

Challenges to the Consolidation of the Ethnic-Territorial Rights of Black Communities in the Colombian Pacific*

[English version]

Desafíos para la consolidación del derecho étnico-territorial de comunidades negras en el Pacífico colombiano

Desafios à consolidação do direito étnico-territorial das comunidades negras no Pacífico colombiano

Received on 18/06/2025. Accepted on 04/11/2025

› How to cite:

Cuesta, R. & Osorio-García, D. (2026). Challenges to the Consolidation of the Ethnic-Territorial Rights of Black Communities in the Colombian Pacific. *Ánfora*, 33(61), 212-238.
<https://doi.org/10.30854/anf.1271>
Universidad Autónoma de Manizales. L-ISSN 0121-6538.
E-ISSN 2248-6941.
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Colombia

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Colombia

* Reconstruction of the Social Fabric in Post-Conflict Areas in Colombia research program (SIGP code: 57579), with the *Weaving Political Capacities for Transitions in the Territories* research project (SIGP code: 57729). Funding: Financed under the Colombia Científica call, Contract No. FP44842-213-2018. This article derives from the doctoral research project titled *Territorialities in Conflict between the Community Council of COCOMACIA and the Municipality of Bojayá (Chocó, Colombia), 1991-2021: Territorializations from the Colombian State That Could Strengthen the Exercise of Territorial Governance*, developed within the Doctorate in Territorial Studies at the University of Caldas, Technological University of Chocó, and University of Caldas. Research groups: *Tendencias públicas – GRITEP – and Comunicación, Cultura y Sociedad*. Declaration of Interests: The authors declare no conflict of interest. Data Availability: All relevant data are contained in the article.

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Abstract

Objective: To critically analyze the territorial conflicts that challenge the protection of the ethnic-territorial rights of Black communities in Colombia, as established in Law 70 of 1993. **Methodology:** This qualitative case study focused on COCOMACIA (Spanish acronym for Consejo Comunitario Mayor de la Asociación Campesina Integral del Río Atrato). Data were collected between 2021 and 2024, primarily through semi-structured interviews with representatives of Community Councils. This was complemented by document review and participant observation recorded in field diaries. The analysis relied on qualitative content analysis to identify thematic patterns. **Results:** Externally imposed visions of development erode the ethnic-territorial construction of these communities. This erosion takes concrete form in conflicts with the State, armed actors, and economic agents. These tensions hinder the full realization of the territorial rights secured since 1991, subordinating the communities' own cultural and territorial understandings to external interests. **Conclusion:** Despite legal advances, the consolidation of these rights continues to face structural challenges. Although recent government policies offer grounds for hope, their translation into concrete actions that respect local autonomy is crucial to ensuring that territory remains the basis of ethnic identity and community continuity.

Key words: Afro-descendants; Ethnic groups; Rights of special groups; Cultural rights; Social conflicts (obtained from the UNESCO Thesaurus).

Resumen

Objetivo: analizar, desde una perspectiva crítica, los conflictos territoriales que desafiaban la garantía del derecho étnico-territorial de las comunidades negras en Colombia, según lo establecido en la Ley 70 de 1993. **Metodología:** este estudio de caso cualitativo se centró en la organización COCOMACIA (Consejo Comunitario Mayor de la Asociación Campesina Integral del Río Atrato). La recolección de datos, realizada entre 2021 y 2024, provino principalmente de entrevistas semiestructuradas con representantes de Consejos Comunitarios. Esto se complementó con la revisión documental y la observación participante, cuyos hallazgos se consignaron en diarios de campo. El análisis se fundamentó en el contenido cualitativo para identificar patrones temáticos. **Resultados:** las visiones de desarrollo impuestas externamente erosionan la construcción étnico-territorial de las comunidades. Dicha erosión se materializa en conflictos con el Estado, actores armados y agentes económicos. Estas tensiones obstaculizan la plena realización de los derechos territoriales adquiridos desde 1991, subordinando la concepción cultural y territorial propia de las comunidades a intereses

externos. **Conclusiones:** a pesar de los avances legales, la consolidación de estos derechos enfrenta desafíos estructurales. Aunque las nuevas políticas gubernamentales son una esperanza, su transformación en acciones concretas que respeten la autonomía local es crucial para garantizar que el territorio se mantenga como base de la identidad étnica y la pervivencia comunitaria.

Palabras clave: afrodescendientes; grupo étnico; derechos de grupos especiales; derechos culturales; conflicto social (obtenidos del tesoro de la UNESCO).

