Chapter 6
Overlapping Territorialities, Sovereignty in Dispute: Empirical Lessons from Latin America

John Agnew and Ulrich Oslender

Introduction

Recent debates in political geography have pointed to a key inadequacy in international relation theories, in particular the Westphalian model of state sovereignty, by positing the existence of various ‘regimes of sovereignty’ (Agnew 2005). Yet, the idealized sovereignty of the nation-state is still rigidly linked in dominant theories to the notion of a transparent and singular territoriality or control over a national territory clearly marked in space by long established and stable borders. In this chapter we propose the notion of ‘overlapping territorialities’ to examine the intersection of sources of territorial authority, other than the nation-state, with that of states. States are rarely if ever the neatly defined entities with homogeneous powers over their territories that typical stories allege them to be. This is particularly so when much statehood is a history of contested acquisition and conquest rather than consensual union.

The notion of overlap is not entirely new, of course. Other authors have pointed to its relevance in contemporary and historical contexts. To historical sociologist Michael Mann (1986: 1), ‘societies are constituted of multiple overlapping and intersecting sociospatial networks of power’. Meanwhile, Osiander (2001) and Krasner (1995) point to the failure of the Westphalian sovereignty model to effectively end the medieval organization of overlapping and competing authorities. And commenting on some of Colombia’s authority alternatives – a case which we will examine in detail below – Mason (2005: 40) notes how contemporary global order is composed of ‘multiple and overlapping jurisdictions’.

What we do here is to flesh out the notion of overlapping territoriality by examining specific cases, in which the contestation of space by non-state actors has found expression not only in alternative authority regimes but in concrete re-territorialization processes that imply the drawing of boundaries within nation-state territory. In other words, we propose to map out some of the new territorial authority regimes that have emerged over the last decades as a result of the political contestation of space and that challenge the nation-state’s supposed container-like exclusive territorial sovereignty. This, we argue, will do two main things. First,
it will further problematize the continued projection of the Westphalian model, which, if not obsolete as a category, is increasingly less able to account for the dynamic nature of contemporary territorialization processes and sovereignty. Second, by mapping out these ‘overlapping territorialities’, we wish to draw attention to the ways in which local and national struggles manage to redefine the very meaning of the contemporary nation-state.

These processes are particularly evident in Latin America, where indigenous and Afro-Latin American social movements have powerfully carved out political, cultural and economic spaces over the last two decades. Their achievements have been reflected above all in the legal recognition of collective land ownership. In many parts of Latin America, local indigenous and black communities have established themselves *de jure* as differential territorial authorities within the nation-state (Assies et al. 2000; Sieder 2002; Van Cott 2000). The contestation of space by these movements has resulted in concrete territorial gains. At the same time, however, their achievements are *de facto* under threat, as these alternative territorialities are often perceived by other actors, such as parastatal organizations and transnational capital, as challenging the dominant occidental territorial model. Thus, complex processes of de- and re-territorialization are set in motion that often take violent forms, including massacres, selective killings, and forced displacements.

We argue that these empirical lessons from Latin America importantly contribute to a necessary re-thinking of the links between state sovereignty and territoriality as mediated by social movements challenging the established spatial fabric of state-based politics. The chapter moves from a general discussion of ideas about sovereignty and territoriality – including our proposal for ‘overlapping territorialities’ – to close consideration of some examples from Colombia.

**Beyond Westphalian territoriality**

The territorial state is a highly specific historical and geopolitical entity. It initially arose in Western Europe in the sixteenth and seventeenth centuries. Since that time, political power has come to be seen as inherently territorial because statehood is seen as inherently territorial. From this viewpoint, politics takes place exclusively within ‘the institutions and the spatial envelope of the state as the exclusive governor of a definite territory’ (Hirst 2005: 27). The process of state formation has always had two crucial attributes. One is *exclusivity*. All of the political entities (the Roman Catholic Church, city-states, etc.) that could not achieve a reasonable semblance of sovereignty over a contiguous territory have been delegitimized as major political actors. The second is *mutual recognition*. The power of states has rested to a considerable extent on the recognition each state receives from the others by means of non-interference in their so-called internal affairs. Together these attributes have created a world in which there can be no territory without a state and vice versa. In this way, territory has come to underpin both nationalism
and representative democracy, both of which depend critically on restricting political membership by homeland and address respectively.

