

# Territory and Territoriality in Colombian Politics

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## **R**esumen

Este trabajo discute la política territorial a partir de Colombia como caso de estudio. La geografía fracturada de Colombia, su diversidad regional y las características de su sociedad dividida explican las principales tensiones políticas, el conflicto armado, la debilidad del Estado, la criminalidad y la desigualdad económica. La baja presencia del Estado o su marginalidad en la cultura dominante ha sido señalada en conceptos como “territorios diferenciados”, “zonas de ausencia estatal”, “fronteras económicas” o “zonas de resistencia”. En este contexto resalta mucho el tema de la territorialidad y la política territorial. Divido la historia del país en 4 etapas: 1) la conquista y la diferenciación del espacio cultural, (2) la construcción de la nación en un contexto de barbarie, (3) la autodefensa, Resistencia territorial y seguridad nacional (1930-1980), y (4) fracaso del territorio estatal y la gobernabilidad neoliberal (1990 hasta el presente). A partir del caso colombiano, defino el territorio a partir de las estrategias y tecnologías que se expanden con transformaciones tangibles del espacio natural y social con efectos claros en la cultura, los derechos y las prácticas económicas. Hay que aceptar que los límites territoriales nunca son claros porque las culturas mueven y cambian el espacio social, las estrategias de producción y las prácticas del uso de la tierra.

Palabras clave: Colombia, Territorio, Territorialidad.

## **Abstract**

The paper contributes to discussions on territorial politics by using Colombia as a case study. Colombia's fractured geography, regional diversity, and divided society feature prominently as explanations of the country's main political tensions such as armed conflict, state weakness, criminality, and economic inequality. Areas of low state presence or at the margins of the dominant culture have been variously labeled as “territories of difference,” “zones of state absence,” “economic frontiers,” or “zones of resistance.” In such analyses references to territoriality and territorial politics feature prominently. I divide the country's history into four different times (1) Conquest and the differentiation of cultural space, (2) Nation-building and the barbarian hinterland, (3) Self-defense, territorialized resistance and national security (1930-1980); and (4) Failure of the Territorial State and Neoliberal Governance (1990-present). Based on a reading of the Colombian case I offer that a definition of territory must refer to strategies

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and technologies that produce widespread and tangible transformations of natural and social space with clear effects on culture, rights and economic practices. It must also accept that territorial boundaries are never clear because cultures move and change their social space, production strategies and land-use practices.

Key Words: Colombia, Territory, Territoriality.

## Territory and Territoriality in Colombian Politics

### Introduction

Most prevalent theories on democracy and state formation assume that a territory is no more than a spatial marker signaling a state's turf. For example, conventional views of the state assert that the government's political authority derives from its monopoly over the use of force and its jurisdictional claims over people, property, and transactions. This takes for granted the idea that a territorially contained people, normally a cultural majority, define the nation-state's spatial and jurisdictional limits. However, the territorial and social boundaries of the state are far from clear (Mitchel 1991; Migdal 2001). This presents problems for studies of democracy (Ochoa 2011), nationalism (Moore 1998), and just access and ownership of natural resources (Nine 2008a; 2008b). Territory then must be more carefully theorized (Elden 2010). As a type of space that encloses and reflects governance strategies and technologies (Elden 2010), it shapes both human and natural environments. Territorial strategies and technologies are informed by culture, particular forms of knowledge, and historical junctures that express hegemonic ideas and the interests of both established and contentious groups.

Colombia's fractured geography, regional diversity, and divided society feature as explanations of armed conflict, state weakness, criminality, and economic inequality. Unlawfulness and economic development were as much the concern of nineteenth century positivist thinkers imagining a country divided between civilized and barbarian lands, as they are in current analyses of territorial disintegration or poor governance. Areas of low state presence, or at the margins of the dominant culture or economy have been labeled as "territories of difference" (Escobar 2008), "zones of state absence" (González, Bolívar and Vásquez 2002), "economic or land frontiers" (Le Grand 1986; Rausch 2013) or "zones of resistance" (González 1992; Medina 1989). Reference to territory thus features prominently in the study of Colombia. I argue that a comparison of Colombia's territory in historical perspective not only helps clarify aspects of Colombian political history, it also contributes to theoretical understandings of territorial politics.

## Territory and Territorial Politics

### State Space or Territory as a Component of Political Systems

The territorial state is a relatively new phenomenon that did not cover all of the world's land. The territorial state emerged after Westphalian treaties compelled governments to recognize each other's authority and territorial limits (Sassen 2006). The nation-state bundled rights and authority in coterminous spaces that gave a national sovereign exclusive authority over a given territory while ensuring a similar dynamic in other nation-states (Sassen 2006: 6). The European territorial states then became a political unit to expand the national goals of a bourgeoisie over other territories.

Before the hegemony of the territorial state, the basic political choice was how to position oneself vis-à-vis the state (Scott 2009). Scott (2009: 324) describes the following four eras of state development (1) stateless era; (2) small-scale states encircled by vast and easily reached stateless peripheries (3) period in which such peripheries are shrunken and beleaguered by the expansion of state power, and finally (4) an era in which virtually the entire globe is administered space and the periphery is not much more than a folkloric remnant.

Scott (2009) argues that what is being evaded is the situation of subjects of the state, but not a relationship with the state. Latin American pre-conquest societies for example, remained in remote, inaccessible regions far from the centers of Spanish control. These were geographically forbidding regions of little or no economic value to the Spanish (Scott 2009). Such landscapes supported regions of refuge "located in areas that are particularly hostile or inaccessible to human movement, where exploitation of available resources necessitates the investment of considerable effort even for modern technology, and where this effort is not recompensed proportionately" (Aguirre 1979: 23). Aguirre (1979) explains that zones of refuge emerge out of the competition by different cultures for territory and resources to settle in places that can supply the means for them to live and perpetuate themselves in accordance with their technology.

The most recent era of state expansion started roughly after 1945 and the nation-state "is now busy projecting its power to its outermost territorial borders and mopping up zones of weak or no sovereignty" (Scott 2009: xii). The need for the natural resources of the "tribal zone" and the desire to ensure the security and productivity of the periphery has led, everywhere, to strategies of "engulfment." What Scott calls *nonstate spaces*, or locations where, "owing largely to geographical obstacles, the state has particular difficulty

in establishing and maintaining its authority. Such non-state zones could be used as “sanctuaries” for anti-state forces. These are not exactly “lawless sanctuaries” but more precisely, refuges from state power. In contrast, State spaces are zones of rent, taxation, conscription, tribute, tradable goods, etc. The encounter between expansionary states and self-governing peoples has been variously defined as encounters between the raw and the cooked, the wild and the tamed, the hill/forest people and the valley/cleared-land people, the barbarian and the civilized (Scott 2009). The state’s project was to civilize such barbarians, justifying racist, colonialist oppressive measure (Scott 2009: 3).

State expansion, almost complete since it became accelerated in the 1950s can be seen as the last enclosure movement “to integrate and monetize the people, lands, and resources of the periphery so that they become [...] contributors to the gross national product” (Scott 2009: 4). Unintegrated territories contain essential natural resources for the development of electronics, hydroelectricity, bioprospecting or conservation, thus becoming valuable to capitalist development and are thus the object of a new rush (Scott 2009: 11). There a clear link between environmental crisis and state expansion, and thus, increasing concern with debating what justifies the state, its territorial presence, and its land allocation rights.

