work principally on this claim and area of the municipality. I ended up renting a room in Don Nelson's house, in the municipal center, Buenos Aires, whose hinterland is included in the claim.

From a chance introduction in 1999, I learned about a second claim in Alsacia and its community company *Brisas de Mary López*, on the other side of the Cauca River. Despite transport and security difficulties, I managed to visit Alsacia three times, for a few days each time, and I frequently ran into members of the community company in other parts of the municipality.

I was struck not only by the similarities and differences between these two claims to territory but also mainly by their complicated connections and overlapping members, support, politics, strategies, and effects. Although I have laid out the two claims separately for ease of understanding the



Cerro Teta from Buenos Aires

dynamic of each claim, as I will show, the claims are closely connected and intertwined and address similar concerns of rural people.

Of course, these two claims did not arise out of thin air and must be understood through their historical development because local, national, and international processes affected their possibility. The history of the claims places them as part of ongoing struggles over land and access to productive resources and over securing life and livelihood as rural Colombians who have not been the center of concern of the government. This makes the claims similar to land struggles (historical and present) all over Colombia and in many parts of Latin America. Although these struggles are between sectors of society—small and large landholders, for instance—these land conflicts are also struggles that always have the state in mind. How the state is perceived to respond to the struggles affects the direction and latitude of action of the claimants. As I will show in further chapters, state response is both nationally and internationally determined, but the consequences of the response are not always predictable.

At the same time, these claims represent a more general and unified attempt at self-definition as communities (ethnically, ideologically, and territorially) on the one hand and at political opening (as citizens and constituencies) on the other. This again mirrors a phenomenon in other parts of the world, including Africa, Oceania, and Latin America, where culturally defined groups are clamoring for self-governance and autonomy through territory as a basis of political participation.

In the form it takes at the moment (ethnic claims to territory), I consider this push for self-governance and autonomy a relatively new phenomenon of the late twentieth century, specific to nation-states in postcolonial societies. The very process of claiming is the setting through which these varied goals are achieved. Negotiation as a community, for political transformation as well as for land and livelihood security, takes shape in claiming. The specific histories of each claim determine the outcomes of these four goals (land and resources, securing life and livelihood, self-definition of community, and finally political opening) in the daily lives of people in Buenos Aires. At the same time they shed light on what such processes mean on a national and international level.

As a result, in this book I have tried to trace in detail the histories of the two claims and the motivations that caused them to take the shape they

did and the consequences that resulted. Through this process I hope to show that as the categorization of society members changed with political changes, struggles over land and livelihood between sectors of society were transformed into struggles over community self-definition and political opening. This shift also marks the transformation of relations between citizens and their states and the transformation within states themselves. The details aim to return to the questions posed earlier: Why these claims? And why this solution? On what grounds and by what means is governance produced in these claims and their consequences?

Categories of Belonging

Most of Colombia's approximately 40 million inhabitants live within the Andes and their interlocking valleys, leaving more than half of the country sparsely inhabited. Seventy percent of the population is urban, living in cities spread across Colombia, the largest of which is Santa Fé de Bogotá, the capital, with approximately 8 million residents. The population includes people of Indigenous American, African, European, and Asian descent. The Colombian national identity is framed in media, popular expression, scholarly writings, and government policies and procedures through an ideology of *mestizaje* (race and cultural mixture) such that the quintessential Colombian is identified as a person of Indigenous, African, and European heritage. This modern idea of *mestizaje* has existed, with varying popularity and importance, alongside the notion of Indigenous peoples who hold ancestral lands and have a separate culture from the rest of the Colombian nation. These two ideas of race and culture, of mixture and difference, have structured Colombian ideas of self and national belonging.