From this viewpoint, state sovereignty may be understood as the absolute territorial organization of political authority. Most accounts of sovereignty accept its either/or quality: a state either does or does not have sovereignty (Lake 2003). They differ as to whether this is a foundational principle (originating in the seventeenth century) or an emergent social practice. They also vary by acceptance of actors in international politics (such as militarily weaker states, or ‘failed states’) that are not fully sovereign. But what if the absolute political authority implicit in this story about state sovereignty and its presumed territorial basis has always been problematic?

Territoriality – the use and control of territory for political, social, and economic ends – is in fact a strategy that has developed differentially in specific historical-geographical contexts. The territorial state, as it is known to contemporary political theory, is only one form of territoriality. It developed initially in early modern Europe with the retreat of non-territorial dynastic systems of rule and the transfer of sovereignty from the personhood of monarchs to discrete national populations. That modern state sovereignty did not occur overnight following the Peace of Westphalia in 1648 is now well established. Yet, territory has popularly been associated with the spatiality of the modern state with its claim to absolute control over a population within carefully defined external borders. Indeed, until Sack (1986) extended the understanding of human territoriality as a strategy of individuals and organizations in general, usage of the term territory was largely confined to the spatial organization of states. In the social sciences such as sociology and political science it is still mainly the case that the challenge posed to territory by network forms of organization (associated with globalization) is invariably characterized in totalistic terms as ‘the end of geography’. From this viewpoint territory takes on an epistemological centrality that is understood as absolutely fundamental to modernity. But it can also be given an extended meaning to refer to any socially constructed geographical space, not just that resulting from statehood. Especially popular with some French-language geographers, this usage often reflects the need to adopt a term to distinguish the particular and the local from the more general global or national ‘space’. It then signifies the ‘bottom-up’ spatial context for identity and cultural difference (or place) more than the ‘top-down’ connection between state and territory (Agnew 1987).

From this wider theoretical perspective, territoriality can be judged as having a number of different origins including: (1) as a result of explicit territorial strategizing to devolve administrative functions but maintain central control (Sack 1986); (2) as a secondary result of resolving the dilemmas facing social groups in delivering public goods (as in Michael Mann’s sociology of territory); (3) as an expedient facilitating coordination between capitalists who are otherwise in competition with one another (as in Marxist theories of the state); (4) as the focus of one strategy among several of governmentality (as in Michel Foucault’s writings); and (5) as a result of defining boundaries between social groups to identify and maintain
group cohesion (as in the writings of Georg Simmel and Fredrik Barth, and in more recent sociological theories of political identity). Whatever its specific social origins, however, territoruality is usually put into practice in a number of different if often complementary ways: (1) by popular acceptance of classifications of space (e.g. ‘ours’ versus ‘yours’); (2) through communication of a sense of place (where territorial markers and borders evoke meanings); and (3) by enforcing control over space (by barrier construction, interception, surveillance, policing, and judicial review).

Overlapping territorialities

In many countries a pluralization of meaningful territories is producing what we call ‘overlapping territorialities’. Though encapsulated within a given state, they do not need to be mutually exclusive of one another and can be based on different social logics. In many Latin American countries, for example, indigenous and black groups base their collective land claims on social and cultural difference that distinguishes them from the dominant mestizo population. To them, their ways of relating to nature and space are quite different from the modern state territorial logic of the conquest of nature. As we discuss in more detail below, their historic territorialities – based on sustainable and magic-religious relations with their surroundings – have existed for hundreds of years, although they have mostly been ignored until recently by political science. The official recognition of indigenous and black territories has now resulted in the legal sanctioning of a differential territoriality at a subnational level, creating territorial authorities other than the national government within the space of the nation-state. State and indigenous territorialities quite literally overlap in these areas and create contested spaces of sovereignty.

The available literature is divided over the contemporary nature and origins of these differential territorialities. One school of thought gives priority to the emergence of regional and local identities in response to the pressures of globalization. From this point of view, the growth of autonomist movements, for example, signifies not so much an ethnicization of identities as a redefinition of ‘home’. As people are increasingly exposed to world markets without the same protection once offered by national-state boundaries, they must develop strategies to enhance local competitive advantage in global competition. Rather than signalling the progressive expansion of cosmopolitanism, therefore, globalization represents both a de-territorialization of existing identities and interests and a re-territorialization on the basis of localized cultural identities and economic interests.