#### **Territorial Rights: The Liberal View**

Liberal debates largely center on the state’s moral rights to establish order, administer justice, and legitimately represent the people who occupy that territory, in other words, rights of jurisdiction, to access resources, and to control borders (Miller 2011). However, there is some debate on the interpretation of Lockean theory on property. The standard reading of Locke establishes that the state’s territorial rights stem from the property rights of individuals who band together to form a political society that then has the right to exercise territorial jurisdiction over their private properties (Nine 2008a, 2008b; Van der Vossen 2014). Alternatively, a collectivist interpretation of Lockean points out that a state (which represents a group of property owners who have ceded some of its rights over property) gains territorial rights through its collective labor on the land (Nine 2008a, 2008b). This right gives the state powers to establish justice within a particular region. This is quite different to property rights since these only give the bearer the right to exclude others from benefiting from a thing (Nine 2008a: 149, 2008b: 961).

States can establish property rights because (1) as any other agent, it is capable of changing the land, thereby creating a relationship with it; and (2) its relationship with land is morally valuable following principles of liberty,

desert and efficiency (Nine 2008a: 155). But rather than establishing rights to property, these conditions establish the state’s rights to territory (Nine 2008a: 155). The state’s land-changing labor is evident through the creation, adjudication, and enforcement of laws that sustain systems of production, ways to use resources, and enforcement of property rights (Nine 2008a: 155).

Van der Vossen (2014) concludes that Locke established a clear conceptual distinction between property and sovereignty suggesting that these are disanalogous because the rules for the succession of political authority are not like those for the transfer of property, and owning property is not the same as being sovereign. The territorial rights of the state protect *liberty* and are “a prerequisite for the realization of the right to self-determination” (Nine 2008a: 157-158).” States also earn or deserve territorial rights because they help organize polity members and coordinate technological advances, research, or conservation that increases the value of territory, thus the value of people’s properties. The *desert* principle also recognizes a particular state’s historical rights to a territory (Nine 2008a: 160). The *efficiency* principle, Locke’s primary explanation for the coming into existence of a political society, is both necessary but problematic. The state’s territorial jurisprudence helps individual owners make a more efficient use of land by providing a common judge to enforce law and thus stabilize and give value to a system of property rights (Nine 2008a). Locke’s limiting principle of efficiency however, brings up problems, if:

*(1) “the current right holder to land is wasting the land; and (2) others are being severely harmed because of the burden that the right places on them not to access or use the land, then the current right holders may have their rights limited so as to allow others access to the land. There is a lot of controversy packed into this limiting principle of efficiency, including the ambiguous and perhaps culturally relative nature of ‘wasted’ and ‘harmed’ (Nine 2008a: 162).”*

“Efficient” versus “wasted” uses of land will mean different things for different peoples, even if it can be safely assumed that all cultures value certain goods provided by the exploitation of land, such as food, water, natural resources, shelter, as well as places to gather and a basic infrastructure (Meisels 2002, Nine 2008a)<sup>1</sup>. This explains why some of the most intractable disputes over territory arise when modern nations and aboriginal groups make rival claims to the same piece of territory (Miller 2011)

1 Meisels, T. (2002) ‘Efficiency-Based Territorial Claims’, *Political Studies*, 50 (5), 959–73.

### The Primitive Rights of States

Another strand on Liberal theory rejects Locke altogether as a good starting point to understand the state's territorial rights, and resorts to Kant who argues that the state has primitive rights, which then helps solve some of the problems that a Lockean reading leaves unresolved (Stilz 2009). Lockean approaches to territorial rights fail to explain "how the state can establish a continuous territory; why later generations consent to the state's jurisdiction; and why non-consenting property owners cannot secede" (Stilz 2009: 1895). Kant shows more accurately why jurisdictional powers must be attributed only to states – and not to individuals or groups – because only states can articulate an objective interpretation of property rights that imposes binding duties on individuals. A state has a claim to a particular territory because it defines and enforces property rights on that territory (Stilz 2009: 205). Kant contends that only states can promulgate unitary, public, and objective binding rights in a given area to set limits to property (Stilz 2009). This reading of Kant establishes that the state's jurisdictional rights are primitive, or not subject to people's prior ownership of property (Stilz 2009: 185). Since the state defines and enforces property rights consistent with everyone's freedom, living under the state is not a choice, but a moral imperative. This reading of Kant recognizes the state as a separate entity which individuals have as their moral obligation to obey.

A Kantian view holds that "(a) the state effectively implements a system of law regulating property in that territory; (b) the system of law meets minimal criteria for securing the people's consent, by guaranteeing their most basic rights; and (c) the state is not a usurper. Kant argues that there are no 'natural' titles to ownership; these only exist when there is a public authority to delineate and enforce them (Stilz 2009). Kant suggests that human beings therefore have a duty to accept the authority of states, in order that the bounds to their respective properties can be determined, and even goes so far as to claim that we may be forced into the state against our will (6:312). State rights to territory are not derived through prior delegation of jurisdictional rights by individuals: they are primitive (Stilz 2009: 198)."

Contrary to Lockean theories, Kant uses the social contract as a heuristic device for testing the legitimacy of the state's laws (Stilz 2009). The 'original contract' principle serves as a norm by which to judge actually existing constitutions, and governments are obliged to reform in order to suit this ideal; constitutions conforming to the ideal of an original contract will secure individual freedom, equality, and independence as a citizen (Stilz 2009). In conclusion, states that protect a minimal threshold of freedom for each citizen can possess territorial rights (Stilz 2009). The

author believes that such minimal standards include most of the rights contained in the UN Declaration of Human Rights which are generally compatible with a liberal democracy (Stilz 2009). If a state guarantees such rights, it exercises a rightful or legitimate relationship with its subjects and can set moral demands on its subjects.

The liberal perspective on territory offer insight into matters of state legitimacy, but fail to address the historical development of the state and the role of domestic social conflict and international pressures in the creation of space state. Here, the Marxist conceptualization of social space as something that exists in relationship with other spaces, offers a better alternative to understand the historical process of state development.

### Territory as social space: The Marxist View

Marxist theory of space builds on the work of Lefebvre, one of the first to recognize the importance of social space in the economic domination and containment of class conflict. Space is a social construct and every society and form of production produces its own space and spatial practices (Lefebvre 1991: 31). The appropriation of space implicates a spatial practice, a rhythm, and economic relationships with other spaces (Lefebvre 1991). Lefebvre (1991: 33) describes social space in terms of (1) Spatial practice: the particular locations where the processes of production and reproduction occur; (2) representations of space or the order imposed by relations of production and which occur in the form of knowledge, signs, codes; and (3) representational space or the complex symbolisms (sometimes coded, sometimes not) linked to the clandestine side of social life.

Relations of production (i.e. the division of labor) and social relations of reproduction (i.e. relations between the sexes and age groups, as well as the organization of the family) occur in specified and often, hierarchically placed spaces. In contrast to previous social orders, not only has the development of capitalism intensified the hierarchical division of space, it has also clearly divided reproductive from productive spaces (e.g. in pre-capitalist societies these two spheres were closer together). The division of labor is strictly spatialized (Santos 1979). In addition, there is less and less natural space left.

Space therefore "is not a thing or event, but rather a framework for things and events" (Harvey 1969, cites Popper 1963: 179), and because it is produced, space is a historical concept (Lefebvre 1991). Space exists in relationships with other spaces and reflects different technologies of production. For example, Santos (1979) identified two clearly connected and dependent urban circuits produced by different technologies of production

(i.e. social relations of production): an upper (modern, capitalist, urban, export, modern trading) and a lower (non-capitalist manufacturing, non-modern trading) circuit. Each circuit operates in specific spaces and an “individual’s capacities to both produce and consume largely depend on his location” (Santos 1979: 8). “Though the constitution and reconstitution of space in underdeveloped countries is conditioned by external interests often operating on a world-wide scale, their impact on spatial factors is localized and subject to considerable inertia” (Santos 1979: 7).

In sum, territorial processes support the tendency of capitalism to disguise class conflict (Sack 1986: 47), by creating a sense of emptiable space (Sack 1986) that puts territory at the service of capitalist economic relations to further impersonal relationships. Emptiable space also refers to mobility, especially of labor which once was bound to land (Sack 1986). Increased trade and mobility, both positive events, however helped capitalist elites to mold and control human spatial organization in a wider scale (Sack 1986: 87), thus supporting hierarchies and helping contain class conflict.

