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Olarte-Olarte, María Carolina

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From Territorial Peace to Territorial Pacification: Anti-Riot Police Powers and Socio-Environmental Dissent in the Implementation of Colombia's Peace Agreement^{1*}

María Carolina Olarte-Olarte**

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ABSTRACT | During the negotiation and implementation of the Havana Peace Agreements in Colombia, a twofold mechanism used to deal with the increasing number of socio-environmental conflicts has remained constant: the strengthening of the anti-riot police forces and certain institutional spatial assumptions underlying the promotion of a particular form of postconflict productivity. This article attempts to undertake a preliminary analysis of the relationship between, on the one hand, the enactment and threat of police power in socio-environmental protests and, on the other, the enforcement and reproduction of a sense of the territory as an object whose elements can be neatly fragmented. In contrast, socio-environmental processes put forward a deeply relational, fluid and interdependent sense of their territories. Increased police intervention in these processes, we will argue, are not only framing socio-environmental conflicts arising from or linked to the continuity of conflict related inequalities as security issues, but also reframing so-called "territorial peace" into a territorial pacification.

KEYWORDS | *Author:* antiriot police; rural protest; socio-environmental dissent; transitional justice

De la paz territorial a la pacificación territorial: los poderes de policía antimotines y el disenso socioambiental en la implementación del Acuerdo de Paz en Colombia

RESUMEN | Durante la negociación e implementación del Acuerdo de Paz de La Habana, en Colombia ha permanecido constante un mecanismo doble para tratar los crecientes conflictos socioambientales: el fortalecimiento de la policía antimotines y ciertos presupuestos institucionales sobre el espacio, sobre la base de la promoción de una forma particular de productividad para el posconflicto. Este artículo busca hacer un análisis preliminar, por una parte, de la relación entre la representación y amenaza de la fuerza de policía en protestas socioambientales, y, por otra, del uso de la fuerza policial para la protección y reproducción de una noción del territorio como un objeto cuyos elementos pueden ser nítidamente fragmentados. En contraste, los procesos socioambientales movilizan con frecuencia una comprensión de sus territorios profundamente

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- ** PhD and Master's degrees in Law and Human Rights from Birkbeck College, University of London (United Kingdom). Assistant professor at the School of Law at Universidad de los Andes. Latest publications: "Understanding the Political Economy of Transitional Justice: A Critical Theory Perspective" (in co-authorship). In *Transitional Justice Theories*, edited by Susanne Buckley-Zistel, Teresa Koloma Beck, Christian Braun and Friederike Mieth, 201-221. London: Routledge Taylor & Francis, 2014; "Depoliticization and Criminalization of Social Protest through Economic Decisionism: The Colombian Case." *Oñati Socio-Legal Series* 4 (1): 139-160, 2014.
 ✉ mc.olarteo@uniandes.edu.co

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relacional, fluida e interdependiente. Sugeriré que el aumento de la intervención policial en estos procesos no sólo está presentando los conflictos socioambientales que surgen de la continuidad de las desigualdades relacionadas con el conflicto como cuestiones de seguridad, sino que está reformulando la llamada “paz territorial”, en una suerte de pacificación territorial.

PALABRAS CLAVE | Autor: disenso socioambiental; justicia transicional; policía antimotines; protesta rural

Da paz territorial à pacificação territorial: os poderes da polícia de choque e o dissenso socioambiental na implementação do Acordo de Paz na Colômbia

RESUMO | Durante a negociação e implantação do Acordo de Paz de La Habana, na Colômbia, permanecia um mecanismo duplo constante para tratar dos crescentes conflitos socioambientais: o fortalecimento da polícia de choque e certos pressupostos institucionais sobre o espaço, sobre a base da promoção de uma forma particular de produtividade para o pós-conflito. Este artigo pretende fazer uma análise preliminar, por um lado, da relação entre a representação e a ameaça da força da polícia em protestos socioambientais e, por outro, do uso da força policial para a produção e reprodução de uma noção do território como um objeto cujos elementos podem ser nitidamente fragmentados. Em contraste, os processos socioambientais mobilizam com frequência uma compreensão de seus territórios profundamente relacional, fluida e interdependente. Sugere-se que o aumento da intervenção policial nesses processos não somente está apresentando os conflitos socioambientais que surgem da continuidade das desigualdades relacionadas com o conflito, como questões de segurança, mas também que está reformulando a chamada “paz territorial”, como pacificação territorial.

PALAVRAS-CHAVE | Autor: dissenso socioambiental; justiça transicional; polícia de choque; protesto rural

Introduction: The disputed places of territorial peace

Throughout the four years of peace negotiations between the FARC and the Colombian government, “territorial peace” was an axis of both encounter and dispute. By August 2016, there was no doubt about the multiple—and at times opposing—meanings attributed to the term. For the High Commissioner for Peace, this idea implied two components: on the one hand, the recognition of the particular dynamics characterizing each territory and the importance of taking such differences into account during the implementation of the Peace Accord; on the other, the need to incorporate and assemble regions considered marginalized or severely affected by the internal conflict into the country’s development. From this perspective, dramatic inequality and poverty must be addressed through development, as the mere ending of the armed conflict will not put an end to its causes (Jaramillo 2014; Oficina del Alto Comisionado para la Paz 2014).

While this approach frames the responses to local needs and differences within development—roughly presented as a combination of local ownership and participation, private direct investment, mining and agro-industrial projects, the elimination of extreme poverty and entrepreneurship—,² local movements,

organizations and inhabitants have been mobilizing notions of territorial peace that either oppose or at least question the premises and/or the ways of implementing that developmental kit (see, among others, CODHES 2017; DNP 2016; Durán Chaparro 2014; Fundación Natura 2017; Grupo de Memoria Histórica 2013; Lyons 2016; Salcedo García 2015). Thus, for instance, the Ríos Vivos movement is advancing an idea of territorial peace as a process of local territorial planning which guarantees the cycles and processes of organic exchange between human and non-human nature. For this purpose, the movement is proposing the creation of an environmental truth commission whose findings could allow the recovery of those cycles and territories most severely affected by armed confrontation on the one hand, and by the results of development projects on the other; the latter, in turn, having caused dispossession and socio-environmental injustices (Movimiento Ríos Vivos 2016).