Another strand of literature places more emphasis on the ‘unfinished’ or changing character of many nation-states. In Latin America, this has become most obvious with an array of countries adopting new constitutions over the last two decades that reflect their multicultural and pluriethnic nature. Officially sanctioning indigenous and black groups as ‘ethnic minorities’ has not only given
these groups specific rights, but it more widely critically redefines the meaning of the nation itself. The incorporation of these formerly excluded or marginalized groups into the nation-building narrative signifies a profound change in the ways Latin Americans see themselves and the nature of the nation-state. Although these changes do not take effect overnight, constitutional reforms in Latin America have clearly set the stage for a new socialization in the region. One aspect refers to changes in the territorial constitution of the state, in that new political actors, such as black communities, are entrusted with a certain degree of territorial autonomy and authority that hitherto had been the domain of the state. We will discuss this scenario in more detail below. Suffice it to say here that these changes are related to a wider process of rescaling of state functions through the decentralization of some aspects of the power apparatus. It is also important to stress that they are the result of intense mobilization of indigenous and black social movements that have challenged the status quo and contested the space of the nation-state. In some countries these movements have subsequently evolved into ethnic political parties (Van Cott 2005). The decolonial project in Latin America, while stretching back to indigenous and black resistance against the Hispanic colonizers, is only just beginning to redraw the ontological boundaries of the meaning of the nation-state in this region (Cairo and Mignolo 2008; Moraña, Dussel, Jáuregui 2008).

This mobilization may most clearly be seen in the case of Bolivia, where the government of the first democratically elected indigenous president Evo Morales leads an ongoing struggle against the European-descended elites who see their long-standing domination of the country under threat. The elites’ main strategy to rebuff the government consists of claims for autonomy of the wealthy region in the east of the country, which they control. They have used their economic power to coerce workers, organize strikes, and disrupt the national economy. The secessionist threats and the potential fragmentation of the Bolivian state are a very real danger, as the elites use their economic power to push for territorial autonomy. Bolivia’s vice-president is clear about the potential disastrous impact that the conflict may have for the national project of indigenous empowerment, but he is also clear that this is a conflict that needs to take place in order to create a more democratic and inclusive government in Bolivia (García Linera 2006).

The tendency among students of contemporary statehood has been to invest an idealized ‘nation-state’ with quasi-mystical powers irrespective of the actual capacity of existing states to rule their respective territories. Yet, many regions and localities within existing states are only weakly integrated into them. This is most obvious in the case of multinational states such as the former Yugoslavia and the former Soviet Union. Not only did major economic disparities create a popular basis for mobilization against the states that had failed to deal with them, the main territorial divisions within the states ran along officially sanctioned national/ethnic lines, thus creating the clear impression of a pattern of internal colonialism. The ‘stories’ various groups developed about one another highlight the tendency to transform the inadequacies of the existing state into ethnicized claims about the others. For example, in the former Yugoslavia enemies are invariably likened to
nomads, foreign to civilization, preying on the peaceful and prosperous (Bougarel 1999). When central institutions collapse, as in both the Yugoslav and the Soviet cases, regions increasingly replace them as the primary focus of political organization, representing both a reaction to the power vacuum at the centre and the relative ease with which power can be reconstituted regionally.

Cultural divisions of labour within states also often seem to take regional forms, even in cases where states might appear more firmly established. Or, movements can argue that their regions are disadvantaged by structural biases built into existing national economies. A now classic argument about the reality of a cultural division of labour was made by Hechter (1975, reissued 1999), claiming that the Celtic fringe of the British Isles had been underdeveloped to the benefit of England and that the growth of separatist movements in Ireland, Wales, and Scotland was a direct result of popular resentment at this state of affairs. Evidence from such cases as the clusters of Palestinians in economically disadvantaged northern and southern regions of Israel (Yiftachel 1999), the ‘ethnocracy’ of Ashkenazim dominance of Israeli politics and society through regional settlement and economic policy (Yiftachel 1998), the poverty of minority-occupied regions in western China (Safran 1998), and the use of rural colonization schemes by the Sri Lankan government to displace local Tamils (Manogaran 1999) suggest that there can well be the direct impacts elsewhere that Hechter saw in the British case.

Critical of the veracity of Hechter’s specific argument, Keating (1998: 19) points out, however, that proponents of greater regional autonomy often have recourse to claims such as those made by Hechter. Internal colonialism or uneven development, therefore, serve as ideological premises upon which political movements can mobilize popular support. Orthodox Irish nationalism in Northern Ireland often has had recourse to such arguments. Sometimes movements from richer regions can adopt the approach and reverse the logic, often in very reactionary ways. In northern Italy, for example, the federalist/secessionist Northern League berates the Italian state for neglecting the affluent north to favour the poorer south and in so doing retarding the growth of the north. This case may also serve as a reminder that not all regional (or social) movements are necessarily of a progressive nature, but quite on the contrary may seek to reinforce structures of regional domination and exclusion (Oslender 2004).