#### **Social movements and what sets territorial and land conflicts apart**

In the current juncture territories are managed using capitalist strategies and are therefore highly unequal and stratified. Because such strategies and technologies of governance become embedded in the “webs of life” (c.f. Harvey 1973) territorial conflicts can be intractable. Some of the most effective social movements—not necessarily because they manage to replace state power but essentially because they contest the spatial legitimacy of said government—are territorialized social movements.

Territorial disputes are distinctive because “at their core [they are] disputes between conflicting ontologies of land” or ethnogeographies (Kolars 2009: 14). Territorial rights claims are not all secessionist or nationalist movements, but rather demands to make ethnogeographic claims possible through institutional and socioeconomic practices (Kolars 2009). Ethnic social movements have largely been at the forefront of such claims. As exemplified by Latin America’s ethnic movements, such ethnogeographic reframed Liberal Constitutional foundations and led to post-Liberal political claims (Yashar 2006). Ethno-territorial resistance in the region escalated when policies reduced autonomy by facilitating government or third-party access to land and resources. Communities overcame collective action problems by making territoriality claims involving spatially-based access to resources and mobilization networks (Beaumont & Nicholls, 2007). In the case of ethnic groups, territoriality claims increasingly counter

the incorporation of ancestral land into state-centered territorial regimes by negotiating autonomy and collective property rights (Chirif & García, 2007) not just for political and economic reasons, but also for symbolic meanings and functions in the reproduction of local social relations.

In particular, social movements from humid tropical forests emphasized four main rights: territory, identity, political autonomy and their own vision of development and economy. Their right to exist was framed as a political, ecological and cultural claim (Escobar 1999). The regional territory in the case of Latin America was an ethnic category, and became a useful strategy for the social movement to relate with base communities and a political construct to defend traditional livelihoods (Escobar 1999). Ethnic social movement thus promoted a particular vision of conservation and biodiversity, and as they articulated biodiversity with cultural and territorial defense, these social movements configured an alternative political ecology framework to the technocratic prescriptions on the environment (Escobar 1999). The movements influenced multilateral organizations like the World Bank and the United Nations Convention for Biological Diversity, as well as large NGOs and communities of scientists and helped create a network that produced a discourse on biodiversity (Escobar 1999).

Multicultural reforms in Latin America addressed ethno-territorial claims by devolving power to ethnic groups as a way to reverse internal colonialism. The reforms let local authorities regulate cultural patterns, social institutions and legal systems within delimited ancestral territories (Cal y Mayor 2013; Martínez 2013), and required legal pluralism at the constitutional level (Van Cott, 2000). Multicultural reforms overlapped with legislation on environmental governance. Based on the assumption that indigenous communities share sustainable environmental governance practices (Dove, 2006), indigenous self-determination and the demarcation of collective lands was encouraged as an appropriate way to address sustainable development and social justice. Natural resource scholars concur that decentralization may lead to effective environmental governance, and are most concerned with problems of collective action and rule development to manage dynamic natural systems embedded in complicated and overlapping political environments (Ostrom 1990).

#### **Considerations for a definition of territory**

Space is full of meaning that provides personal and collective attachment, which helps explain phenomena such as nationalism and the impulse to conserve meaningful spatial markers (Tuan 1977). It contains significant relations of production and reproduction, as

well as epochal markers and economic footprints. Territory is a culture's habitat (Chirif and García), however, not all groups or individuals will undeniably accept a cultural or political majority's particular version of history or values to legitimize the state's territory and authority (Moore 1998). In theory then, territory should not be defined as a function of the values shared by a plurality of people contained within spatial borders.

Recourse to democracy is suggested as a solution to this dilemma (Moore 1998: 154). Nevertheless, democratic theory has little to say about territory itself since it also takes it for granted as the definitive criterion for demarcating people. This presents a theoretical paradox which, according to Ochoa (2013: 475), could be resolved by resorting to criterion on: (1) "decision independence" or that territories be defined independently from people; (2) "rootedness" or that territory be compatible with democratic governance and legitimacy; (3) "equality" or that territorial belonging be equally arbitrary to all human beings; and (4) "feasibility" or that territory be compatible with sociological and historical reality. A democratic theory of territory thus warrants attention to the "environmental and political relations existing in specific geographical areas... [which would] help steer democratic theory away from intractable debates about identity and towards new questions about democratic practices, environmental relations, and stewardship" (Ochoa 2013: 475).

These criteria demand a clear definition of territory. So far we have rejected the idea that territories should be understood as bound geographic space claimed or occupied by a group or institution, normally a state. This ignores the complex ways in which territories are produced and how they reflect strategies to assert power (Sack 1986; Storey 2001). Territories service a number of primal human needs by supporting our habitats and helping us shape our culture, institutions, and identities. They offer a space to live (i.e. land, water, ice), natural resources, and a set of social, economic, ecosystemic, and environmental cycles on which humans depend (Kolers 2009). Elden (2010) argues that a definition of territory should be based on the fact that they reflect techniques for measuring land and strategies for controlling terrain, as well as economic tactics (Elden 2010: 799). Elden's definition of territory as strategy and technology should be complemented by Kolers (2009) concept of ethnogeography to capture the role of culture in the definition and delimitation of space. It should also capture the role of social movements in revealing the boundaries of specific territories.

### **Territoriality in Colombia**

According to the literature, two distinct territorial logics are at play in Colombia: (1) an inter-ethnic logic that highlights how Indian/black flight from the main

hacienda economy created sociocultural spaces that became a defining characteristic of the Colombian state and the country's cultural identity. In other words, the country's political culture was largely defined in terms of the positioning of specific groups with respect to frontiers of civilization and barbarism; and (2) a logic of agrarian violence, where efforts to incorporate peripheral territories to grow the national economy have triggered intractable conflict (García 2003). In this section I divide Colombia's history into four times that encapsulate different historical junctures with respect to territorial dynamics. These dynamics explain a legacy of raced-based territorial segregation during the conquest; positivist ideas on the frontier at the time of independence; territorial resistance based on agrarian and communist ideologies in the first half of the twentieth century; and failed neoliberal governance and spiraling violence since the 1990s.

### **Time 1: Conquest and the differentiation of cultural space**

Colombia's fractured geography challenged Spanish efforts to settle and control all land and people, and allowed groups of natives, and eventually, a diaspora of subaltern castes or classes to escape the encomienda system. Spanish authorities separated zones of civilization from surrounding badlands, eventually identifying urban centers with the Spanish and the hinterland with Indians, or mixed-race people escaping Spanish purview. The Spanish "barbarian periphery" was the product of resistance to conquest and was

*"composed of defectors from more complex, settled societies deliberately placing themselves at a distance from the dangers and oppressions of state space. To do this often meant forsaking their permanent fields, simplifying their social structure, and splitting into smaller, more mobile bands (Scott 2009: 132)."*

The Spanish faced resistance well into the seventeenth century in most of the Andes and Caribbean of modern Colombia. Some of the most contentious groups, such as the Nasa (Páez) in the modern day Cauca department, finally subjected themselves to Spanish rule after accords granted Indians in their land some protections, and the Spanish accepted that some "vacant" and unproductive lands would be outside their complete control. Conquest chronicles of indomitable people and rugged nature explained how the Spanish found frontiers of rebellion in the southern regions of Mocoa and Sucumbios, the Guajira peninsula and Sierra Nevada, and the hinterlands of the Magdalena River (Serje 2005). But as the case of the Wayuu, whose territory spans Colombia's northern

Caribbean, many Spaniards were interested in the tax evasion and contraband opportunities offered by these territories (Serje 2005).