Resumo

Objetivo: analisar, a partir de uma perspectiva crítica, os conflitos territoriais que desafiam a garantia do direito étnico-territorial das comunidades negras (comunidades afro-colombianas) na Colômbia, conforme estabelecido na Lei 70 de 1993. **Metodologia:** este estudo de caso qualitativo concentrou-se na organização COCOMACIA. A coleta de dados, realizada entre 2021 e 2024, baseou-se principalmente em entrevistas semiestruturadas com representantes de Conselhos Comunitários. Isso foi complementado por análise documental e observação participante, com registros em diários de campo. A análise fundamentou-se no conteúdo qualitativo para identificar padrões temáticos. **Resultados:** as visões de desenvolvimento impostas externamente enfraquecem a construção étnico-territorial das comunidades. Essa erosão se manifesta em conflitos com o Estado, atores armados e agentes econômicos. Essas tensões dificultam a plena realização dos direitos territoriais reconhecidos desde 1991, subordinando as concepções culturais e territoriais das comunidades a interesses externos. **Conclusões:** apesar dos avanços legais, a consolidação desses direitos enfrenta desafios estruturais. Embora as novas políticas governamentais representem uma esperança, sua transformação em ações concretas que respeitem a autonomia local é essencial para garantir que o território permaneça como base da identidade étnica e da continuidade comunitária.

Palavras-chave: afrodescendentes; grupo étnico; direitos de grupos especiais; direitos culturais; conflito social (obtidos do tesouro da UNESCO).

Introduction

Since the 1980s, ethnic groups in Latin America, including Indigenous and Afro-descendant peoples, have mobilized more forcefully in pursuit of recognition of their cultural identity (Areiza, 2022). Supported by International Labour Organization (ILO) Convention No. 169 (1989), which protects Indigenous and tribal peoples, this mobilization has driven constitutional reforms in several countries, including Brazil, Ecuador, Bolivia, Honduras, and Colombia. Ethnic-territorial recognition of Afro-descendant peoples varies from country to country (Hooker, 2008); in Ecuador, for example, progress has been greater, with collective rights over ancestral lands and the creation of territorial constituencies, thus surpassing Colombia in this regard (Juárez, 2023). These movements protect Indigenous and Afro-descendant communities, their territories, and their ecosystems, while also recognizing their productive practices, traditional knowledge, and relationship with nature (Cano & Lozano, 2021, p. 848).

In Colombia, Law 70 of 1993 recognized the right of Black communities to collective land ownership in the Pacific region, thereby guaranteeing protection of their cultural and territorial identity (Offen, 2009; Nates, 2020). This recognition marked a milestone in the struggle for their cultural and territorial rights (Coronado, 2006; Clavijo, 2016; Cuesta & Hinestroza, 2017; Hoffmann, 2002; Ortiz & Mendoza, 2012; Restrepo, 2013). It also made the development of governance arrangements aligned with their traditional practices possible (Oslender, 2003).

Despite this recognition, state efforts to guarantee these rights have been limited by political and economic factors (Pantoja, 2014). In addition, Black communities face internal challenges, since they must align their demands with those of other Afro-descendant actors across Latin America (Antón & Santacruz, 2023) and address the urban-rural divide in those demands (Hooker, 2008).

The *2022-2026 Development Plan for Black, Raizal, and Palenquero Communities, Entitled Rights, Territory and Cultural Identity to Strengthen Life*, proposes a new social contract and a reconfiguration of relations between the State and these populations. This context gives renewed relevance to the present research, as it represents a critical juncture aimed at overcoming decades of ineffective formal recognition. The plan acknowledges cultural identity and differentiated forms of territorial appropriation, incorporating elements of worldview and social organization to guarantee rights and foster peaceful environments (Departamento Nacional de Planeación, 2022, p. 10). This policy breaks with earlier frameworks of ethnic-territorial recognition and is further reinforced by the political representation of an Afro-descendant vice president, marking an advance in racial inclusion in Colombia.

Within this framework, this article analyzes how territorial conflicts, which configure collective spaces as plural and contested territories (Lara-Largo, 2019; Zambrano, 2001), emerge as the principal challenges to the consolidation of the ethnic-territorial rights of Black communities. Specifically, the analysis focuses on the tensions generated by three key actors: the State, armed groups, and economic agents. It also examines internal organizational challenges and the processes of deterritorialization that affect material territory, as well as political, economic, and symbolic dimensions (García, 2017).