Finally, government restructuring can encourage regional identities by partitioning the national space into units that can generate degrees of loyalty/disloyalty, or by promising devolution of power and then reneging on it, provoking resentment from elements in regional populations. Northern Ireland is one clear example of a region whose very existence as a political entity reflects its incorporation into one state (the United Kingdom), while a large minority of its population has rejected this status and supports its integration into the adjacent Irish Republic. The tortured course of the political movements devoted to either maintaining the status quo or abolishing it, in this case, provides a good opportunity to examine the varied roles of local religious affiliations, landscape images, demographic projections, and competing political languages in creating
an intensely regionalized political life. The varied separatist movements in the northeast of India provide a similarly good example of the impact of ‘centralizing federalism’, in which the promise of devolution has been replaced in a region distinct from the rest of India, across multiple dimensions from religion and literacy to economic and social history, by an increasingly repressive political regime. The promise of a multinational pan-Indianism is thus compromised by the tendency of the central government to usurp ever more power at the expense of local states, justified through national security claims, which is then met by local response (Baruah 1999).

What these examples show is that the nation-state is very much an unfinished, constantly evolving space of contention between different regionally situated social groups. The Eurocentric and US-centric focus in standard political theory may blind us to the fact that throughout the world many different struggles are going on that attempt to redefine the nation, reinterpret its meaning, and even redraw its boundaries. The very dynamic nature of these processes in postcolonial states should give rise to a closer examination of the individual cases and what can be learnt from them for a progressive development of political theory. In this sense, Hansen and Stepputat (2001: 9) propose an exploration of ‘the local and historically embedded ideas of normality, order, intelligible authority, and other languages of stateness’.

In the case of Colombia, we will show how ‘other languages of stateness’ have emerged over the last two decades that have significantly reshaped our understanding of the nature of the nation-state.1 Crucial in this reshaping has been the mobilization of a range of social movements that have engaged with, contested and undermined the state’s apparent power monopoly. As we will show, territory and territoriality have been central as both object of contention and resource of struggle. We should make clear that the Colombian case discussed here is illustrative of a wider trend taking place throughout the Americas. By focusing on developments in Colombia, we move away from this country’s usual depiction as the ‘poster child for studies of violence’ (Davis 2006: 182) and concentrate on its surprisingly progressive constitutional amendments, one of which the anthropologist Michael Taussig (2004: 95) refers to as ‘one of the most innovative experiments in political theory this century’.

Colombia’s overlapping territorialities

Colombia provides a fascinating case study for the multiple ways in which exclusive state territoriality has been challenged by a range of actors. Social movements, including armed guerrilla groups, have been crucial in these contestations of space. Most observers of the political conflict in Colombia have

1 See also Hunt (2006), who has applied the notion of languages of stateness to her study of the rural space of el pueblo in the Colombian State.
focused on its violent nature and the increasingly complex interactions between the national government, guerrilla groups and paramilitary organizations, so much so that the social sciences in this country sport a special category of experts on violence – the violentólogo. There is a broad consensus that Colombian sovereign authority and its national territory have been fragmented throughout its history (Bushnell 1993; Pécaut 2001; Safford and Palacios 2002). State institutions have been characterized by their weakness and alternative authority regimes have thrived in the face of the state’s failure to control large areas of the country, most notably enforced by a range of armed actors (Mason 2005; Pizarro 2004).

The FARC: an alter-state within the state

The history of Latin America’s most powerful guerrilla organization, the FARC (Revolutionary Armed Forces of Colombia), for example, has been one of continuous territorial expansion and growth. With its roots in peasant self-defence groups that formed as a direct result of government violence in the 1950s during the partisan conflict known as La Violencia,2 the FARC evolved from a mobile guerrilla force into a revolutionary movement expanding its armed struggle to most rural regions of the country (Pizarro 1987). In a number of guerrilla conferences the ever-growing movement decided on military strategies, defined new combat zones and drew up recruitment plans. From 1985 onward an accelerated geographical expansion of zones of influence can be observed and FARC’s military activities have since targeted over half of the country (Echandía 1999; Sánchez and Chacón 2005).

A clear pattern of engagement became apparent with the FARC quickly establishing footholds in poorer rural regions where the state was effectively absent (Pizarro 2004). There the FARC provided public services to local communities that would normally be expected to be delivered by the government, including education, policing, and jurisdiction. Such a long-term vision for a regional structure of social welfare has been a characteristic of this guerrilla organization, a fact that helps to explain its strong support base and peasants’ deep loyalties to the FARC in many regions that were abandoned or neglected by a weak central state.