Underlying the disputed agendas and meanings of territorial peace is a clash of the meanings, representations, and interventions of the territory as a lived experience (*el territorio vivido*), its scope, and relational dimensions. Here, the continuity and, at times, intensification

2 This is not to deny the complexity of the debates on the meaning, content and scope of development in transitional scenarios and Colombia in particular (see for instance Alviar 2016; Amaya

Castro and Olarte Olarte 2017; Franski and Olarte 2014). Yet, the analysis of the different conceptions of development disputed in Colombia is beyond the scope of this article.

of socio-environmental conflicts³ during the negotiation and implementation of the Peace Agreement begs the question of the consequences of the rupture from the past and, in particular, the depoliticizing kind of rupture that most transitional scholars and practitioners seem to advocate for.⁴ While a proclaimed demilitarization allegedly accompanies the transitional process, anti-riot police presence—at times together with military presence—and the use of force have both increased, as have socio-environmental conflicts. Current manners of dealing with dissident spatializing practices by turning to the presence and use of police power might be a re-instantiation of what Diana Ojeda (2013, 760) has called “the conjuring of Colombia as a safe country under the production of a militarised sociospatial order.”⁵

In this sense, a question arises as to whose territorial peace is going to be enforced by police presence and force? How can we begin to think about the complex connections between policing and space, and a so-called postconflict scenario in which land use and access to natural resources have become issues of public order? This paper attempts a preliminary analysis of the relationship between, on the one hand, the enactment and threat of police power and, on the other, the enforcement of a sense of the territory underlying the prevalent initiatives to fuel a productivity for peace. The critical approach employed to open a series of questions to examine the production of space in policed transitional scenarios where socio-environmental protest are increasingly restrained, draws on critical theories of public space, protest and police power (El-Enany 2014; Wall 2016) and transitions (Comaroff and Comaroff 2006; Franski and Olarte 2014) as well as on combined contributions of political ecology and critical legal geography to the discussions on the formation and experience of space and territory (Blomley 2008; Elden 2013; Ojeda 2016).

3 For the purposes of this article, socio-environmental disputes are those that emerge between social organizations, movements, or people and institutional and/or private initiatives regarding the use, management, purpose and meaning of land, natural resources and how they relate to them. Although a detailed reflection on the meaning and politics of the term is beyond the scope of this article, it is worth noting that this broad understanding draws on the centrality that the experience of place and space occupies in the disputes (Escobar 1999; Ojeda 2016) and the distributive dimensions that such conflicts entail (O'Connor and Martínez-Alier 1998).

4 For a critique of the depoliticizing effects of the manner in which transitional scholarship and practice standards have construed the notion of rupture from the past in disregard of different forms of socioeconomic continuities of violence see, among others, Franzki and Olarte (2014); Miller (2008).

5 Ojeda makes this critique when referring to the relationship between the promotion of tourism and particular forms of violence during former president Uribe Velez's “Democratic Security Policy.”

The first part of the paper gives a brief account of the situation of socio-environmental protests and dynamics of dissent during the negotiation and implementation of the Peace Agreement, including some of the central spatial assumptions underlying the initiatives to fuel productivity and secure territorial peace. The second section illustrates how anti-riot police presence in two “rural sites in transit”⁶—where the use and meaning of land are disputed—attempts to define what public order is, the audience for this enactment of order, and the representations of socio-environmental dissent as crime and violence. While these instances are not intended to be comprehensive or to reflect the situation in the rest of the country, they do raise some questions that might help to trace pathways to think about how a deeply urban anti-riot police displays force and presence in rural areas in transit, which are, in one way or another, critical to a post-conflict territorial order to come. Thus, the third and last section suggests that police interventions are framing socio-environmental conflicts arising from or linked to the continuity of conflict related inequalities as security issues. Here, I will argue that looking at the rules of engagement regulating police operations—an aspect often disregarded—might offer some important insights into the translation of territorial dissent into security issues that must be neutralized.

Socio-environmental conflicts during the negotiation and implementation of the Peace Agreement

Natural resource exploitation and the increasing number of large-scale and mega-development projects in Colombia have run parallel with the various transitional initiatives carried out over the last fifteen years. As mega-projects significantly increased, so did socio-environmental conflicts and dissent related to the use of land, subsoil and natural resources. With regards mining, socio-environmental conflicts concerning the extraction of gold, oil and coal increased significantly between 2001 and 2011, but so did, from 2005 onwards, social protest against mineral extraction (CINEP 2012). In 2013, social protests reached 1027, their highest number since 1975—a year in which CINEP started to record their occurrence—and an important number of these were related to socio-environmental conflicts (CINEP 2014, 6-8).

The National Agrarian General Strike (*Paro Nacional Agrario*), which occurred in 2013, became one, if not the most salient, of these actions. It grew out of, among

6 With “rural areas in transit,” I refer to those locations broadly referred to as *rural* in institutional peace discourses, legal instruments and policies, related to the reorganization of the territory during the postconflict. Thus, the concept does not necessarily correspond to what the binary legal framework of urban/rural designates as rural. Therefore, these areas can actually correspond to geographical spaces that cannot easily be identified as either rural or urban.

other issues, rural protests against the failure of agrarian policy vindications, the effects of counterinsurgent war on the peasantry—especially in coca plantations—, large-scale mining, agro-industrial and large-scale monoculture projects, and the destruction of ecological resources. In particular, the strike linked social claims related to land use, and territorial zoning for productivity with both the conflict and the policies to be adopted in a future postconflict stage. Disputes over land use played a central role during the strike among the different sectors participating in it—indigenous and black communities, peasants and small farmers. Protesters demanded democratic solutions to disputes over water and wetlands use, the immediate suspension of illegal crop eradications, the development of concerted agricultural support programs, divulging mining corporations' interests in the rural regions, the creation of peasant land reserves, and the construction and improvement of roads to take harvest to villages and urban centres (CINEP 2014, 10-11).