For the last 400 years people of African descent have lived in South America. Most entered as slaves through Brazil or the Colombian port of Cartagena in the seventeenth, eighteenth, and nineteenth centuries. In Colombia slaves worked on haciendas, in gold mines, and on cattle ranches situated throughout the western and northern parts of the country. In colonial times the most important categorical distinction for peoples of African descent was that of slave or freeman (*libre*). Yet the categorization of free people, first into people of color and then into *castas* (registers of different

racial mixtures), was also a system of hierarchical distinction among the free. With the end of slavery in 1851 and the rise of racialized scientific theories, the categorization of peoples of African descent took on new significance, produced through ideas of modernity, national culture, and attempts to “whiten” the country and specific regions within it. Today, with the national and regional Black community movements and movements within the African Diaspora in the Americas in general, categorization again takes on new significance. Through these movements Afro-Colombians have succeeded in getting concessions from the government in the form of recognition as ethnic groups or as groups of citizens who have been discriminated against in the past. They have demanded and received collective rights to property, including the titling of more than 4.5 million hectares of ancestral land (which in aggregate is almost the size of the Dominican Republic) in the Pacific basin (Sánchez Gutiérrez and García 2006).

Although the categorization of peoples of African descent in Colombia has changed through time, I have decided to use the term *Afro-Colombian* to refer in general to the people with whom I did my study. I do, however, maintain the usage of legal, social, and political terms in their specificity as they refer to processes, actions, and peoples. I do this to retain the implications of categories and to illuminate distinctions in the deployment of race and ethnicity in the categorization of Afro-Colombians.

There are a few reasons for the use of *Afro-Colombian*. I wanted to use a term that allows some critical distance between my categorization and the many terms used by Colombians so as to be able to talk about the arbitrary and capricious yet extremely powerful nature of categorization itself. My informants used a number of categories, such as *negro*, *negritude*, *comunidades negras*, *niche*, or *moreno*, but they rarely used *Afro-Colombian*. However, I find the term less regionally bound and less regionally different in meaning. *Afro-Colombian*, then, does not contain the historically associated and regionally specific hierarchies of class, progress, race, and region that the other categories contain.

In addition, I did not want to confuse Afro-Colombians with the legal term *Black communities* (*comunidades negras*) used in the 1991 constitution and subsequent legislation, so that I could explore the implications of legalizing certain categories that might or might not correspond to groups of people. Since the 1991 constitution was written, government documents have used

diverse references to citizens of African descent, including *Black communities*, *Afro-Colombians*, *Afro-Caribbean peoples*, and *Blacks*, although there seems to be a trend toward using *Afro-Colombian*. I try to capture these transformations under a wide enough umbrella to talk about differing implications.

Until leaving Kenya, my home, where racial categorization did not use color terms, *Black* to me was a color, not a people. Of course, terms such as *African* (as used in Kenya) or *Afro* are color references as well, but they also contain powerful notions of continental belonging, history, legitimacy, and political inclusion or exclusion. Along with this, studying in the United States at a time of changing terminology from Black to Afro-American to African American—and amid intense arguments about who counted within and the political implications of this terminology—instilled in me the totally constructed nature of categories. My interest is then how these categories get produced and what it is like to live within them.

Nevertheless, the term *Afro-Colombian* has a long historical academic usage, with corresponding conceptualizations of hierarchy, modernity, class, race, and region. Questioning how we can understand Afro-Colombians as ethnic groups, Restrepo (1997) carefully detailed the change in usage of *Afro-Colombian* and *Black (negro)* over the last fifty years that corresponded to anthropological searches for a way of conceptualizing peoples of African descent in the Americas as an object of study. These searches included understanding the basis of culture in Africanisms, strategies of adaptation, modes of production, creation in new contexts such as slavery, blackness, and racism, and more recently a plethora of differing approaches talking of land, symbolic systems, politics, and modernity. In particular, Restrepo argues that regardless of the categorization, there has remained a phantom of Indigenous categorization against which the conceptualization of people of African descent is produced. The Indian has been the mirror through which Afro-Colombians are seen.