 Colombian sociologist Alfredo Molano (1992, 1994) has examined at length the history of land colonization and violence in Colombia. In Trochas y Fusiles (1994) he eloquently describes the culture of the FARC and their interactions with the peasantry, showing the mutually constitutive character of this relationship. On the one hand, the guerrilla controls the management of local economies and imposes taxation as well as its penal and moral codes on the local population. On the other hand, people approach the guerrillas and solicit solutions to everyday issues and quarrels. In order to maintain their authority, the guerrillas need to respond to these demands. Failing to do so, the FARC would lose its legitimacy

---

2 For a concise summary of this period, see Hylton (2003); for more elaborate analysis, see Bergquist et al. (1992), Roldán (2002) and Sánchez and Meertens (2001).
among the local population. The provision of security is one of the central requests and has indeed been the historical raison d'être of the FARC. The guerrillas in fact exploit the state’s failure to respond to rural conflicts, and thus fill a hegemonic void left by the state (Richani 2002: 98). In these parts the FARC has become a de facto alter-state within the state.

The most dramatic and visible manifestation of such an alternative territorial regime being officially sanctioned within state boundaries was the demilitarized zone (DMZ) that was established in the southern part of Colombia in 1998 as a pre-condition for peace talks between the guerrillas and the government of President Andrés Pastrana. On request of the FARC, Pastrana ordered the withdrawal of the armed forces from an area of 42,000 square miles in the Meta and Caquetá Departments, so that peace negotiations could take place in a space the guerrillas felt sufficiently safe in. The peace talks never got off the ground in a meaningful way and were beset with accusations on both parts – government and FARC – that the other party did not adhere to previous agreements. Eventually the peace negotiations were declared a failure by the government, and President Pastrana ordered the army to retake the zone on 21 February 2002. Yet for just over three years the FARC constituted the officially sanctioned territorial authority in this demarcated area roughly the size of Switzerland. The guerrillas provided police and judicial powers, set up administrative organizations, and dispensed revolutionary justice. Since the FARC had already established itself as de facto authority in this region, providing everyday protection and services and involving the local population in their project of national revolution, this was neither such a difficult task nor an abnormal scenario. In many ways, the government’s decision to grant the DMZ to the FARC merely reflected the real-life situation on the ground.

However, in political science terms, this development marked a sharp contestation of space and of exclusive state authority within the nation-state’s boundaries. One may argue that the DMZ is in fact a classroom scenario for what the geographer Robert McColl in the 1960s called the ‘territorial imperative’ in the creation of an ‘insurgent state’. In his comparative analysis of national revolutions he identified a ‘commitment to the capture and control of a territorial base within the state’ (McColl 1969: 614) as a crucial step in the project of any revolutionary movement that aims at the overthrow of the state:

> Looked at from the viewpoint of internal political developments, the creation of an insurgent state has a number of values to a national revolutionary movement. First, it acts as a physical haven for the security of its leaders and continued development of the movement. Second, it demonstrates the weakness and ineffectiveness of the government to control and protect its own territory and population. Third, such bases provide necessary human and material resources. Finally, the insurgent state and its political administrative organizations provide at least an aura of legitimacy to the movement. It is not a process of state breakdown. The creation of an insurgent state is an effort gradually to replace the
existing state government. The geopolitical tactic is the attrition of government control over specific portions of the state itself. (McColl 1969: 614)

These were, of course, precisely the points that critics of the DMZ voiced from the outset. Undoubtedly, the FARC used the space as a ‘physical haven for the security of its leaders and continued development of the movement’. And it did provide the guerrillas with an officially sanctioned legitimacy that put it on a par with the government at the negotiating table. It was also a massive publicity coup for the FARC. This eventually disbanded, officially sanctioned experiment of the insurgent state within the state provides a fascinating example of overlapping territorialities, which were constantly challenged, fought over, and re-negotiated.

While Colombia’s violence and civil war have been prominent in the writings of political scientists, little attention has so far been given to less belligerent territorial challenges. This seems strange, perhaps, as Colombia embarked on a significant decentralization programme of the state apparatus in the mid-1980s that would bring to the fore and even promote alternative territorialities within the state. Decentralization was seen as a way out of an institutional crisis that had brought the country to the ‘brink of chaos’ (Leal Buitrago and Zamosc 1991). The closed bipartisan political system, tightly controlled by the Conservative and Liberal Parties, had ensured the exclusion of broad sectors and movements from political participation. At the same time, powerful guerrilla movements, right-wing paramilitary groups (often supported by the armed forces), wide-spread corruption, and the all-pervasive influence of the illicit drug trade had reduced the legitimacy of the state in the eyes of many and brought governability to a standstill in the late 1980s. Decentralization was designed to diffuse tensions within a framework of broader and more inclusive political participation. Above all it aimed to strengthen democracy at the municipal level and bring government closer to the people. In other words, a rescaling of state functions took place and new powers were given to local government, such as the popular election of mayors from 1988 onwards.