Then, in the year before the Accord and the months following its passing in Congress, over forty collective actions related to socio-environmental conflicts were reported in national, municipal or communitarian media.⁷ Additionally, by February 2018, 9 popular

7 Authors' figures based on data from national, local, communitarian and alternative media. The figure comprises different collective actions ranging from strikes, gatherings and marches to road occupations and farm occupations, protests in all sorts of rural areas, and other forms of demonstrations. Some of the actions might refer to the same socio-environmental conflict.

Importantly, its aim is not to provide exhaustive data. Besides replicating a rather problematic faith in figures, such a goal would be impossible to obtain given the degree of underreporting and selective coverage of these actions, and the vulnerability to violence to which much alternative media is exposed. Rather, it seeks to contribute to a longstanding effort to shed light on the questions these demonstrations are putting forward as well as to question the attempts to minimize them. A broad examination of the theoretical and methodological implications and discussions concerning the elaboration of this type of databases is well beyond the scope of this article. Nonetheless, there are both practical and methodological reasons for including "alternative" or "citizens'" media that are worth mentioning briefly. On the one hand, it was impossible to access official police reports that showed the number of anti-riots operations across a given time, according to the motivation of the demonstrations. On the other hand, the research stands on the premise that local and community sources contain unique and valuable information; this enables researchers to approach the analysis from the vantage point of the communities engaged in the social mobilization and affected by anti-riot policing. The point is not that alternative media is more reliable than mainstream or official media, but that it offers valuable information which enriches our understanding of public order policing in Colombia. It has been suggested that the rise of alternative journalism has significantly altered how mainstream media represents and frames public order policing; perhaps it can also contribute to a better and more diverse academic understanding of social protest and police action. In this regard, see Greer and McLaughlin (2010). For the way

consultations (*consultas populares*) have been held and won against mining or hydrocarbon projects since 2013 (Registraduría Nacional del Estado Civil 2018). By May 2017, 44 additional municipalities had been planning to hold referendums in order to decide on the future of their own territories. Of these, 26 will decide on hydrocarbon projects, 16 on mining projects, and 3 on hydroelectric projects (ANH 2017; Contagio Radio 2017; Rubiano 2017).

How do we come to terms with socio-environmental dissent after transition? The constant repression of protests, the continuity of stigmatizing practices, and the enactment of regressive norms that condemn and hinder protest, suggest that socio-environmental dissent will be dealt with through the use of force and the criminal system. Besides, the initiatives to reorganize the rural to fuel productivity, reinstate a spatial discipline of the modes of relating to and experiencing land use and resources. Thus, spatial discipline—quite pervasive in predominant understandings of property law—tends to see the territories as areas and portions of land, as fragments that are fairly stable and independent from each other (Blomley 2008; Elden 2013).

In a transitional scenario, re-instantiation contributes to hiding the continuities of socio-environmental injustices but, at the same time, deepens an imaginary separation of the postconflict initiatives from the history of the conflict. In this regard, I would like to highlight three critical aspects that mark a disjuncture of the measures to fuel productivity from the history of conflict. This disjuncture, as I will suggest later on, might be permeating the way in which socio-environmental dissent is treated and controlled. First, the set of decisions that reconfigure the territory and the natural resources are presented both as a frame and a precondition of a "long-lasting peace" rather than as a part of the disputed meanings in transitional contexts (DNP 2011; 2014). As economic mega projects and territorial reorganization for productivity are portrayed as "engines of growth" that will lead the country to prosperity, and as a precondition to overcome social injustice, political confrontation gets blurred into a tautological justification under the appearance of technical necessity. Thus, while a formal peace appears to be indispensable to promote development as investment, investment is presented as necessary to sustain peace. In this context, transition becomes an investment incentive since natural resources of every kind are presented as readily available.

in which mainstream commercial radio and newspapers in Colombia are commonly thought of as "loudspeakers for political elites," see Rodríguez (2011). For the relationship between community radio, popular mobilization, and the construction of the public see González Martínez (2014); Murillo (2003); Roldán (2014). See also: El'Gazi (2011). For reports on socio-environmental conflicts in Colombia, see the Environmental Justice Atlas (EJAtlas 2018) and the Observatorio de Conflictos Ambientales (OCA 2018).

A second point concerns the centrality of property formalization programmes (Alviar 2016) for the territorial reconfiguration of postconflict in general, and for rural development in particular. There are forms of dispossession that are indifferent to or at least outlast the formalization of property. They are processes of dispossession without displacement which range from new forms of enclosures and the selective seizure of parts or elements of territory to schemes of production that compel small farmers to associate to large companies (Ojeda 2016; Ruth Hall *et al.* 2015). In these scenarios, formal titling might provide the appearance of reparation while disregarding the possible linkage between past and present dynamics of dispossession.

The last point, closely related to the previous, concerns the institutional context of the implementation of the Integral Rural Reform set by the Havana Accords. Point one of the Havana Agreement, *A Comprehensive Rural Reform*, “seeks to lay down the foundation for the transformation of rural Colombia, create the conditions to ensure the health and well-being of the rural population” (Presidencia de la República 2016). It includes, among other aspects, measures to secure land access and use, the right to food for the rural population, as well as development programs with territorial-based approaches. Importantly, it covers all rural areas—and not only those regions most severely affected by the conflict. However, as pointed out by Amaya Castro and Olarte Olarte (2017), the institutional arrangements provided for its implementation “contain” whatever progressive or solidarity-based elements it may have, by disarticulating the “rural” from specific locations. They do so by redirecting the postconflict territoriality towards a one-directional understanding of rural productivity and economic development.

Three current spatializing practices, distributing burdens and resources are particularly indicative in this regard. The first consists of a series of policies and new agencies that seek to “demarcate and establish the guidelines for the reorganization of rurality during the postconflict” (Amaya Castro and Olarte Olarte 2017, 8; author’s translation), in that they regulate the management and organization of those territories designated by the government as “prioritized rural areas affected by the conflict” (Ministerio de Agricultura y Desarrollo Rural 2015; author’s translation). To a significant extent, these policies and agencies recentralise land use planning of rural areas into national- and central-level institutions and activate a sort of governance at a distance by reconfiguring postconflict rurality according to their compliance with their foreseen productivity. Even though they include multiple mechanisms of local participation, they do not amount to clear decisive instances. This is problematic, as an over centralized government has very often been posited as one of the main causes of the Colombian conflict.