Fray Bartolome de las Casas's documentation of Spanish atrocities prompted the protection of native labor. Between 1528 and 1536, and after violent pacification and plundering of native lands and populations, the Crown began regulating the movement and residence of the Spanish, while indigenous populations were placed in so-called "Indian towns" (Zuluaga 2001: 154). *Encomenderos* lived in the city and received tribute in kind or in services collected by the heads of Indian *cabildos*. Once confined to Indian towns or reserves resistance strategies included feigning illness, claiming inability to organize enough people to work in Spanish properties, insubordination, and escape (Zuluaga, 2001). The Spanish settled urban centers and dominated proximate rural settings organized around a hacienda economy (Aprile Gnisset 1992), but were surrounded by a hinterland that offered a population in resistance opportunities to escape colonial order (Valencia 1996). Indigenous peoples were forced into the status of subjects of the Spanish Crown and later, of wards of the Colombian government (Cortés, 1984, Zuluaga, 2001, Diaz, 2001, Gros, 1991, Findji and Rojas, 1985).

#### **Time 2: Nation-building and the barbarian hinterland**

The conquest thus left a legacy of differentiated cultural space which naturalized the association of specific landscapes with categories of people (Serje 2005). Spatial segregation produced a political order where Spaniards, creoles, and light skin mestizos lived in "civilized" urban, temperate highlands or valleys, while Indians, runaway slaves, or rebellious peasants settled for territories in "uncivilized," hot, heavily forested lowlands, effectively producing race categories connected to specific territories (Aprile Gnisset 1992, Serje 2005). Governing elites readily defined themselves in relation to cultural or economic "others" confined to lands outside their reach. Post-colonial settlement and state development patterns continued to produce spatial boundaries that separated the civilized from the savage, the urban from the rural, or the legal from the illegal, creating a dichotomy between a "national integrated space" in the highlands and "discontinuous, diffused, spaces" in the lowlands (Zambrano 1992).

Private property was constrained to a specific social class that controlled land and labor, while the periphery offered subaltern groups the possibility to escape oppressive conditions and erect their own societies and systems of production. Peripheral lands in the Cauca river valley for example, notoriously offered a diverse population of mestizos, poor whites, or mulattos the opportunity to settle forested areas thus producing new forms of land

ownership and transforming the environment, and subsequently constituting the social base for what would later become a class of peasants (Motta and Perafán 2010). Escaped slaves also settled harder to reach areas and participated in the production of subsistence crops.

During this period, influential elites held "Turnerian views" of the frontier as a dividing line between civilization and savagery (c.f. Turner 1921). Works of literature, government, and travel logs reflect both fascination and fear of the exuberant beauty, bounty and impenetrable nature of much of the country's land, as well as the vacuums of power it offered for uncivilized cultures, illegality and violence (Serje 2005). Writers such as José María Samper claimed in 1860 that literate, civilized men living in the temperate zones of the Andes had to elevate themselves above a burning, overwhelming nature, in order to control, manage, and categorize this same nature (Serje 2005: 102). Such positivist, Social Darwinist thinkers not only scorned other cultures, they disparaged Colombia's natural environment (Jaramillo 2011).

By the 1850s these elites devoted efforts to obtaining information about natural resources and commissioned the geographer Agustín Codazzi to draw a cadaster that identified Church or Indian corporate lands subject to privatization, and to delineate the vast, untitled frontier lands (Palacio 2006). Concerned with the institutional ordination of the new territory (c.f. Linares 2011) between 1832 and 1863, they experimented with a number of political formulas to organize the country and increase the highlands grip over national political affairs (Rausch 2013: 5). Such efforts were in stark contrast with the national government's low institutional presence in much of the territory. According to Legrand (1989), a 19th century study estimated that *baldíos* (frontier or "vacant" lands) accounted for about 75% of the country's territory, and were categorized as public properties. The 1863 Constitution labeled these "enormous jungle extensions" populated by "savages" as national territories which should be colonized and "subjected to improvement" by passing their tutelage to the Catholic Church (Serje 2005). National leaders addressed the need to tame the frontier, or as Rafael Uribe, the early 20th century Liberal general, stated of "de-wild-ing" (*desbravar*) these lands as to make good use of their wealth (Serje 2005).

But even if institutional designs to ordain the country's territory remained in paper, they did have very real effects on lowland and Andean landscapes as a result of an increasing quinine, tobacco and coffee trade, the concession of *baldíos* to private companies, and the privatization of indigenous agricultural properties in communities near urban centers such as Bogotá, Vélez,

Pamplona, Popayán and Pasto, and the province of Boyacá (Palacio 2006). Rausch (2013) finds that the national government aimed to integrate the frontier through assimilation, evangelization, and acculturation with the help of catholic missionaries, who had the zeal and conviction to put up with the land's ruggedness and tropical illnesses.

As the international demand for tropical products increased so did interest in the economic potential of *baldíos* as a source of cheap labor and land expansion. Hacienda owners were spurred by a developing international market for tropical products, and replaced colonial-era institutions with liberal land, labor and trade institutions in order to export tobacco, coffee and quinine (König 1994). Facing a shortage of labor, hacienda owners coerced *colonos* and usurped their lands. They moved land limits and fraudulently contested peasant land titles with the help of local judges (LeGrand 1989). In 1874, Congress approved legislation on *baldíos* (Law 61 of 1874 and Law 48 of 1882) to stimulate the productive use of land in public domains under the principle that the legal owner of the land is the person cultivating it (LeGrand 1989).

These laws offered peasants an opportunity to stake land and resist hacienda encroachment. As long as *baldíos* offered the poorest classes free access to lands where they could be in charge of their own livelihoods, they preferred to escape hacienda economies (LeGrand 1989). Peasants opened new lands and for the most part, enjoyed their property rights for 10 or 20 years at most, after which time large land owners and land speculators dispossessed them. Consequently, capitalist expansion went hand in hand with the expropriation of peasant properties (Kalmanovitz 1989), even if some entrepreneurial *colonos* found a way of life in tearing down forests to “improve” *baldíos* and then sell for a profit (LeGrand 1989). Legal and illegal transactions with *baldíos* became a source of wealth for people at the local or even national level (Ortiz 1989).

With respect to Indian lands, one of the main changes came with Law 89 that passed in 1890. This Law provided indigenous people land stewardship to mitigate the effects resulting from their transition from “a savage state to one of civilization.” This law reflected the government's expectation that indigenous territories and cultures would disappear, and contains articles that guarantee the stability of the reserves while Indians are in a “savage” state. The law recognizes the authority of the *cabildos* as representative institutions, delimits Indian lands, and establishes that reserves cannot be divided, embargoed or extinguished without court approval. If people in a particular place spoke an Indian language, kept Indian traditions or recognized themselves as Indians, but

had lost their lands, a wrongful and illicit act had been committed. This law later enabled Indians to defend their autonomy and protect their territories.

Between 1914 and 1917, Manuel Quintín Lame a Nasa “*terrajero*” laid the foundations for the Indian struggles of later years. Lame led a series of Indian uprisings called the “*quintinadas*” aimed at forcing landowners in the departments of Cauca and Tolima to leave occupied Indian lands and release *terrajeros*. Lame also resorted to legal campaigns in Bogotá to recover the original titles of the Indian reserves and to secure the central government protection of Indian lands by enforcing Law 89 from 1890. This law reflected the government's expectation that indigenous territories and cultures would disappear, and contains articles that guarantee the stability of the reserves while Indians are in a “savage” state. The law recognizes the authority of the *cabildos* as representative institutions, delimits Indian lands, and establishes that reserves cannot be divided, embargoed or extinguished without court approval. If people in a particular place spoke an Indian language, kept Indian traditions or recognized themselves as Indians, but had lost their lands, a wrongful and illicit act had been committed. This law later enabled Indians to defend their autonomy and protect their territories.