The passing of a new Constitution in 1991 marked a further important step in the spatial restructuring of the state. For the purpose of our principal argument, we will dedicate the rest of this chapter to examining how state territoriality was opened up to other non-state actors through a range of constitutional amendments, and how the state recognized, legitimized and promoted non-state territorialities within its boundaries. The state’s degree of legitimacy and sovereignty may actually be increased rather than undermined by acknowledging the presence of other territorial authorities within the space of the nation-state. This, we believe, is a crucial if often overlooked point.

**Constitutional amendments and black territorialities**

The new Constitution of 1991 replaced the existing one of 1886. It was drawn up by a Constituent Assembly, a national public body popularly elected in December 1990 that included independent representatives from ethnic, political, and religious
minors, as well as from re-incorporated guerrilla movements. Although not directly aimed at the country’s ethnic minorities, the Constitution also declared the nation to be multicultural and pluriethnic. In an unprecedented move, it affirmed that ‘the state recognizes and protects the ethnic and cultural diversity of the Colombian nation’ (Article 7), for the first time officially acknowledging the country’s black population as an ethnic minority worthy of special protection. Whereas various articles dealt specifically with Colombia’s indigenous populations and outlined their territorial and political rights, only Transitory Article AT-55 made explicit reference to the country’s black communities. It marks a watershed in the changing relationship between the Colombian state and the Afro-descendant population. Referring to the 10 million hectares of tropical rainforest in the Pacific coastal region, AT-55 states:

Within two years of the current Constitution taking effect, Congress will issue … a law that grants black communities who have been living on state-owned lands in the rural riverside areas of the Pacific basin, in accordance with their traditional production practices, the right to collective property over the areas that the law will demarcate. … The same law will establish mechanisms to protect the cultural identity and the rights of these communities and to foster their economic and social development. (emphasis added)

This constitutionally mandated law was passed in 1993 and became known as Law 70. By 2008 a total of 132 collective land titles had been issued to black communities covering almost five million hectares of tropical rainforest in the Pacific coastal lowlands. As Figure 6.1 illustrates, this marks an impressive 50 per cent of the entire region.

---

3 Guerrilla representatives were from the demobilized movements of the M-19, the People’s Liberation Army (EPL) and the indigenous guerrilla group Quintin Lamé. Conspicuously absent from the Constituent Assembly was the FARC, whose previous negative experience of peace negotiations made them more cautious. As a result of a peace treaty between the FARC and the administration of then president Belisario Betancur, the Communist People’s Union party UP (Unión Popular) was founded in 1984. Yet, in the following months and years, thousands of its members were killed by right-wing paramilitary groups that were often linked to state institutions. This experience is crucial to understanding today’s suspicion and reluctance of the FARC to engage in peace negotiations with the Colombian government.

4 Colombia is not alone in this regard of course. In recent years many Latin American countries have introduced constitutional reforms and opened up official ideologies of nationhood to notions of multiculturalism and pluriethnicity. Van Cott (2000: 17) talks in this regard of an ‘emerging regional model of multicultural constitutionalism’.

But why were the Pacific lowlands singled out for this treatment? With 93 per cent of the population, Afro-Colombians constitute the overwhelming majority in this region, and the black peasantry had increasingly felt threatened by the accelerated and uncontrolled exploitation of natural resources by external capital. The often violent predatory extraction practices of national and foreign companies through logging and mechanized gold mining had led to widespread deforestation and pollution that threatened the very existence of local populations and their lifestyles based on subsistence farming, fishing, hunting and gathering. Beginning in the mid-1980s in the northern Chocó Department, black peasant organizations,
aided by the Catholic Church’s Afro-American Pastoral, mobilized around the defence of their lands and the environment. It was here that direct links were first articulated between the notions of a peasant identity and blackness, linked to specific relations to territory. As Afro-Colombian social movement leaders would later point out: ‘In fact, the relationships between culture, territory, and natural resources constitute a central axis of discussion and strategy building both within movement organizations and in their dealings with the state’ (Grueso et al. 1998: 209).