The Zones of Interest for Rural, Economic and Social Development (ZIDRES) —approved by Congress in December 2015 and backed by the Constitutional Court in 2017 (Corte Constitucional de Colombia 2017)— constitute a second salient example in the terms referred above. This law creates zones of interest for economic and social development in rural areas by opening vast plots to agro-industrial projects. Once the location of these zones is established, large extensions of State-owned and allegedly unoccupied land, as well as certain private properties, will be auctioned to investors under a scheme of land use rights for an indefinite period. Finally, the third dynamic is the classification of the whole territory into strategic mining reserves. This type of zoning would facilitate special concession processes for further exploration and exploitation projects that might include a preferential tax regime (Congreso de la República de Colombia 2011a, article 108, Law 1450; 2014, article 20, Law 1753).

Yet, the sense of territory produced in the current transitional scenario is complex and cannot be explained merely as a technology of State territorialisation, even though—to a great extent— central and national bureaucracies have played a key role. On the one hand, multiple groups and organizations have been fomenting an understanding of the places they live in, which contests the governmental representations of land, soil, and territory. On the other, the lack of formalized property rights and institutional information regarding plots where a myriad of claims converge, might paradoxically play an important role in processes of resistance to those land interventions which rely on updated cartographic data.

However, certain characteristics of current institutional initiatives created to fuel productivity for peace are reconfiguring the territory in a way worth analysing. In the case of large-scale agro-industrial projects—including the ZIDRES—, such an understanding of land (and its uses) will make it difficult to question the effects of large-scale monocultures and land uses and practices in nearby plots. In the case of subsoil mining, as pointed out in current socio-environmental disputes, the impossibility of intervening it without affecting the surface uses and relationality between the elements of both surface and subsoil is increasingly becoming the core of a radical underground politics.

Even though it is still early to assess the implementation of the Accords, these rearrangements of a post-conflict rurality raise questions about the ways in which the reorganization of a postconflict rurality resorts to development as the natural bridge that will connect conflict societies with past and present socio-economic issues and injustices. The regularization of what is suitable for redistribution in this sort of geographical taming diverts attention from the detachment of sophisticated forms of dispossession from these

economic redefinitions of the territory. Such redefinitions appear in the public arena as external to political contestation (in terms of what is disputable and what is allegedly unrelated to the on-going violence). Dissenting forms of relating to land and its resources might be precluded or appear as collateral issues related to the implementation of peace programs.

Further, uncritically channelling distributive demands and social justice through a developmental perspective entails an automatic acceptance of the way in which dominant conceptions of development address social injustice, such as the highly individualizing capabilities perspective (so often quoted by transitional scholars) or current forms of economic-growth-only oriented programmes. This situation also makes it difficult to identify those development projects that might have benefited from conflict violence, or from postconflict decisions, while having negatively affected the material living conditions of those most harmed by the conflict.

The current risk is that the institutional arrangements for the implementation of the Accord might be providing a legitimizing re-definitional moment for a re-coding of spaces and people according to their relationship to a distribution of the territory in terms of aggressive extractive projects. Thus, the transitional productivity for peace—as it is determining the proper use of land and resources—, might be sanitizing a political economy of inequality. In other words, it might be immunizing the current re-organization of the territory and its resources from a history of past and present complex forms of dispossession. Such a reductive approach would obscure the inequality of transitional distribution even further, to say the least.⁸

It is in these contexts that many local processes of resistance to an understanding of the territory as a neatly fragmentable object are turned into security issues. In contrast to this perspective, those local processes put forward a deeply relational, fluid and interdependent sense of their territories and their elements; taking into account, for instance, the fluidity of rivers and subterranean waters, and the experience of vicinity and access to water sources. Critically, as conflicts regarding the use and purpose of natural resources and the territory, continue, the presence of the Colombian anti-riot police increases in the rural areas where the conflicts take place.⁹ What function are the police, and the public force

in general, to perform in such conflicts? What might their presence tell us about the institutional response to social protest in a transitional scenario? In the next section, I will look at the intervention of the Colombian anti-riot police (ESMAD) in two different sites of conflict regarding the use and purpose of resources, land and territory. In both, the meaning of territorial peace continues to be in dispute. As such, they open questions about the presence of these actors in such contexts to continue a line of inquiry in this direction.

Anti-riot Police in rurality: Setting the stage, enacting the State

Formally created in 1999, the National Mobile Anti-Riot Squad or ESMAD is a specialized anti-riots group that operates to “contain and control disturbances and crowds, unblock roads and support evictions from public and private spaces in urban and rural areas [...] in order to restore the exercise of rights and public liberties” (Policía Nacional de Colombia 2018, author’s translation). The role of the ESMAD has been part of the peace debates during and after the Havana Accords. In compliance with the Havana Agreement, various social organisations and movements across the country were convened to a national forum to discuss guidelines for the drafting of a bill which included: i) guarantees for, and the promotion of, citizen participation and other activities carried out by social organisations and movements; and ii) guarantees for social protest and demonstration. The recently finished guidelines¹⁰ propose, among other things, guarantees for mobilization and social protest, and the dismantling of the ESMAD as a repressive body to control protests, to be replaced by a group of *Gestores de Convivencia* (promoters of a civic coexistence).

In contrast, some companies, large land entrepreneurs, and army members have demanded that the ESMAD should be strengthened in rural areas. Some have even asked for the creation of permanent rural anti-riot squads, which would prevent the occupation of lands and roads as a means of protest. Importantly in this regard, their presence in rural areas has increased

8 By no means should this be read as an opposition to the peace process. This critique is a way of shedding light and supporting the debates in favour of an understanding of the territory and natural resources as interdependent, which will probably continue taking place in the forthcoming years.