These dynamics are examined through the case of COCOMACIA (Spanish acronym for Consejo Comunitario Mayor de la Asociación Campesina Integral del Río Atrato), which, as the largest collective territory in Colombia and one of the earliest experiences of recognition following the 1991 reform (Restrepo, 2013), serves as an essential barometer for measuring the real effectiveness of these rights. Since the 1980s, COCOMACIA has defended its ethnic identity, cultural autonomy, and territorial self-governance. However, the consolidation of its constitutionally supported ethnic-territorial rights has remained limited. Its case in the Colombian Pacific shows that relations among diverse rationalities and territorial conceptions are not grounded in a dialogue among forms of knowledge, but are instead imposed by those who hold power (Porto-Gonçalves, 2009).

Based on document review, interviews, and direct observation in the territory of COCOMACIA, this article argues that the ethnic-territorial recognition of Black communities, which includes collective land ownership and their system of values, is constrained by the interests of other actors that affect their political, economic, and social development. The following question therefore arises: How do territorial disputes with other actors, who appropriate the territory in differentiated ways, affect the consolidation of the ethnic-territorial rights of Black communities in their collective spaces?

To answer this question, the article is organized as follows. First, it presents a historical context of the spatial occupation of Black communities in the middle Atrato River basin, between Chocó and Antioquia, and the consolidation of their right to collective ownership from an ethnic-territorial perspective. Second, it analyzes the principal actors interacting in the territory of COCOMACIA and their differentiated mechanisms of territorial appropriation, based on Henri Lefebvre's thesis on the production of space (2013). Third, it examines the territory of COCOMACIA as a spatiality under tension, where conflicts with the worldview of Black communities affect their very existence. Finally, the conclusion examines how the historical configuration of these contested spaces continues, after three decades, to obstruct the materialization of the mandates of the Constitution and Law 70 of 1993, while assessing the urgency of overcoming

these factual barriers so that the new promises to “strengthen life” are not similarly frustrated.

Methodology

This study is framed as a descriptive qualitative case study aimed at exploring contemporary phenomena in their real-world contexts, where the boundaries between phenomenon and context are not clearly defined (Yin, 2018, p. 39). The methodological design comprised five phases: planning, preparation of the recording process, data collection, data analysis, and report writing (Eisenhardt & Graebner, 2007). Data were collected between 2021 and 2024 through document review, participant observation recorded in field diaries, and semi-structured interviews with social actors and representatives of Community Councils. Purposive sampling was used to select six key informants – specifically leaders from the Community Councils of La Boba (Bojayá, Chocó) and Buchado (Vigía del Fuerte, Antioquia) because of their active role in territorial defense and their strategic location within the conflict zone.

Data were processed through qualitative content analysis, using systematic inductive coding in which categories emerged directly from the material (Schreier, 2012). This approach facilitated the identification of core themes and patterns through in-depth interpretation of the data. The interpretive analytical process, applied to both documents and interviews, is grounded in the methodological proposals of Patton (2015), Miles *et al.* (2014), and Coffey and Atkinson (1996). These tools made addressing the contextual conditions relevant to understanding the phenomenon under study possible.

Results

Presentation of the Case Study: Territory, Law, and Occupation in COCOMACIA

Three foundations structure the context of dispute in COCOMACIA. The first is the history of the occupation of its territory. The second is the legal framework that defines ownership for the collective. The third is the profile of

the organization as a case study. This section addresses each of these elements on the basis of document review.

History of Settlement in the Atrato Basin.

The historical construction of territory in the middle Atrato basin can be divided into three periods: a colonial insular mining formation (1600 to 1850) based on enslaved labor; a phase of dispersed agricultural colonization following manumission, and a contemporary stage of nucleation in kin-based settlements (Aprile-Gnisset & Mosquera, 1998).

These models of spatial distribution correspond to rural settlement patterns on the Pacific coast. These settlement arrangements are shaped by a traditional family-based system of relationships that is directly reflected in ways of inhabiting and organizing space (Mosquera, 2010).

The Right to Collective Ownership of Land.

As part of the Latin American multicultural turn (Clavijo, 2016), ethnic-territorial recognition in Colombia, driven by ILO Convention 169 and the 1991 Constitution (Restrepo, 2013), resulted in the collective titling of more than five million hectares to 157 Community Councils in the Pacific region (Romaña *et al.*, 2010). However, the validity of this legal framework remains under debate because it excludes rights for Black communities in urban areas and in rural areas outside the Pacific region, such as the inter-Andean valleys (Romaña *et al.*, 2010; Hoffmann, 2016).

Figure 1 shows the spatial scope of this legislation. The “Collective Titles” (brown) form a corridor along the Pacific coast that coexists with Indigenous Reservations (green). This configuration, intersected by municipal and departmental boundaries, foreshadows the tensions between ethnic governance and state administration analyzed in this study. This territorial distribution reflects the complexities involved in implementing the right to collective ownership in the Colombian context.