The Pacific coast region then became the first battlefield around which an emerging social movement of black communities began to mobilize (Escobar 1997; Oslander 2004). Their demand for collective land titles was not just about delimiting their land rights in space. It was first and foremost an affirmation of an ancestral black territoriality that had been exercised for hundreds of years but that had not been recognized and respected as such. The reference in AT-55 to ‘state-owned lands’ – or tierras baldias in Spanish – is a clear indicator of this lack of recognition. Law 70 of 1993 was more specific, referring to ‘the lands situated within the limits of the national territory that belong to the state and have no other owner’ (Diario Oficial 1993: point 4, emphasis added). Thus, the 1993 legislation still did not recognize the existing ancestral black territoriality, or the ‘territories of difference’, as Escobar (2008) puts it. Law 70 simply makes provision for establishing a collective ownership over lands considered as belonging to the state and as ‘empty’. What may appear to be a subtle difference shows in fact the discrepancy between traditionally held and exercised territorialities and the Western territorial (if you want, Westphalian) state logic that had been superimposed. What had in fact existed for centuries were overlapping territorialities.

It was this silent and unarticulated discrepancy that had led to conflict in the region. The Pacific lowlands were first referred to as tierras baldias in 1959 legislation. This designation had allowed sawmill owners to appropriate these ‘empty’ territories for timber extraction through government concessions, mostly without regard to the ways in which local black and indigenous populations used such lands according to their traditional production practices. While these communities had developed a complex socio-ecological relationship with the environment in which the forested hinterland (the respaldo de monte) fulfilled material as well as magic-religious functions, to outsiders keen on exploiting the rich resources of timber and alluvial gold deposits, the notion of tierras baldias became equivalent to free access to anyone (Taussig 1979: 123). Successive governments granted concessions to entrepreneurs over lands that black communities had made collective use of in ways that did not require delimitations in space in terms of fixed boundaries. Whereas private property amongst rural black populations does exist and is clearly delimited in space – mainly by referring to natural boundaries such as streams, rocks or trees – the respaldo de monte, the hinterland is perceived as open collective space. It is the public space per se, which does not require clearly established boundaries. This space, rather, is characterized by fluid boundaries and a powerful interethnic territorial understanding between black and
indigenous groups that cohabit in this region. These two groups have in fact shared this space for hundreds of years and have created overlapping territorialities. Afro-Colombians are generally allowed to enter and use what is known to be indigenous collective territory and vice versa, if their respective activities do not infringe upon the other ethnic group’s territorial rights. We might also refer to these local epistemologies as a ‘tolerated territoriality’, a territorial accord that consists of fluid boundaries, which are nevertheless marked and respected in imaginary space. As the Colombian geographer Patricia Vargas comments on these shared understandings among indigenous and black communities in her work on social cartography in the Pacific region:

Between neighbouring groups there exist fluid territorial and social boundaries crossed by relations of co-operation and of commerce. Therefore, the resources or the land that belong to one group can be used by others if the social relations are sufficiently close in order to turn strangers into practical members – yet, without them acquiring rights. (Vargas 1999: 149; our translation and emphasis)

Interestingly enough, it is now the very legislation regarding the creation of collective land titles for black communities that has caused some degree of interethnic conflict. Given the state’s demand for clearly defined boundaries that enable the cartographic representation and fixation of the lands to be titled, local communities were required to draw up maps with fixed boundaries in their land rights application to Colombia’s Agrarian Reform Institute, INCORA. Local geographical imaginations and mental territorial bounding processes were in fact disciplined by the modern territorial state’s spatial logic. The imposition of fixed boundaries onto local epistemologies of ‘fluid territorial and social boundaries’ forces local communities to translate their territorial aspirations onto maps which Western-style institutions will accept as legitimate documentation accompanying land rights claims.6

As a result, on occasion indigenous groups felt their territoriality was violated by borderlines drawn up by black communities that would interfere with their previously established reserves. In order to preclude interethnic conflicts from breaking out, a number of mechanisms were put in place. Interethnic committees were set up, for example, facilitating discussion and negotiation between indigenous groups and black communities, including representatives of the communities involved and government officials. It was these committees that made the final decisions over the delimitation of collective land rights claims. The

---

6 Elsewhere one of us has shown how these two very different ways of knowing and representing the world were reconciled by black communities in heated debates in workshops on social cartography (Oslender 2007a). There, local dwellers created mental maps for the areas that they considered should be titled collectively to their community, with the oral tradition playing a crucial role in eventually ‘disciplining’ the mental fluid boundaries and rendering them stable as lines drawn on paper.
potential for interethnic conflict is a little discussed but important side effect of the legislation, and one which has to be judged negatively. Yet, given the increasing penetration of external capital in the Pacific coastal region, the drawing of clearly established and fixed boundaries can be seen as protecting the land rights of both indigenous and black communities. Potential territorial conflicts between the two groups may be considered the lesser evil.