In this book I explicitly compare the dynamics for Indigenous and Afro-Colombian populations of legally being ethnic groups. I do this, first, precisely because of the mirror of Indigenous ethnic categorization that serves to inform conceptualizations of ethnic Afro-Colombians. This mirror reflects both the possibilities and the limits of ethnic identity for Afro-Colombians. Second, I make the comparison because of the history of the Indigenous experience of mobilizing ethnicity as a political instrument for

negotiating with the state. Third, my interest in property started in Kenya, where our notions of customary law and indigenusness informed my questions and expectations of ethnic territories and by which I judged the status and nature of such territories. When I found that Afro-Colombian territories were profoundly differently imagined from conceptualizations from Africa and that Indigenous territories were more similar, I sought to investigate why. And finally, I compare the Indigenous and Afro-Colombian experiences because the land of one of the Afro-Colombian claims that I detail in this book is being counterclaimed by Indigenous communities. The comparison, then, is to illuminate the consequences of the way that categorization is historically produced.

Afro-Colombian was not the self-description of choice of most people with whom I worked. One of my Afro-Colombian informants told me that some people are insulted by the term *Afro-Colombian* because of the reference to Africa and the connotation of not belonging that it appears to encompass, although he himself liked it. On the first point—the reference to Africa—my stand as an African of course can only be one of extreme surprise, and I do not see the reference to Africa as a reason not to use the term. In fact, I use the term as a political move precisely for its connection to Africa and therefore history (rather than color) and as a repudiation of the negative connotations that this connection conjures up. To not use the term would be to agree to this positioning of Africa. The second point, the connotation of not belonging, I take seriously, and I hope that it is obvious through my work that my usage means only to select a portion of Colombians, rather than to say some are more and some are less Colombian.

Afro-Colombian claims to territory as ethnic groups pose some questions about the subject of postcolonial states and national belonging. The Mestizo category of national belonging is bound up in ideas of mixture as a sign of modernity on the one hand and a sign of Indigenous roots (and therefore legitimate claims to territory) on the other. It is in the name of this group of citizens that the nation and state exist. Even though Latin American countries are some of the first nation-states and have many years of independence, Indigenous people continue to pose a problem for this particular construction of Latin American belonging and state formation. Although many postcolonial theorists do not have Latin America in mind and thus talk of postcolonial as post-1950s, this dynamic of what Mamdani

(1996) called the native question is a quintessential postcolonial problem relevant to Latin America. It is a problem of the establishment of legitimacy of rule in a place where some members of the population had prior authority (and often continue to have authority) over territory and people. Scholars of Latin America are now reassessing the role of the colonial state in the independence and republican eras, paying particular attention to this question (Trouillot 1991; Thurner and Guerrero 2003; Thurner 1997; Sanders 2004b; Andrews 2004; Appelbaum 2003; Warren 2001).

Afro-Colombian claims to territory based on cultural distinction as a result question both the national makeup as Mestizo and the uniqueness of the Indigenous claim to difference. The claims are part of a process of transition in state recognition of Afro-Colombians as they obtain the possibility of moving from being legally silenced invisible racial groups to legally vocal visible ethnic groups. Categorization by race or ethnicity is deployed with different consequences in the attempt to control the social organization of sameness and difference. What is interesting to me are the things that are enabled or curtailed with deployment of either race or ethnicity. The claims then radically reinterpret the basis for national belonging and cultural distinction.

Thus in this book I have three main goals:

1. To understand the grounds for and means by which the process of governance is produced in claims to ethnic territories
2. To understand the crucial role of categorization as a state effect used to restructure territoriality and as an essential part of state functioning
3. To illuminate the central position of territory in the negotiation and production of state transformations

Why These Claims Now?

In the late twentieth century, in many postcolonial countries groups of citizens have been making collective claims to territory on the basis of cultural distinction. These property claims are extremely varied in their local manifestation but have some broad similarities across continents. The claims have tended to be first and foremost jurisdictional claims based on cultural (usually ethnic) difference from a general, nationally imagined population.