9 Information obtained from the Direction of Civic Security of the Colombian National Police in its answer to a formal petition for information filed by the author and own database built from national and local media, and communitarian and

alternative media (for the socio-environmental conflicts reported in national, municipal or communitarian media see footnote 7). Even though the information provided shows some inconsistencies, it is possible to conclude that there has been a substantial increase of ESMAD operations in rural areas where protest actions related to socio-environmental conflicts have occurred between 2012 and 2017, and that in some regional headquarters such as Cauca and Antioquia, the number of interventions in rural areas during the same period were much higher than the urban (Policía Nacional, Dirección Seguridad Ciudadana 2018).

10 One national and six regional forums took place between the 21st and the 31st of March of 2017. The government will determine the necessary regulatory measures and modifications needed, based on the guidelines discussed at the national forum (CNPC 2017).

significantly in the last 6 years, particularly in response to socio-environmental conflicts.¹¹ This is striking to some extent. As I will show later, even though the ESMAD can operate both in rural and urban areas, the language deployed and the scenarios described by manuals and protocols are clearly urban, and its instruments, attire, and vehicles seem to respond to urban or semi urban environments.

In what follows, I will present two situations involving socio-environmental claims and protests followed by ESMAD presence and intervention. Each shows a type of police intervention in socio-environmental protests common to the Colombian context and very telling of the institutional response to socio-environmental dissent: the presence of the ESMAD in road occupations during social protests and in police proceedings to regain possession in rural and non-urban areas. The first shows the ESMAD announcing the State. The second shows the ESMAD re-staging the presence of the State through a selective and de-historized enforcement of private property. Drawing upon Comaroff and Comaroff's perspective on police power and the staging of the State (2006), I suggest that these two examples show how ESMAD presence both enhances stigmatizing dynamics that dismiss protestors and their claims, and performs a sort of self-fulfilling prophecy by constituting the proof of a likely disorder, an indicator that a gathering necessarily contains the seeds of a disturbance. Paradoxically, anti-riot police presence functions as a precondition of both the kind of setting that authorises that very presence and the police's entitlement to enforce order by coercive means. This kind of problematizing presence will set the basis for the last section, where I will argue that dissent is being turned into a security issue. Here, I will close by highlighting the role played by micro-regulations in habilitating such securitising logic.

Robots announcing the State: Rural protests against the Ituango dam

In March 2013, there was a protest against the construction in north-western Antioquia of the Ituango dam.¹² Peasants, fishers, *barequeros*,¹³ women's organizations, and *arrieros*¹⁴ gathered to occupy the road in a small village in the municipality of Valle de Toledo. People were

demanding the inclusion of hundreds of families left out of compensation programs and protesting against the effects of the flooding of the Cañon del Cauca River, including its effects on their livelihoods.

Then, the ESMAD arrived. The anti-riot police were probably expecting to be recognised as soon as the protestors saw them, and were therefore also expecting an ensuing antagonistic reaction. Yet, some of the people had no knowledge of the anti-riot cops and the threat of force usually associated to their means of control. As the social movement for the defence of the river later documented it, "never before had these lands been witness to the ESMAD" (Ríos Vivos 2017, author's translation).¹⁵ Dressed in their heavy black anti-riot clothes and helmets, "the way they walked and their attire caused laughs and verses" (Ríos Vivos 2017, author's translation). Some of the protestors, moved by curiosity, dared to approach them. Some called them robots and attempted to get *selfies* with them.¹⁶ The first encounter thus lacked the usual setting for the display of the preventive threat of force to be recognized. For a few moments, confusion grew among the police, many of whom, suffocated by the heat, had to remove their helmets.

As Jean and John Comaroff put it, "law enforcement may provide a privileged site for staging efforts [...] to summon the active presence of the State into being, to render it perceptible to the public eye, to produce both rulers and subjects who recognize its legitimacy" (2006, 280). In Toledo, the police had to bring about a further —twofold— element in order to fully display State presence: public order and its deviant subjects. Indeed, most of the people did not perceive a gathering in a small town to discuss the dam and begin to march to the company premises and to Medellín as the violation of public order. The intended display of a threat of force by means of their presence—at least during the first minutes— resulted in confusion combined with a sort of curiosity far from the expected and ritualized confrontational encounters in city sites.

Then, the gas came. Even though communities had a permit from the Municipality of Ituango for a peaceful demonstration, the anti-riot ESMAD surprised the protestors dispersing them with tear gas. The setting was placed. A display of direct instruments of force and phrases antagonising the encounter were the means through which the police made itself recognized and arranged the necessary setting for the enforcement of a recently created (dis)order.

11 For the continuity of socio-environmental conflicts and the increased presence of anti-riot police in rural areas see footnotes 7 and 9.

12 The construction of the dam began in 2010. It was expected that half of the dam's capacity would be completed by 2018. The project is being developed by a public-partnership and once completed, it will flood an area of approximately 80km long and 700 metres wide along the Cauca River.

13 People who resort to gold panning in rivers for a living.

14 People who transport luggage or goods by means of pack animals, especially mules.

15 The *Programador* (2017) is a planning book created as an initiative of the Ríos Vivos movement to document the resistance to the Hidroituango dam since 2013 up to the present.

16 Personal Interview. The scene was narrated by one of the participants, who was very familiarized with the modus operandi of the anti-riot police in other settings.

Then demonstrations of force were repeated and the antagonism intensified. More than 80 people were charged with the obstruction of public roads. As it has frequently happened with the criminalizing use of this offence, they were later released after the judge found the charges to be unfounded. Even though protests against the dam had been taking place in the previous months, what happened in March 2013 was a breaking point. As protests and social mobilization increased, so did repressive actions. Access to the area was restricted by the public force and intimidation intensified (Movimiento Ríos Vivos 2013). For fear of violent actions against the protesters, more than 200 people left for Medellín and remained in the Coliseum at Universidad de Antioquia for over eight months. The events of 2013 marked the future actions of a movement which has continued mobilizing a relational understanding of the territory in a region where divorcing the effects of large-scale interventions of land and natural resources from the legacies of violent conflict seems more and more problematic.