To date 132 collective land titles have been issued to black communities in the Pacific coastal lowlands. These titles cover some five million hectares, roughly half the size of the entire region. This is a huge achievement for the social movement of black communities in the country that has mobilized on an unprecedented scale. Afro-Colombians have stepped out of the structural invisibility and marginality in which they had been held for hundreds of years by the dominant nation narrative of *mestizaje*. And although this is only the first step out of the tunnel of racist discrimination, it is a big leap.

The ecological significance of rural black territorialization processes has also been recognized at an international level, for example, with the award of the prestigious Goldman Environmental Prize to a prominent Colombian black activist. Of course, the collective land titling should not be understood as a mere philanthropic gesture by the Colombian state. In fact, the issuing of land rights may be interpreted as a strategy of ‘employing’ rural black populations as ‘guardians’ of the fragile ecosystem’s biodiversity and its intrinsic future commodity value for pharmaceutical exploitation (Escobar 1997; Wade 1999). However, there is no doubt that this legislation, for the first time in Colombia’s history, officially empowers black communities to exercise control over the natural resources of their lands so that enterprises interested in their exploitation will have to deal directly with local communities. That, at least, is the ostensible value of this legislation. In practice, the recent escalation of Colombia’s armed conflict into the Pacific region has painfully shown its limitations. Black peasants and fishermen, caught up in the crossfire of the various armed groups, are increasingly forcefully displaced from their lands, as the Pacific region is transformed into geographies of terror and landscapes of fear (Oslender 2007b, 2008).

**Conclusions**

The case study of Colombia’s black communities is but one in a range of alternative territorial authority regimes that have become consolidated in this South American country in recent decades. These territorial regimes may not be

---

7 The Goldman Environmental Prize is considered the Nobel Prize for the Environment. It is given every year to grassroots ecological activists from six geographical world regions. Libia Grueso from Colombia’s Process of Black Communities won the prize in April 2004 in the category South/Central America (see http://www.goldmanprize.org/node/106; last accessed 29 November 2010).
spectacular compared to more violent challenges to state territorial authority, such as FARC’s temporary creation of an insurgent state within Colombia’s boundaries. Yet, the effects of these low-intensity challenges may be more far-reaching. Rather than providing a radical alternative to the current state model, they complement it and may even enhance the legitimacy of the modern territorial state through democratic practice. As Mason (2005: 50) concludes in her observation of a range of authority alternatives in Colombia:

Paradoxically, the state’s legitimacy may be enhanced through challenges to, and the delegation of, its authority, to the extent that alternative social arrangements become a force for progressive reforms, norm observance, and the reconstitution of the state-society relationship.

This development is not restricted to Colombia either. Throughout Latin America constitutional reforms have opened up official ideologies and narratives of nationhood to notions of multiculturalism and pluriethnicity. These are often accompanied by the delegation of a certain degree of territorial power and autonomy to non-state actors. Social movements have played a crucial part in these challenges to exclusive state authority and the contestation of the space of the nation-state. What is at stake for many of the place-based social movements in Latin America is more than mere land rights that provide them with a space to be. It is in fact a radical redefinition of the nature of the state itself. Theirs is a struggle to open up the space of the nation-state for more democratic practices, in which otherness is not only accepted, but recognized as a fundamental part in the constitution of the state itself.

The struggle for alternative territorialities is a crucial point that is often overlooked in debates about state territoriality, both in international relations theory and political geography. Social movements in Latin America do not just carve out a space for themselves within their respective countries. They de facto contribute to increasing the state’s degree of legitimacy and sovereignty, as their demands for territorial autonomy are met and they are acknowledged as alternative territorial authorities within the space of the nation-state. The rescaling of state functions by delegating a degree of territorial power to the local scale can thus be argued to extend or deepen democratic practice. Rather than posing a direct challenge to the territorial state, as revolutionary movements like the FARC do, Colombia’s black communities show the complex territorial compromises at play that both empower local groups and assert state power in new ways by extending or deepening state institutions, norms, and juridical practices in parts of the country where the state previously had a weak presence. The overlapping territorialities that we propose as an analytical framework for understanding these multiply scaled processes are constitutive of the modern state itself.
Overlapping Territorialities, Sovereignty in Dispute

References


—— (2005), From movements to parties in Latin America: the evolution of ethnic politics, Cambridge: Cambridge University Press.