The Junín and Pichincha Battalions from the cities of Popayán and Cali contained the *quintinadas* and captured Lame and several of his closest followers. By 1930, unfavorable legislation and government repression against Indians and their lands increased the cost of resistance. By the forties and fifties, selective assassination of Indian leaders and violent expropriation of Indian reserves by landowners extinguished the movement.

### Time 3: Self-defense, territorialized resistance and national security (1930-1980)

The 1929 collapse of capitalist markets reduced the international demand for Colombia's agricultural products and triggered a new model of economic development. Between 1934 and 1945, the Liberal party increased state regulation of the economy and expanded social rights. Institutional development focused mainly in the cities (Tovar 1989), sustaining the historical tendency of placing urban space at the center of political life (Pécaut 1989). Alfonso López Pumarejo's (1934-1938) “Revolution on the March,” advanced the economic and social role of the state with fiscal, monetary, and social spending capacities

2 *Terrajeros* were Indians allowed to live in the hacienda lands—often lands taken away from the Indians themselves—in return for working for the hacienda owner.



to organize a productive labor market and protect foreign and national capital investments in railroads, telegraphs, ports and agriculture (Colmenares 1989). His Agrarian Reform Law 200 of 1936 legitimated peasant land claims by loosening the power over public affairs held by the traditional parties, but especially by the Conservatives. However, local strongmen in control of rural populations checked the rights of peasants and limited the effects of reform (Tovar 1989). Government failure to guarantee rural labor contracts, social rights, and rights over property left it up to hacienda owners to adjudicate conflict, which allowed conflict to easily turn violent (Tovar 1989).

Land frontier policies largely focused on the eastern *llanos* or tropical flood plains and grasslands. President López was fairly committed to developing this region because of its potential for growth, and for trade with Venezuela. However, this frontier “continued to serve as a place of refuge for people fleeing the highlands, as it had since the colonial era. The national government had fortified its presence in the capitals of the territories, but the plains and *selvas* surrounding the towns remained as lawless as ever” (Rausch 2013: 28). Modernization efforts did not transform ingrained views on the relationship between land, climate, and people. Unincorporated regions were seen as a growing threat to the nation’s cultural and political values.

The Conservative administrations between 1946 and 1953 reversed the 1936 agrarian reform law. This era coincided with the start of *la Violencia* (ca. 1948-1954) a period of partisan violence and counter-agrarian reform, accelerated by the assassination of Jorge Eliécer Gaitán, a national leader with close ties to the Liberal party, and a vast following among peasants and the urban poor. During *la Violencia* landowners recovered the lands distributed in the late thirties, and enlarged their holdings by violently evicting small landholders. Although violence was first used to eliminate political opponents, it was soon utilized by rural entrepreneurs and big landowners to evict peasants who had arable settlements, in order to expand capitalist agriculture (Sánchez 1991). In response, peasants, sectors of a growing urban population, and to some extent, workers and local strongmen began to form their own alternative organizations to the traditional political parties (Sánchez 1991). Such form of organization included the zones of peasant resistance formed in the 1940s in response to conservative government attacks on peasant properties.

Peasant self-defense groups in the *llanos* and southeastern Tolima protected lives and properties from attacks by local party bosses and *hacendados*. The *llanos* for example, offered conditions of refuge, spurring the arrival of

“politically committed guerrilla fighters” (Rausch 2013: 28), from where they eventually launched an insurgency against the national government. These agrarian movements originated in the 1920s struggles to defend peasant lands and properties, and were later committed to the principles of Tolima’s guerrillas for the “defense of the property of others; the respect for family honor; the respect for the political and religious ideas of all peasants; the union and brotherhood with peasant workers without partisan or religious discrimination; and the organization of peasants to fight against thieves and reactionary persecutors” (González 1992). The peasant organizations also offered social programs, such as child care, education, or health that the state failed to deliver (Medina 1989).

Mestizo and Indian peasants were less likely to be organized and their political relationships were mediated by large landowners or wealthier peasants based on relations of personal loyalty (Gutiérrez 2012). Self-organization ended this pattern and produced new forms of intermediation. In the Ariari region of the *llanos* for example, the Liberal guerrilla leader Dumar Aljure presided over 60,000 hectares and built prosperous cattle operations (Rausch 2013). He collected taxes and offered protection in exchange, though some peasants criticized his coercive practices, he maintained local order and was tolerated by the national Liberal party leadership, for whom he continued to procure votes.

The *guerrilleros del llano* were loosely connected to the Liberal party, and from their territorial base, leaders such as José Alvear Restrepo, Guadalupe Salcedo, Dumar Aljure and Eduardo Franco formulated a defense from the Conservative government’s army, created a revolutionary movement and drafted in a 1953 National Revolutionary Congress the “*Leyes del Llano*.” These contained 224 articles that demanded that the population support the rebels and they would in turn “guarantee respect for liberty of conscience, expression, speech, religion and small properties (Rausch 2013). The *Leyes del Llano* called for the expropriation of large properties owned by those who did not contribute to the revolution, claimed the possession of land and cattle without known owners, and emphasized the duty of armed personnel to respect the civilian population as well as the Indian communities (Rausch 2013: 53). Some of these ideas were later contained in Agrarian Reform Law 161 of the National Front government of Alberto Lleras Camargo (Rausch 2013). Communist rebels did not abide by the *Leyes del Llano* and split from the revolutionary congress.

In the early 1950s, the national government escalated the repression of peasants organized in the south of Tolima, forcing them to negotiate, surrender, or flee. As thousands

of people escaped violence, party elites feared that they had lost control of local politics and decided to support General Gustavo Rojas Pinilla (1953-1958) in a coup against the Gómez government. Rojas took on the pacification of the country and publicly claimed that peasants were “not *bandoleros* but victims of government neglect and party hatreds” motivating thousands of Liberal guerrillas to lay down their weapons (Rausch 2013: 57). His calls for amnesty were heeded by less radical peasants, including the 6,500 Liberal guerrillas from the Llanos who demobilized under Rojas’ 1953 armistice. To settle conflict and offer social programs, Rojas designed institutions to adjudicate justice (such as Military Courts of Appeal and Review and a National Secretariat for Social Assistance). Though they offered some relief, the policies did not overturn the old order allowing hacendados to usurp peasant lands, and neither did the government contain the attacks of “*pájaros*” or groups of conservative death squads.

In view of government inaction to contain *pájaros*, Communist peasant leaders in the Upper Magdalena River Region of Tolima and in Sumapaz (south of Bogotá) distrusted the government and decided to maintain their territorial resistance (González 1992). However, until the early 1960s, peasants under communist leadership were still open to negotiation with the national government. Leaders in Ariari (Meta) for example, were willing to “reincorporate themselves into democratic life and expressed their desire to collaborate with the government as to normalize the area in peace and justice, and peasants in Guayabero, facing increasing repression sent missives to the national government to clarify that they were not bandits, criminals or generally against peace and order (González 1992).”

The army lost local legitimacy when it resumed the persecution of peasant guerrillas (Rausch 2013). The 1954 attack of Villarica in southeast Tolima convinced peasants to form “marching columns” to seek refuge in regions of low government presence, but which produced enough food to shelter and help settle the migrating peasant diaspora, such as El Duda, Pato, Guayabero and Ariari in the departments of Tolima and Meta. In these regions they found earlier settlers who reluctantly agreed to subject themselves to the rule of the newcomers (González 1992). In 1955 up to 2,000 people arrived at el Alto Sumapaz and el Duda, forcing people already living there to either leave or subject themselves to the rules of the newcomers (González 1992: 73). People who remained had to agree to form regional, zonal or local self-defense committees, or participate in indoctrination or political formation workshops (González 1992).