The liberation of mother earth in northern Cauca: Anti-riot police in eviction proceedings

The occupation of properties associated to agribusiness and extractive projects in rural areas has been used as a form of protest against the use and purpose of land, and during the last 5 to 6 years, has been frequently dealt with through the presence of and coercion from anti-riot police. In a context where land issues include i) systematic overlapping claims and rights over the same plots of lands as a result of violent land seizure practices during the conflict and/or as a result of development policies presented as a precondition of peace; and ii) intense socio-environmental dissents concerning resources and land use, the question of the purposes and limits of the use of public force becomes particularly significant. Certainly, it is different to resort to police proceedings to reclaim possession in cases where property rights are not disputed in the frame of decades of armed conflict, constant dispossession or the territorial reorganization for peace. In this context, a claim to rightful possession and the corresponding calling upon police eviction proceedings—even by coercive means—does not seem to easily fit or respond to the complexity of land disputes.

In Colombia, possession claims proceedings for the protection of real State property and possession constitute a provisional police measure until the corresponding judge decides on the property rights in dispute. These police injunctions are activated, among other causes, whenever either public or private property is disrupted or interrupted as a result of “illegal occupation” (Congreso de la República de Colombia 2016, Police Code, article 77). Once activated through a complaint, the police will order the eviction of the

occupants. The deployment of this proceeding to deal with socio-environmental protests is very problematic as it turns protesters into trespassers. Protestors usually occupy large-scale monoculture farms, mining settings, exploration sites, or company grounds in order to demand for a different type of land use, to reclaim ancestral territories, or to resist extractive modes of production. However, the eviction proceedings make this kind of dissent a law-breaking conduct, constructed primarily on the selective protection of property.

The increasing presence of anti-riot police during these proceedings in rural areas in recent years adds a problematic element of crime prevention in protest. In the case of protests against extractive and mega-agricultural projects, the ESMAD's preventive presence announces the possibility of a situation in which force might be needed, and it projects the economic activities upon which a postconflict discourse relies as non-political. Such is a form of implicit removal of dissent. The case of the liberation of “mother earth” in Cauca is particularly representative in this regard.

In northern Cauca, south-western Colombia, the Association of Indigenous Councils of northern Cauca (ACIN), has implemented a “Liberate Mother Earth” campaign to claim the restitution of ancestral land currently used for sugar plantations and extraction projects. For them, these activities are progressively poisoning and destroying the Earth and its inhabitants. Initiating in 2014, the purpose of the campaign is to recover lands in the municipalities of Corinto, Caloto and Santander de Quilichao. As part of the resistance, the indigenous communities—along with Afro-descendant communities and small-scale farmers—have proposed a debate on the possession, use and redistribution of the land, demanding an agrarian reform that recognizes collective land titling in rural communities in northern Cauca (ACIN, CRIC, and ONIC 2015). Specifically, they propose to advance on agreements and the delimitation of ethnic and small-scale farming territories, launch a political debate on the problems of relying on extractivism and mega-economic projects—dams, mining, privatization of air and water, diversion of rivers—as they often destroy the natural environment.

Regarding the usual presence of the ESMAD—on occasion alongside the army—in their protests, the indigenous communities have consistently expressed their reasons to oppose such presence. Besides increasing their stigmatization as guerrilla members (despite the fact that they have systematically denied such association), ESMAD presence is disproportionate, as the indigenous communities have always encouraged dialogue with the government. Sending the ESMAD to their protests and occupations, they assert, attacks their projects of land autonomy, collective rights to land, and dignified life. Further, they affirm that the ESMAD often shouts during the protests, accusing them of land theft, of being

invaders of private property and enemies of economic development. Such accusations posit a great concern as they reproduce the arguments put forward by the sugarcane entrepreneurs, and by paramilitary groups, who have threatened them constantly. The ESMAD, they affirm, “has turned into a repressive figure, that in a premeditated manner, has intentionally and excessively turned acts of social protests into murder sites” (ACIN, CRIC, and ONIC 2015, author’s translation).¹⁷

Many reasons motivate the indigenous occupation of lands. First, the territory they occupy in resistance to the expansion of sugarcane industry and mining projects corresponds to lands they consider “ancestral property of indigenous and Afro-descendant peoples that have been living with us for centuries” (ACIN, CRIC, and ONIC 2015, author’s translation). Second, they consider that government methods in place for titling and distributing lands do not work because restitution will take decades. Third, lands that are still in dispute have been either zoned or given in concessions for legal mining and large-scale projects by the government. Fourth, the small investment projects offered by the government cannot respond to the complex land and territorial problems caused by the sugar cane industry. For these reasons, they insist: “We will take many paths, all of them in peace, and all of them legal” (ACIN, CRIC, and ONIC 2015, author’s translation).

Despite the commitments made as part of the Havana Agreements, to guarantee protest rights and secure land rights to indigenous and black communities, and peasants, the recent occupation of sugar cane plantations by a group of indigenous people in 2017,¹⁸ was met by a massive and threatening presence of ESMAD. In a meeting between the Armed Forces and farm-owners during the event, the president of Asocaña (the Association of Colombian Sugar Cane Producers) demanded the creation of a permanent mobile anti-riot squad in the rural area of northern Cauca (“Proponen crear Esmad” 2017). In turn, a mayor general said that the military forces intended to continue holding security councils in order to “confront these violations to private property” (“Proponen crear Esmad” 2017, author’s translation).

In sum, a socio-environmental conflict which manifests in terms of land use, property rights and, overall, a different understanding of productivity, was depoliticised

and turned into a security matter that threatened property rights considered productive:

I believe, a permanent violation of private property has been taking place and the indigenous, under a mistaken concept of property, which they call liberation of mother earth, just want to get plots of land but they do not make them productive. (Delgado Henao 2017, author’s translation)

Thus, police proceedings to reclaim possession turned the protests against land use and conflict-related land issues into an act of trespass. The ESMAD enacted the threat of State force and the security councils held delimited the space in order to define public order around the protection of an ahistorical definition of private property, only understood in terms of present productivity.