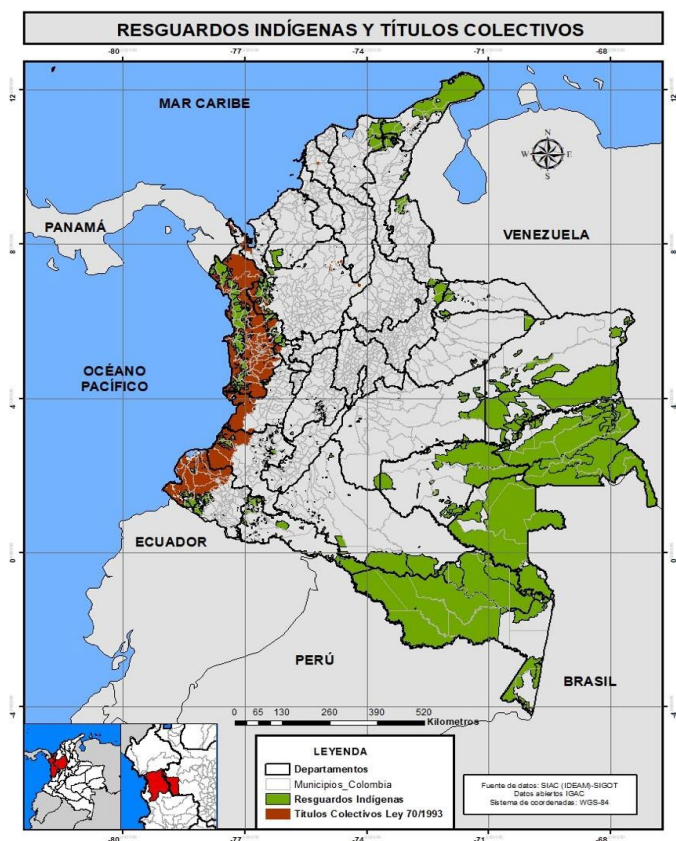


Figure 1. *Indigenous Reservations and Collective Titles.*

Profile of the Collective Territory of COCOMACIA.

COCOMACIA exercises self-government in the Atrato basin (Chocó and Antioquia). Its influence extends beyond the regional scale through its demands for ethnic rights and ecosystem protection. The organization represents the struggle for autonomy, equity, and the preservation of identity, factors that underpin the protection of territorial rights (Dominguez, 2015; Escobar, 2010; Restrepo, 2013).

As a safeguard of Afro-descendant heritage, COCOMACIA integrates a model of territorial autonomy with the governance of natural resources. Its work also extends to the defense of human rights and the promotion of peace in

conflict settings, addressing discrimination and violence through representative leadership such as that of Leyner Palacios Asprilla.

According to the *COCOMACIA's Territorial and Environmental Land-Use Plan (2016)*, its territory is located in the Colombian Pacific region, in the middle basin of the Atrato River, encompassing Urrao, Murindó, and Vigía del Fuerte in Antioquia, and Atrato, Bojayá, Carmen de Darien, Medio Atrato, and Quibdó in Chocó. It received its collective title in 1997 (INCORA Resolution 4566), which made it the largest collective territory in Colombia (722,510 hectares). For administrative purposes, the title is divided into 124 local community councils, each with its own internal regulations and operating from social, productive, and political perspectives. These councils are distributed across nine zones and are home to approximately 45,000 inhabitants.

The following map shows the location of the collective territory of COCOMACIA, which covers part of the departments of Chocó and Antioquia:

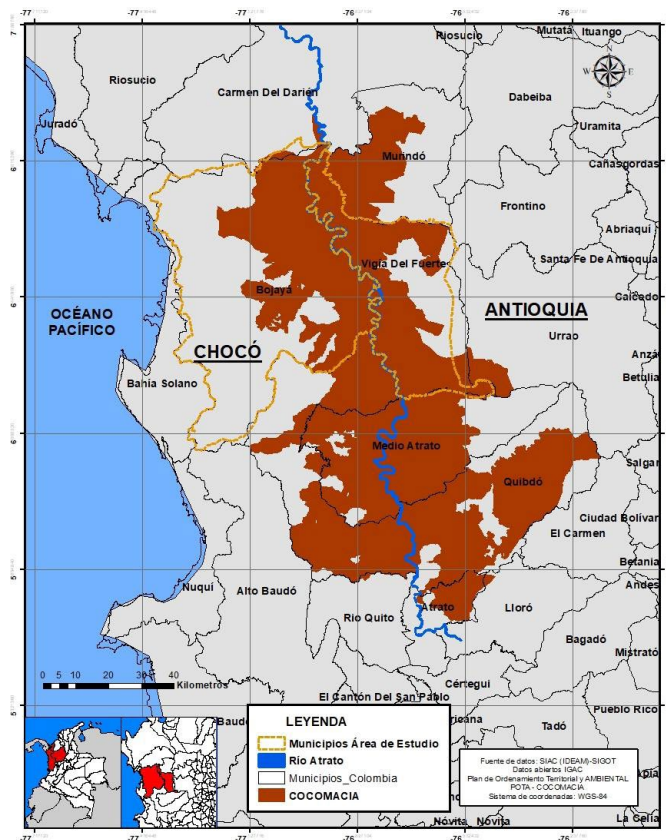


Figure 2. COCOMACIA Collective Title, Municipal Division, and CARs.

The Production of Space in COCOMACIA

This section analyzes the main actors in the territory of COCOMACIA and their mechanisms of territorial appropriation: the policies of the Colombian State, illegal armed actors, and timber and mining extraction companies. It highlights the contradictions between these mechanisms and the territorial representations of the Black communities of COCOMACIA. It also details how the territorial conceptions of these actors generate tension with the rationalities of Black communities.

Differentiating between “space” and “territory” suggests that the latter tends to transcend geographic abstraction, insofar as it is constituted through social relations (Ramírez, 2004; Pérez & Uribe, 2016). The classical definition of “territory” integrates delimitation and control (Aceves, cited in Pérez & Uribe, 2016, p. 537), while Hoffmann (2007) defines it, from the standpoint of ethnicity, as a sphere of emancipation that consolidates identity (Hadad & Gómez, 2007). This perspective can facilitate analysis of territorial construction in Black communities through the human-nature dialectic.

Lefebvre's theory of the production of space (2013) suggests that territory results from historical processes and social relations materialized in spatiotemporal forms (Hadad & Gómez, 2007). This is articulated through the triad of conceived, lived, and perceived space, whose interactions tend toward conflict. In this regard, Baringo (2013) proposes a political and ideological dialectic marked by tension between representations of space (the technical-bureaucratic sphere) and spaces of representation, defined as lived space directly appropriated by social subjects (p. 125).

Understanding territorial conflicts requires examining how actors produce space and construct territory through everyday life. In Black communities, these arrangements are refracted through what Thame (2023) terms *organic blackness*, which helps explain everyday experiences in collective spaces under tension with economic actors. This may lead communities to resist capitalist logic through a *counter-space* (Lefebvre, cited in Oslender, 2010), in which space is produced in ways that configure the relationship with the environment as both sustenance and a pillar of territorial life (Martínez-Alier *et al.*, 2016).

Configuration of Conflict.

The study of conflict requires examining actors, their interests, strategies, and resources (Londoño, 2018), since tensions tend to arise from incompatible perceptions and cultural differences that can undermine mutual capacities (Gómez,

2009, p. 132). In COCOMACIA, the category of “territorial conflict” must be approached with caution because of the diverse existing perspectives (Hoffmann, 2010), since the proliferation of disputes seems to respond to concern for the security of the environment in the face of projects promoted by supralocal agents (Nel-lo, cited in Cruz, 2008). These interventions, marked by a utilitarian vision, often privilege the capitalist exploitation of mining and forest resources, extensive cattle ranching, and monocultures such as palm oil (Hoffmann, 2010; Pérez, 2004).

Territorial conflicts, therefore, tend to be understood as tensions between public administration and citizenship over opposing interests (Cruz, 2008), giving rise to organizational responses of resistance and re-existence (Mosquera & Tobar, 2021; Mosquera, 2020). These actions confront the extractivist model of territorial appropriation in Latin America (Hurtado, 2021) through the ethnization of space (Restrepo & Rojas, 2004; Lopez, 2014) and through forms of opposition to dominant conceptions of territory (Moreno, 2013).

In the territory of COCOMACIA, a territorial plurality converges (Haesbaert, 2013; Zambrano, 2001) in which state authority coexists with the control of extractive companies and armed groups. In the face of these pressures, Black communities construct their territoriality through everyday and ancestral practices that give social content to inhabited space (Boira, 1998; García, 2017). This dynamic reflects a tension between a rationality that conceives territory as an economic resource and source of wealth, and another that understands it as shelter, a place of encounter, and the foundation of community life (Jimenez & Novoa, 2014, p. 14).