Communists slowly replaced Tolima’s Liberal agrarian principles as the government failed to offer protection. In Colombia’s tradition of linking political ideology to space, national elites and local *hacendados* promptly stigmatized all the inhabitants of these regions as communists. Peasants on the other hand, self-identified as a self-defense fleeing government policy, and as political and ideological minority persecuted by the state (González 1992). Failure to adjudicate conflict and protect peasant lands was just as problematic as lack of government support to developing a social and civil infrastructure that would enhance peasant productivity.

Rojas ultimately failed to end violence in the countryside and eventually lost the support of the traditional parties. Between 1957 and 1959, the Military Junta that replaced General Rojas Pinilla, designed “rehabilitation programs” as well as a “National Commission to Investigate the Causes of Violence in the Country” in order to reincorporate independent peasants into national politics. The rehabilitation programs sought to legitimate the state and pacify the country by controlling bandits and stemming communism (González 1992). The government also encouraged “bands of pacifiers” to do the dirty work of recovering independent peasant areas for the state (González 1992: 77).

With respect to the indigenous movement, by the fifties, selective assassination of Indian leaders and violent expropriation of Indian reserves by landowners extinguished the movement. The partisan Violence of 1946 to 1958 also deteriorated the political and economic lives of indigenous people. Some Indians joined peasant self-defense groups to protect Indian towns from violence. In 1949 for example, the village of Belalcazar was attacked and the Indian *cabildo* from the town of San Jose was massacred, and Indians effectively defended the towns of Santo Domingo in 1950, and Jambaló and Mina in 1956 (Consejo Regional Indígena del Cauca., 1980). Cauca Indians also participated in the peasant enclaves founded by Liberal guerrillas. According to Gros (1991) Nasa Indians who participated in this organization learned about land reform and spontaneous resistance, undoubtedly an important precedent for the CRIC.

#### **The National Front and the Failed Incorporation of Peasants**

Party elites formed a National Front government to reconcile their differences, replace the military government, and disband and de-politicize sectors of the lower classes that had associated independently. The bipartisan government represented a coalition of coffee growers, major industrialists and a landed

oligarchy that steered economic policy to favor their sector's interests and excluded labor and peasants from economic policy-making (Palacios 2001, 14).

By this time, rebel peasants adopted socialist worldviews, abandoning negotiations with the government (Gonzalez 1992). The 1961 IX Congress of the Communist Party declared that in the face of government aggression peasant organizing would support a strategy based on the combination of struggles, or using both contentious and non-contentious strategies to advance peasant interests. The agrarian principles of the peasant organizations formed in the 1940s were thus upended, and peasants became more vulnerable to the government's anti-communist national security strategy (Gonzalez 1992). This period experiences the full development of the cold war agenda in the form of a national security approach to managing internal frontiers. As the national government stigmatized peasants organized in self-defense groups, *hacendados* opportunistically accused the national government of favoring communists whenever judicial authorities favored peasant property rights (Medina 1989). Alvaro Gómez, a far-right conservative senator, coined in 1961 the term "independent republic" to stigmatize the peasant self-defense, denounce a Communist territorial encroachment, and highlight the Liberal government's failure to control the Colombian territory (González 1992). The term not only achieved the further stigmatization of peasants, it effectively turned them into internal enemies, labeled their lands as zones of communism (Gilhodes 1970), and justified government strategies based on psychological war, an economic and military blockade, displacement, persecution, capture, and disciplining (Gonzalez 1992: 107).

In 1964, the Conservative President Guillermo Valencia (1962-1966) led four military operations against Marquetalia, Pato, Guayabero, and Riochiquito, and in 1965 oversaw the "Operation against the Independent Republics" and the military occupation of these regions. Among the tactics used to end the "republics" the military and local landowners trained armed groups to attack the peasant self-defense and encouraged bandits. The 1965 military occupation lasted six months during which time peasants faced a veritable dirty war. At the end of the operation, the region was practically abandoned, as some 200 families went into hiding in the jungles of Caquetá (González 1992). At this point, the Communists organized as marching columns eventually forming the Revolutionary Armed Forces of Colombia (FARC) whose political agenda included land reform and the establishment of a revolutionary state. Between 1965 and 1969, hundreds of peasants were subjected to summary trials for the crime of

"association to commit a crime" and about 200 political prisoners remained in local jails (González 1992). The effects of government repression on civilians radicalized peasants and led many of them to support the FARC.

The Agrarian Reform Law of 1966 organized peasants in the National Peasant Association of Colombia (ANUC) and created the Colombian Institute for Agrarian Reform (INCORA) charged with distributing land and legalizing titles. Peasants rapidly mobilized and organized on their own without state support (Zamosc 1983). Law 1 of 1968 designed to turn sharecroppers into landowners ended *terraje*. To avoid the INCORA, Cauca landlords evicted *terrajeros* had two choices: leave the farms established on their ancestral lands or organize to recover them with the help of INCORA officials. Cauca Indian peasants supported ANUC and INCORA's more progressive officials who encouraged mass mobilization and land takeovers (Cortés 1984) and who were opening opportunities for Indians from different parts of the country to meet (Asociación de Usuarios Campesinos., 1974). Notwithstanding their support, Indians held misgivings about ANUC's political platform defending private property and the creation of government-sponsored peasant user organizations<sup>3</sup>—Cauca Indians defended collective land titles and the traditional Indian *cabildos*. According to Gros (1991) the Cauca Regional Indigenous Council (CRIC) emerged as a local variant of the national peasant movement led by ANUC, and maintained close relations with ANUC's Indian Secretariat in the first three years after its founding. Influenced by these events and rallying the *terrajero* struggles, the CRIC defined a seven-point platform set out to recover Indian lands, increase the size of the reserves, strengthen the *cabildos*, end the institution of *terraje*, disseminate and demand the enforcement of indigenous laws, defend indigenous history, language and customs, and train indigenous educators to teach in their native tongue and according to the needs of indigenous peoples. (Consejo Regional Indígena del Cauca 1980).

The agrarian reform led to political fallout between the Lleras government and big landowners (Silva 1989). To compensate them and lessen political conflict, the government paid high prices for the properties surrendered by landowners to peasants. When the Conservative Misael Pastrana (1970-1974) campaigned on limiting the agrarian reform, big landowners seized the opportunity to condemn the work of the Agrarian Reform Institute (INCORA) and stopped the distribution of land. President Pastrana struck a deal with large landowners in what was called the Chicoral Pact of 1972, and actively

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4 *Juntas de Usuarios Campesinos*

reversed the agrarian reform process of the sixties. The Pact reduced the impact of the INCORA and made it very difficult to expropriate land in favor of peasants.

In the four years after its creation, the peasants' ANUC recruited one million people (Collier and Collier 2002, 684). After losing government support in the 1970s, the ANUC became a contentious organization that called on peasants to invade lands. The result of the land invasions was a violent reprisal by government forces and large landholders. Landlessness, lack of representation in the government, a failed agrarian reform, and repression all radicalized peasants. Some peasant groups (as well as some leftists' leaders and organizations) began to see guerrillas as legitimate representatives of their interests who could also offer protection (Corredor 1990). During the National Front governments, new guerrilla movements emerged. The Army for National Liberation (ELN), the M-19 movement, and the Army for Popular Liberation (EPL) made similar claims to social justice as the FARC guerrillas, but enjoyed less support from peasants. Counterinsurgency policies followed, and government repression radicalized some oppositional groups even more.

The National Front governments failed to integrate peasants by offering them meaningful rights, thus leaving untouched the structural problems that led peasants to organize a territorial resistance. Careful scrutiny of events in the first part of the 20th century suggests that frontier lands were used as buffer zones by peasants protecting themselves from forceful expropriation and violence. They left intact the political and social structures that allowed rural strongmen to continue to hoard land and resources, and that ultimately failed to build an independent Colombian state (Bejarano and Segura 1996) by allowing the survival of Colombia's "*ancien régime*."