The use of rural and non-urban roads, and private and State-owned properties, has become commonplace for protest against land and resource use, and modes of extraction or extraction itself in Colombia. What occurred in Ituango and northern Cauca instantiates a process central for transitional politics: these protests are not only creating new public spaces in rural or semi-rural areas by reconfiguring the sites of dissent regarding the use, exploitation and destination of natural resources and land. They are linking the idea of performing the public to an understanding of land and resources as a deeply interconnected and co-dependent bundle of elements. Importantly, this depiction exceeds the geographical representation of land and resource conflicts as simply a matter of overlapping claims over areas or segments of the territory. Yet, social protests in general and socio-environmental conflict in particular continue to be the target of diverse criminalizing and violent practices.

Framing socio-environmental conflicts as security issues: Police interventions

In a context where socio-environmental conflicts have continued and even intensified after the Peace Accords, what does it mean to police transition in conflict-related territorial disputes? The increasing presence of anti-riot police in rural and non-urban areas where socio-environmental conflicts and protests occur seems to play a role in enforcing a sense of the territory necessary for the operation of the zoning processes mentioned above. In Ituango, anti-riot police presence was rendering a protest against a hydroelectric a matter of public order; a public order apparently unrelated to the disputed notions about the territory and the river, as well as to the modes of life threatened by the type of development underpinning the mega-project. In northern Cauca, the ESMAD was enforcing an understanding of private property alien to the history of dispossession of the indigenous in the area and, above

17 Since 2000, they have registered 504 murders, both individual and in massacres against the indigenous in northern Cauca by the conflict’s armed actors and as a result of repressive actions against indigenous protests (Observatorio Pacífico y Territorio 2010).

18 The occupation and recuperation of land in northern Cauca is not new in the same way as the constant presence of military forces and ESMAD is not new. For the attempts to recover land in the municipality of Caloto, in particular the hacienda La Emperatriz, see, among others, ACIN 2018; Gómez 2017; Mondragón 2008; and Suárez 2009.

all, alien to a relational understanding of land and its elements. In both cases, the protests became threats to security in that they challenged a notion of production that privileges mega-projects and large-scale agroindustry. This could be read as a form of securitization that violently separates economic decisions over land and resources in a transition from what is considered to be a political change thereof. This is all the more worrying given the increasing presence of anti-riot police in socio-environmental conflicts in rural areas that are attractive in terms of large-scale productivity.

Yet, there is an element preceding the peace negotiations that has been central for the operation of this securitizing logic but has not been part of many debates on neither protest nor transitional justice. It concerns the pre-existing set of laws and rules of engagement (protocols and manuals) regulating the operation of police and anti-riot police in particular. While useful for the type of productivity enforced by anti-riot police in socio-environmental conflicts, these rules also contribute to the continuous stigmatization of protest, as well as to the enactment and threat of force that set the stage for the display of a transitional State that approaches dissent as illegitimate disturbance. The manner in which these micro-regulations depict people gathering and the way in which they leave a broad and ambiguous space for discretionary powers to define when the use of force must increase, justify their examination in the context of this article and an invitation to turn our gaze to their scope and modes of operation.

Manuals, protocols and the enactment of a regulated discretionary power

The enactment and enforcement of laws that associate, regulate, sanction or interpret protests as criminal offences contributes to the construction of social protest as a security issue. The use of law as a form of criminalizing protest has been widely studied (El-Enany 2014; Uprimny and Sánchez 2010; Wall 2016). In this sense, practices “common to social protest are criminalized by making them coincide with conduct that can be qualified as a criminal offense” (Olarte 2014, 153). Once acts of protests enter criminal proceedings, the frame of analysis mutates as the language of criminal offences displaces the political content of the protests by, echoing El-Enany’s analysis of the criminalization of large political gatherings, presenting them “in terms of individual wrongdoing rather than acts of political contestation” (El-Enany 2014, 73).

The Civic Security Law issued by the Colombian Congress in 2011 is an example of this (Congreso de la República de Colombia 2011b). The statute changed the usual dynamics of indirect criminalization of protest through the use of criminal law in order to include and intensify offences that directly limited usual mechanisms of protests, in

particular road blockades and disruption of public transport. The Civic Security Law looked to strengthen what it considered a key component of the concept of public order, “civic security,” as part of the State’s criminal public policy. For this purpose, the law created a new criminal offence (blockade of public roads)¹⁹ and increased the sentence for an existing one (perturbation of public transport services).²⁰ As I have mentioned somewhere else, this law “turned into the standard bearer of the current government’s security policy in response to numerous protests taking place throughout the country” (Olarte 2014, 152). Importantly, road obstruction itself became a violent means that objectively justified the use of police power.

But the direct criminalization of acts of protest and the enabling of equivocal limits between protest and criminal offences through ambiguous language by means of public order legislation are not the only factors at play in the construction of protest as a security issue. The manner in which the rules of engagement (manuals, guidelines and protocols) depict both disorder and protestors, shape the preventive and escalating use of force, as well as the practices of policing protest. It is at the level of these micro-regulations that the construction of the perception of disorder takes place. In Colombia, the Manuals for the Control and Management of Multitudes are particularly telling in this regard.

The 2009 “Manual for the Attention, Management, and Control of Multitudes” (Policía Nacional de Colombia 2009, 19-21)²¹ repeatedly stresses the importance of respecting the principles of gradual and proportional use of force. However, it not only provides different parameters to understand how the gradual use of force should operate but it gives mere police presence a threatening status. Thus, the first reference to the gradual scale for the use of force establishes that it escalates from “formations with and without batons,” to the use of smoke and shock grenades, pepper gas, water tanks,

19 Article 44 reads: “Obstruction of public roads affecting public order: Any person that by illicit means urges, directs, restricts or provides the means to obstruct, temporarily or permanently, either selective or generally, the routes or the infrastructure of transport in such a way that it threatens human life, public health, food security, the environment or the right to work, will incur imprisonment of twenty-four (24) to forty-eight months (48) and a fine of thirteen (13) to seventy-five (75) effective monthly minimum legal wages [...]” (author’s translation).