This situation is not unique to COCOMACIA, since a similar dynamic can be observed in *Lagunas de Chacahua* National Park in Oaxaca, Mexico, where the production of Afro-descendant space unfolds in tension between the spatial practices of its inhabitants and the institutional space of representation (Ruiz, 2019).

The Collective Territory: A Relationship Under Tension

The collective territory of COCOMACIA exists in a constant state of tension. This arises from a collision of visions regarding space and its resources. On the one hand is the community’s perspective. On the other is the logic imposed by external actors such as the State, illegal armed groups, and extraction companies such as Unión Natural. The intervention of the latter modifies the use, control, and meaning of territory, thereby violating ethnic-territorial rights (Romero *et al.*, 2017).

This local struggle is not an isolated case, but rather responds to a broader pattern of expanding neoliberal policies in Latin America. According to Gudynas (2011), this development model imposes a single vision that, by its nature, subordinates or ignores each community's own perspectives. Likewise, according to Hoffmann (2010), the utilitarian and mercantile conception of space prevails in areas affected by capitalist exploitation projects based on a model of accumulation by dispossession (Vélez *et al.*, 2013; Silva, 2016). This contrasts with local communities' systems of territorial construction, which regard territory as a space of resistance (Mosquera, 2020) and as the basis of cultural identity (Nates, 2020). In this context, the tensions in territorial appropriation among the different actors present in COCOMACIA are analyzed below.

Tensions with the Colombian State.

Despite the recognition of ethnic-territorial rights established by Law 70, the settlements of Black communities, known as "Community Councils," continue to be portrayed as homogeneous, backward, marginalized, and underdeveloped spaces. These labels sustain the discourse that introduces and legitimizes a conventional territorial-planning scheme in which institutional bodies such as ministries, autonomous corporations, and municipal governments participate (Estrada *et al.*, 2013; Vélez *et al.*, 2013). Here Lefebvre's tension becomes visible: the State's "conceived space" —technical and homogenizing— is imposed on the community's "lived space," laden with its own meanings, thereby generating conflict.

This institutional interference is reflected in the testimony of Mr. Gilbertico, a member of the collective territory of COCOMACIA, who stated: "Those who are in the offices must change the way they think about us. They bring projects, but everything ends up being done the way they say" (personal communication, June 4, 2021). In the same vein, Marquitos, an active member of the Community Council, stated: "We are not interested in anything other than recognition that we have other ways of doing things" (personal communication, June 1, 2021). The perspective both men criticize is grounded in the standard of Western modernity, which makes viewing the problems of the Third World in a superficial and external manner possible (Solistyani, 2014).

This reveals the differences between governmental bureaucracy and the territorial conceptions of the Black communities of COCOMACIA, generating a disconnect between state regulations and the territorializations defined by the Community Council. This paradox dates back to the 1991 Constitution. On the one hand, it opened the way to recognition of collective ownership. On the other,

it preserved a state-centered logic of territorial planning that clashes with the communities' own vision. This mismatch, as Cely (2018) notes, shifted the focus of the debate from access to land toward models for territorial ordering. The tension is manifested in the contrast between community uses of space and the State's rationality, a clash that exposes the rigidity of the institutional structure (Martínez, 2011).

More recently, another development has further exposed the tensions between the Colombian State and Black communities. This development is related to Judgment T-128/22, which recognizes midwifery as ancestral knowledge and as part of the Nation's cultural heritage. However, according to the United Association of Midwives of the Pacific (Asoparupa), the ruling clearly shows how the practice of this knowledge continues to be a site of conflict with the State, since it is not recognized by the public health system (cited in T-128/22).

To contextualize this point, the article cites a fragment of the response issued by Colombia's Ministry of Health and Social Protection to community demands regarding the prioritization of female and male midwives in the *National Vaccination Plan during the COVID-19 Pandemic*: "Midwifery was not found as a higher education program in the National Higher Education Information System (SNIES)" (Minsalud, 2021, cited in T-128/22). This response reveals the tensions and suggests a conflict between Black communities and the Colombian State.

In the same vein, elements of COCOMACIA's political position are presented, as expressed during its annual general assembly held December 8-11, 2021, in Beté, the municipal seat of Medio Atrato. At this meeting, COCOMACIA denounced before the national and international community that state and multinational interests had turned its territory into a theater of war. It identified as danger factors the presence of, and dispute among, armed actors (paramilitary groups, the National Liberation Army [ELN], and dissident factions of the Revolutionary Armed Forces of Colombia-People's Army [FARC-EP]), the planting of antipersonnel mines, and the exploitation of resources without consent or proper management (COCOMACIA, 2021, p. 5).