#### **Dismantling the National Front and the new rural challenge**

The political legacy of the "independent republics" and the National Front's failure to incorporate peasants and address their claims influenced policy in the following decades. President Alfonso López Milchensen's (1974-1978) for example, passed an Integrated Rural Development (DRI) program to achieve rural socioeconomic development that barely alleviated the material demands in rural areas. By the middle 1980s the drug trafficking business that began with the marijuana trade of the 1970s was enriching cartel leaders and middlemen, who invested large sums in urban and rural properties. Julio César Turbay (1978-1982) approved tougher measures to criminalize the production, marketing and trafficking of narcotics

and passed the Security Statute of 1978—a decree that toughened up measures to detain, interrogate, and judge civilians suspected of subversion or drug trafficking (Archila 2003).

This environment of political instability was convoluted by escalating guerrilla conflict. The state's precarious presence in its territorial frontiers areas was supplanted by FARC guerrillas, who discovered a population to dominate, an economic prospect (in the drug trade) to finance their cause, and a safe haven to strengthen themselves militarily. Colombian society stood in the middle of this centrifugal violence as armed actors appeared to be waging an all-out war against each other, the state, and innocent civilians.

Paramilitary self-defense groups organized to offer security in areas where guerrillas were operating. These anti-subversive organizations were sponsored by large landowners (typically cattle ranchers), drug traffickers, and some members of the military forces. Paramilitaries formed deep roots in areas where the state and the justice system were absent and where there is large-scale commercial agriculture, and grew into an army of 8,000 soldiers,<sup>4</sup> organized as a semi-centralized national militia and composed of military blocs that operated in various regions. To paramilitary leaders, civilians in guerrilla strongholds provided subversive groups with shelter, food and active militants. Therefore, guerrillas and paramilitaries engaged in a war over territory, resources and people and sought the control of geographically strategic corridors for the arms and drug trade, which constitute important sources for financing their armies. Paramilitaries took certain territories of the country away from guerrilla control, often forcing the evacuation of entire communities.

#### **Time 4: Failure of the Territorial State and Neoliberal Governance (1990-present)**

Continuing high levels of violence through the 1980s and 1990s brought attention to the fact that the Colombian state had not established direct control over large areas. The United States government also identified Colombia's lack of territorial control over its vast frontier as a major security issue. According to a RAND corporation study—an influential foreign policy think-tank—these regions present a synergy between drug traffickers and guerrilla, challenging the national state (Rabasa and Chalk 2001). U.S. demands to control the traffic of drugs became more onerous than in previous decades, and the United

4 Center for International Policy's Colombia Program. "Information about the Combatants" (<http://ciponline.org/colombia/infocombat.htm>) accessed on September 9, 2004.

States Agency for International Development (USAID) increased its coordinating activities in an “effort literally to reconstruct the country of Colombia” (Walker 2001, 23). Plan Colombia, a military aid package approved during the administration of the Conservative Andrés Pastrana (1998-2002) was introduced in the U.S. Congress in 1999 and approved in 2000 by the Colombian Congress. The strategy cost \$7.5 billion, out of which the U.S. Congress earmarked \$1.3 billion in aid, while the Colombian government had to raise the remaining funds among its taxpayers or through international credit.

In 2004, Alvaro Uribe (2000-2008) expanded Plan Colombia into a second military phase, known as Plan Patriota that expanded military operations to most regions of the country. The current state-building strategy is under the umbrella of the National Territorial Consolidation and Reconstruction Plan which targets “poorly governed rural zones” and is designed to establish a full civilian government presence in areas not governed by formal state institutions (Isacson 2012). Colombian civilians suffered the high humanitarian costs of a militarized state-building strategy, including political violence, mass displacement, and loss of lands. In addition, the plans have been fraught with military corruption including alliances between rogue military commanders with paramilitary groups in the fight against insurgents and the “false positives” scandals where soldiers killed 3000 civilians and passed them as guerrillas to show results in the war.

Political fragmentation brought on a severe humanitarian crisis where “scorched-earth” tactics increased massacres and displaced more than 4 million people from their communities since the 1990s. The lands abandoned by the internal refugees were taken over by leaders of paramilitary groups or by drug-traffickers, thus concentrating land even more than in previous decades. Between 2000 and 2008, about 385,000 rural families abandoned by force 5.5 million hectares or about 11% of Colombia’s agricultural land and lost an estimated 12% of the country’s gross national product (Consejería para los Derechos Humanos y el Desplazamiento, 2009). According to the General Comptroller’s Office, by 2005 armed groups had violently secured 70% of the country’s most productive agricultural lands (*Portafolio*, 10 June 2005), coinciding with the forced displacement of 2.6 million people between 1997 and 2008, or about 20% of the rural population (Agencia Presidencial, 2009). Energy and biofuel development near ethnic communities has led to displacement and food production shortages, and coca production has changed traditional economies while increasing militarization and fumigation of both legal and illegal crops.

### **The negotiation of a new constitution**

Violence and fragmentation was partly blamed on the country’s institutional framework that concentrated power in Bogotá and excluded other social actors from politics (Uprimny 2001). This was characterized as the partial collapse of the state (Oquist 1978) or its selective strengthening (Bejarano and Segura 1996). In practice, large parts of the country were dominated by de facto authorities, including paramilitary and guerrilla forces. Colombia was divided into a “paramilitary” north and a “guerrilla” southeast. As the government was trying to “cage-in (*enjaular*)” areas out of its reach, it brought attention to the coexistence of a democratic state with local authoritarian or clientelistic de-facto networks disputing the territorial domain of the national government (González, Bolívar and Vásquez 2002: 249). This underlines the muddy borders of Colombia’s democratic state. The territorial dimension thus became even more crucial to understand Colombia’s conflict (Reyes 2009).

Sociopolitical upheaval and the recurring challenges of developing political and economic institutions that could integrate the nation, eventually justified the overhaul of the country’s institutional framework. A new constitution was negotiated with the participation of a diverse set of political and social groups, such as a small but influential student movement, the national Indian movement, and women’s organizations, among others. The 1991 constitution viewed decentralization and territorial ordination as complimentary processes to improve governability, legitimize the state, and prepare the regions for insertion into a globalized economy (IGAC 1997). It also established Colombia as a pluri-national state, recognizing the country’s multicultural identity.

The government alleged that lack of governability was an offshoot of low state territorial control. For Santiago Montenegro, director of the National Planning Department in 2003, the causes of un-governability lay in the country’s geographical fragmentation, dispersed population, and a state that has failed to conquer its territorial frontiers (cited by Serje 2005: 33). The Agustín Codazzi Geographical Institute (IGAC) supported this position with evidence that just about one third of Colombia’s territory was under the control of regional urban centers accountable to central state authority. Such urban centers were located in the Andes Mountains along the Magdalena and Cauca River axis, and the Caribbean basin. Large areas of the country in the *llanos*, Amazon, and the Pacific littoral lay outside the state’s purview. These were the lands historically populated by peasants evicted from their lands and native communities. Out of reach territories were also prime targets for the illegal drug boom. These frontiers

produce their own laws (*la ley del monte*) and their populations are both vulnerable to violence or to be stigmatized as ready supporters anti-systemic groups, especially in the so-called red or hot zones (c.f. Serje 2005).

Improved governability had as an ultimate goal legitimating the state through political, administrative and fiscal decentralization, and increasing civil society participation in the development and decision-making processes (IGAC 1997). A renovated link between state and society would center on the territorial dimension, in other words, on the specific processes of use and occupation of land (IGAC 1997). New conceptions of development and planning emphasized economic, social, cultural and environmental policies that were clearly articulated to a territorial vision (IGAC 1997: 27) that recognized the country's different territorial dynamics. Government institutes such as the Territorial Ordering Commission, the National Planning Department, and the IGAC were set to steer this new vision of development.