Interviews with community leaders from the collective territory of COCOMACIA also revealed expressions of tension with the State, particularly in the administrative and political sphere at the municipal level, precisely because of its distinctive location across two departments. Mr. Nevaldo Perea, former legal representative of COCOMACIA and social and community leader in the collective territory, describes the problems of territorial autonomy they face:

The relationship with institutions is complex; there are State institutions that do not accept us as an organization with territorial autonomy. [...] There have been many stumbling blocks with municipal mayors because they do not want

to relinquish power [...]. The other difficulty is related to electoral politics; [...] if a mayor comes to office whom we did not support [...], relations [...] are difficult throughout his term in office. (Perea, personal communication, April 6, 2024).

In the same sense, Mr. Liborio Moreno Perea, representative of Zone Seven on the board of directors of COCOMACIA, refers to the sense of utilitarianism that appears in administrative processes, since they view COCOMACIA as an obstacle to the political projects of local administrations:

The reason municipalities look at us unfavorably is that when [...] the moment of prior consultation arrives, they believe that we should simply give immediate approval [...]. The benefits of the project must be analyzed, but so must its consequences, and this exercise [...] requires resources [...]. On many occasions these situations arise from a lack of knowledge about the processes of Black communities. (Moreno, personal communication, April 2, 2024).

Tensions with Illegal Armed Actors.

In the Pacific region, the armed conflict has a geopolitical dimension in which actors seek to control territory for coca cultivation, transit, or residence (Gonzalez, 2015). Land dispossession in Chocó indicates that drug traffickers, guerrilla groups, and paramilitaries pursue geostrategic objectives that often disregard ethnic-territorial processes (Robledo, 2006). Theoretically, these groups produce a violent “counter-space” that disrupts the communal “lived space,” imposing a logic of control that transforms everyday life.

The impacts of the armed conflict on the collective territories of Black communities, due to disputes over territorial control by illegal armed actors, underscore the gravity of violence against these communities. According to the National Center for Historical Memory (2014, p. 279), “the war waged for territorial control has prevented these communities from exercising the autonomy constitutionally enshrined and ancestrally practiced.” According to the Single Registry of Victims (RUV) (2022) of *Colombia’s Unit for the Victims of the Armed Conflict*, more than one million people identified as Black or Afro-Colombian have suffered some form of victimization as a result of the armed conflict.

The Bellavista massacre (Bojayá) on May 2, 2002, evidences the intensity of the armed conflict and the territorial disputes between the FARC-EP and paramilitary groups in COCOMACIA (García, 2012). This event caused socio-cultural damage by interrupting the traditional transition of adults and elders

into their role as protective ancestors and guardians of wisdom (Centro Nacional de Memoria Histórica, 2014, p. 280).

Twenty years after the Bellavista (Bojayá) massacre, and according to observations made in the collective territory of COCOMACIA, the presence of illegal armed actors, especially the ELN and the Gaitanista Self-Defense Forces of Colombia, remains significant, continuing to affect Black communities. Riqui, a peasant from the middle Atrato River basin, stated: “We no longer grow plantains in the streams because these men (illegal armed groups) are very possessive about the areas where they have their crops (coca plantations); if you go there, they think you are a spy and end up killing you” (personal communication, October 17, 2022). This landscape reflects a strong perception of fear among inhabitants, configuring a scenario of deterritorialization (Haesbaert, 2013) and the formation of territories of fear (Oslender, 2002; Victoria, 2001). Thus, territory as the basis for consolidating the ethnic identity of these communities remains under constant tension due to the actions of other actors.

Seeking to keep its territory outside the armed conflict, COCOMACIA made an explicit request to the armed actors present in the area and, within the framework of its political position, proposed, among other matters, the need to “respect the autonomy of the Community Councils regarding the drafting and implementation of the approved internal regulations.” This stance, reiterated in its annual assemblies, has led to international recognition, such as the international Human Rights award granted by the Asociación Pro Derechos Humanos de España (Hernández, 2009b, p. 126). In addition, as part of its efforts to build peace, community-based initiatives have emerged, such as the work of the *Cantaoras de Pogué*, *Voces de Resistencia*, who, as women peacebuilders, contribute to what Hernández (2009a) regards as grassroots civil peace initiatives.

In this regard, judicial strategies have been especially important, as in the case of Judgment T-622 of 2016, issued by the Constitutional Court, which recognizes the Atrato River as a subject of rights. For the Black communities of COCOMACIA, the Atrato River is their ancestral territory and the basic support of material, social, and symbolic life. Thus, for these communities, the notion of “territory” includes languages, customs, rivers, swamps, forests, animals, sacred places, land for cultivation and dwelling, spirits, and traditional authorities. To that extent, they regard territory as a source of life, where the culture of the men and women of Atrato unfolds, with ancestral organizations that shape community life; among the most important are *novenarios* (nine-day mourning rituals), *juntas promortuorias* (community funeral committees), youth groups, and children’s groups, among others.