The 1991 Constitution also reconfigured the country as a multicultural nation. The reforms established collective property rights of Indians to about 30% of the country's territory, and of traditional Afro-Colombian communities to 4% of the national territory (DANE 2005). Collective rights however, are curtailed by article 332 of the constitution that establishes state ownership of subsoil and nonrenewable resources. Ethnic group autonomy rights were recognized under different legislation for blacks and Indians. Indigenous territories were recognized as public entities and economic development projects in their land subjected to processes of free, prior and informed consent. Indian *cabildos* became recipients of fiscal transfers and were covered by laws compelling decentralized governments to invest and devise development plans (see Law 60/1993 on decentralization and Organic Law 152/1994 on development).

Traditional Afro Colombian authorities were not recognized as public entities in the same manner. Like Indians, Black peasants in the Pacific coast and parts of the Andes, organized around the collective use of land. Law 70 of 1993 created Black community councils to oversee collective property and natural resources and choose legal representatives to stand for the communities in relation to adjacent governments. The Law allows Community Councils some degree of autonomy but does not allocate fiscal transfers for them. Councils must therefore negotiate with municipal governments or seek outside financial support from national and international NGOs to do their work. After the reforms granted constitutional protections of ethno-political autonomy, most communities failed to

benefit. This occurred because few regions could endure neoliberal economic reforms that de-localized decision making to favor large capitalist companies, nor could they fend off an increasingly regionalized political economy of war based on violent land occupations to control people and natural resources (Houghton 2008; Oslender 2007; García and Jaramillo 2008; Asher 2009).

This legislative overhaul on ethnic rights boldly transformed governance in one third of the country's territory, eventually colliding with national economic growth priorities that hinge on competitive, market-based plans in resource- and land-intensive economic activities. A central point of contention is how article 332 of the constitution that establishes state ownership of subsoil and nonrenewable resources curtails autonomy. This contradiction became evident in a set of legislative initiatives designed to open markets for environmental services and extractive activities. The Mining Code (Law 685/2001) and the Forest Law (1021/2006), and bills to pass a Rural Reform and Water and *Páramo*<sup>5</sup> Laws all contemplated some level of privatization, even in collective lands. Ethnic organizations, environmentalists and organizations such as Colombia's Commission of Jurists, mobilized against the measures when they identified clear loopholes enabling investors to circumvent provisions on the rights of ethno-territorial groups (Jaramillo and Velasco 2007). The Constitutional Court agreed and in 2008 found the Forest Law unconstitutional on grounds that it violated ethnic rights to free, prior and informed consultation.

Such tensions were also at the center of acrimonious confrontations between the government and ethnic social movements. During a 2008 series of contentious episodes in the Cauca department where Indian *cabildos* were occupying privately-owned lands that they contended should be allocated to Indian *resguardos* or reserves, President Álvaro Uribe Vélez (2002-2010) famously accused Indians of being the country's largest landowners and keeping large tracts of idle land (González, 2011). Such rhetoric not only distorted facts about ethnic territoriality—most ethnic lands are located in protected areas such as forest reserves where the government wants to increase natural resource exploitation—it deliberately ignored that most of these lands are not under the control of indigenous authorities.

A year later, Colombia's Constitutional Court condemned this state of affairs when it published Judicial Decrees 004

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5 *Páramos* are high elevation tropical valleys and wetlands located in the Andes at an altitude between 3000 and 5000 meters

and 005 in 2009 (Corte Constitucional 2009a; 2009b) demanding government safeguards of ethnic minority rights. Decree 004 cites extensive evidence of gross human rights violations of indigenous peoples, including de-territorialization and uprooting resulting from the illegal or irregular use of natural resources in ancestral lands, while Decree 005 orders the protection of Afro-Colombian communities violently displaced from collective lands. The Court found the government culpable for failing to protect communities or even colluding with illegal actors.

More recently, the United Nations Development Program criticized Colombia's unsustainable political and economic use of its territory which exacerbated land-use conflicts. It characterized territorial politics as anti-democratic and unsustainable for increasing inequality and land concentration, and undermining rural institutions, including those of land-based minorities (UNDP 2011). According to the report, struggles for land appropriation and violence against rural civilians are leading causes of de-territorialization and internal displacement, forcing people out of their communities and into urban centers where they face poverty, discrimination, crime and acculturation. The report blames neoliberal rural reforms that increased inequality and land concentration, and undermined rural institutions, including those of ethnic communities. It cites the wasteful use of agricultural and pasture lands, where 78% of the 22 million hectares of arable lands are not cultivated, while cattle-ranching is overextending by 54% (from 21 to 39 million). This is the result of violent counter-agrarian reform, large landowner preference for expanding cattle ranching or leaving land idle, and loss of competitiveness resulting from increased imports.

### Conclusions

This paper has described four critical junctures of Colombia's territorial history with the hope of contributing to discussions on territorial politics. Territorial dynamics feature prominently in analyses of Colombia's history therefore it presents an important case to the debate, since it links matters of internal colonialism, peripheral lands, and intractable cultural and ideological debates linking people to social space. Ideas of cultural superiority have justified the use of violence against racial "others" to seize land and natural resources (Roldán 2002). Cultural minorities have resisted this condition through land-based claims that link identities, political strategies, land-use practices and property relations to delimited geographical areas (Velasco 2011). Central to this process has been the enclosure of the lands of cultural, moral, ideological or social-class "others" to benefit private gain or the state's own development. For Colombia's state elites—who

neither enjoyed legitimacy outside urban areas, nor had the technological, administrative or political capacities to absorb the frontier—peripheral areas were main sources of economic growth by appropriating the surplus provided by labor, resources or land.

This paper describes four times or different junctures that characterize the development of Colombian territoriality. During the first juncture conquering Spanish elites differentiated spaces of civility and barbarity, while indigenous peoples and other subaltern groups resisted Spanish encroachment by withdrawing to inaccessible social and natural spaces. The second juncture looks at the years after independence where mestizo elites largely defined themselves in opposition to cultural others confined to peripheral lands defined as wastelands waiting to be incorporated as productive lands. The third juncture expands on the period from 1930 to 1980 when political party violence and failed attempts at modernization led up to a national security discourse connecting frontier lands to zones of communism and peasant insubordination. Finally, between 1990 and the present, efforts to recover the states territorial legitimacy and improve governance included the negotiation of a new constitution, the territorial reordering of the state's internal limits, and the acceptance of cultural pluralism. However, this period has coincided with a growing environmental crisis. Not coincidentally Colombia's humanitarian tragedy is largely explained by the expulsion of millions from their lands and the subsequent concentration of such lands in few hands.

Adding this case to the literature on territoriality allows me make clearer connection to the social movement literature and the role of multiculturalism in defining territory. In sum, the Marxist analysis of social space helpfully highlight patterns of land use change that explain territorial conflict in historical perspective, while Liberal scholars provide insight into the construction of territorial rights as to understand how actors frame and produce institutional change. For a definition of territory I draw attention to the importance of the literature on social movements.

Based on this reading of the Colombian case I offer that any definition of territory must spell out that territory refers to strategies and technologies that produce widespread and tangible transformations of natural and social space with clear implications on people's culture, rights and economic practices. It must also clarify that territorial boundaries are never clear because cultures move and change their social space, and are more likely to contest the spatial claims of other cultures if their survival is at stake. Territory is then a type of space that reflects governance strategies to assert

or contest power by enclosing, administering, and shaping both human and natural environments with perceivable effects on ecosystemic, environmental, and socioeconomic cycles and with the potential of shaping the conditions for any culture to survive and thrive. Such strategies and technologies are informed by culture, particular forms of knowledge, and historical junctures that express hegemonic ideas and the preferences of powerful interest groups both inside that territory and outside of it.

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