Tensions with Economic Agents.

Conflicts in the Pacific derive from territorial ambitions that disregard collective titling (Barabas, 2014) and evade the mandatory negotiation required by Law 70 of 1993 (Oslender, 2003), reflecting the clash between mercantile “conceived space” and communal “lived space.” This dynamic consolidates the populations of Chocó as territorialities of resistance, rooted in historical legacy of marooned resistance and strengthened by current legal recognition, whose worldview tends to challenge neoliberal projects through “diverse or relational ontologies” (Escobar, cited in Cuesta & Ramírez, 2024, p. 54).

Consequently, the utilitarian and mercantile conception of space predominates in areas with capitalist exploitation projects. In this context, economic theories of rent and property rights are useful for understanding current dynamics in the collective territories of Black communities (Cairo, 2009). The enormous wealth of the middle basin of the Atrato River, such as timber and gold, arouses great interest for the economic benefit of different actors, including illegal armed groups. Likewise, prior consultation mechanisms also constitute a scenario of tension between Black communities and large private or state-owned companies. Nevaldo Perea, a leader of COCOMACIA, links the exploration of territorial resources to economic interests operating outside community organization:

Before collective ownership was recognized, the territories we inhabit today were nobody's territories; outsiders and people from Antioquia came here and spoke of vacant lands, they felled trees on a large scale, engaged in indiscriminate mining, and no one could say anything to them. Today, we have made gains in that respect, since we are collectively the owners of the territory, and that implies prior consultation. Under current conditions, miners enter the territory because the armed actor brings them in or because the community brings them in; in this, the community councils also bear some responsibility, since some leaders of community councils negotiate in secret to receive some kind of benefit in exchange for allowing these activities. (Personal communication, April 6, 2024).

Likewise, Rosendo Valoyes, former legal representative of COCOMACIA, explains the tension between unilateral economic interest and the need to preserve natural resources:

It is important to remember that COCOMACIA was born out of the defense of natural resources. [...] We do not agree with our resources being destroyed by machinery, because mining inputs poison our rivers [...]. Some difficulties have arisen there because, although the board of directors has instructed that

this should not happen, some local community councils allow it, some under armed pressure, others because of economic incentives. This situation needs to be regulated. (Personal communication, April 6, 2024).

Conclusion

The analysis of COCOMACIA shows that the consolidation of ethnic-territorial rights, despite the achievement represented by Law 70 of 1993, is systematically eroded in practice by power structures that instrumentalize the law. Prior consultation, for example, is reduced to a bureaucratic obstacle rather than being recognized as a governance mechanism (Reyes-Guarnizo & Díaz-Riveros, 2024). This lack of material guarantees leaves communities in a permanent bind between protecting their territory and confronting external pressures.

At the root of this vulnerability lies the antagonistic struggle between an extractivist worldview and the community's logic of survival. This perspective, which resonates with notions of "*buen vivir*"—a relational and community-centered vision of collective well-being—present in other ethnic movements across Latin America (Cubillo *et al.*, 2016), is besieged within a scenario of conflictive multi-territoriality (Haesbaert, 2013) that contests resources, but also strips the community of real control over the meanings attached to space. As a result, the collective territory does not fully consolidate as the basis of cultural identity, because its control and meaning remain permanently disputed.

Thus, territorial conflict in COCOMACIA arises from two different perspectives on territory: one that understands it as shelter and as the fundamental basis of identity, and another that approaches it from a utilitarian and mercantile perspective. This panorama requires an understanding of territorial management grounded in ethnic and cultural diversity, recognizing a form of socio-spatial control (Zambrano, 2010).

The new policies introduced by the Colombian government under the presidency of Gustavo Petro and the vice presidency of Francia Márquez, an Afro-Colombian leader and environmental activist, as expressed in the *Development Plan for Black, Raizal, and Palenquero Communities 2022–2026*, suggest a significant change in guaranteeing the right to territory as the basis of the ethnic identity of Black communities in collective territories.

Indeed, the discourse of that plan coincides with the vision of these communities, since it posits identity as the axis of autonomy and the definition of their own interests. The real test, however, will be whether this approach

moves beyond paper. Ensuring territory as the basis of ethnic identity requires more than intention. It requires a material guarantee of territorial control as the only way to secure the physical and cultural survival of these communities.

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