20 Article 45 reads: “Disturbance of public, collective or official transport: Any person that by any illicit means prevents the circulation of or inflicts damages to a ship, airship, vehicle or any motorized means of transport destined for public, collective or official transport, will incur imprisonment of four (4) to eight (8) years and fines of thirteen point thirty three (13.33) to seventy-five (75) effective monthly minimum legal wages” (author’s translation).

21 This and the hereinafter mentions to the Colombian police manuals are the author’s translations.

gas cartridges, gas grenades, multi-impact grenades and, as the very last measure, 37 mm calibre cartridges.

From this, it would seem that the first action to be taken by the police during a protest is to be present, *with or without batons*. Yet, shortly after this indication, the Manual includes a graphical representation of stage one of the escalating use of force entitled “The Demonstration of Force” (21). The corresponding image shows a group of anti-riot squads raising their batons in the air. A preventive use of force appears first as a latent enactment of force to then be represented as a more direct demonstration of force as threat. Further, in relation to the progressive use of force, the Manual adds another vague parameter: the commander of the ESMAD will order the increase of the use of coercive means according to the impact provoked by the multitude, “always trying to obtain the best results to dissolve the disturbance” (32).

Another criterion upon which to decide a differentiated use of force is the attitude of the citizen. For the “good use of force,” the Manual commands that the dose of force to be applied must take into consideration the progression of citizen behaviour as well as its degree of intensity. Thus, a third scale to define the progressive use of force is introduced: “between dissuasion and reaction, the deployment of force must be graduated from ostensive presence to the use of firearms” (Policía Nacional de Colombia 2009, 20). However, it is not clear how to know when such behaviour is occurring.

Further, the Manual introduces a series of definitions to classify multitudes and modes of “mass associations” in order to “determine the course of action” or activate certain police force actions for the control of multitudes (Policía Nacional de Colombia 2009, 23-24). These definitions precede the instructions addressed to the general police and anti-riot police commanders to guide their actions during a demonstration. They include *marcha*, *turba*, *motín*, and *disturbio* among others. By *march* (*marcha*), it understands a “displacement of a group of people in order to gain visibility before the State, to be heard and therefore to obtain solutions. They can be peaceful or violent according to the state of agitation imposed by the leaders.” *Mob* (*turba*) is defined as “a numerous and dense group of individuals that have temporarily submerged their own identities into the multitude, and are almost exclusively reacting to what is happening in the immediate present and whose emotions mainly comprise hatred and rage in their higher level of agitation.” *Riot* (*motín*) is defined as a “disordered and violent movement of a horde against the authority.” Finally, it defines *disturbance* (*disturbio*) as the “action of mobs whose collective conduct has turned violent, and includes acts of vandalism, destruction and chaos.” It will then be up to the commander to establish—once on the ground—whether they are, for instance, facing a collective behaviour in which the protestors’ own identities dissolves within

the whole, or whether they are facing people reacting out of hatred and rage.

A new “Manual to Control Multitudes” was enacted in 2015 (Policía Nacional de Colombia 2015) to supplement the 2009 Manual. It adds new elements to the already complex and, at times, vague protocols for action during protests. For this purpose, it divides the organization of the preventive display of police actions into three stages: planning, execution and evaluation. Besides shaping prevention in antagonizing terms from the outset, important steps in these stages contain a level of vagueness that necessarily requires broad-ranging discretionary power. Thus, during the planning stage, the respective commander issues an “order of service,” which must take into account, among other aspects, the motives of the manifestation and the length of the protest including its level of “persistence and resistance.” Then, during the execution, and still as a preventive measure, police must set up a unified authority post with the participation of military forces, 24 hours prior to the expected start of those manifestations which might give rise to an “alteration of security” or civic *convivencia*. The recently enacted and greatly controversial Police Code (a hierarchically superior norm to the Manuals) defines *convivencia* as the peaceful, respectful and harmonious interaction between people, between people and goods, and people and the environment, within the framework of legal order. Whenever a protest threatens *convivencia*, the police have the power to dissolve such a protest. The police can also determine whether they must act as conciliators to restore *convivencia*. Yet, social protest can hardly be understood as a type of conflict that requires policing as a means to conciliate a solution.

Specifically, in relation to current socio-environmental conflicts, many protests concerning the use of soil, sub-soil, and resource exploitation are not targeting or cannot target a middle way or conciliatory solution. Also, the police have no jurisdiction to decide upon land use. Therefore, their intervention as mediators cannot go beyond the means of the protests; for instance, occupations or roads blockades. As such, mediation ends up shadowing the claims and conflict at stake. Further, as explained in a recent constitutionality claim set forth against the Police Code, the whole *convivencia* issue is absurd given that “essentially every protest threatens coexistence,” and therefore, no protest could be allowed at all.

One final criterion in the Manual establishes that in the event of acts of vandalism or disturbances, the police will deploy the authorized means to dissolve the manifestation. Also, it provides a list of vandalism acts—looting, graffiti making, damage to facades, glass breaking, among other acts harmful to the general good—that would demand acts of prevention and deterrence. Acts of vandalism are directed, it says,

against “public buildings or establishments or nearby places, financial institutions, commercial establishments” (Policía Nacional de Colombia 2015, article 17, 2g). These markedly urban depictions and references aimed at both identifying threatening actions, people and scenarios, and delimiting the use coercive means seem out of place when socio-environmental conflicts and protests take place in rural and certain semirural sites, as demonstrated by the Ituango case.

These rules of engagement pre-emptively depict protests as contrary to public order, and multitudes as threats, while providing an ambiguous and wide margin for discretion in regulating the escalating use of force. In a transitional scenario, where socio-environmental protest are constantly criminalized and dissenting voices often persecuted and murdered, we need to examine these apparently hyper-regulated modes of approaching and delimiting the public more closely. Looking to the conditions that might facilitate the equation of territorial dissensus with public disorder is becoming thus not only relevant but also urgent. This will contribute to our understanding of why a deeply urban anti-riot police and regulation are being deployed in rural settings, whether and how the escalating use of force is tied to a predominant notion of productivity, and who is benefiting from the threatening status of the mere presence and appearance of police in some settings. Further research on the operation and the impact that these micro regulations might have upon social protests in transitional scenarios is much needed.

Concluding remarks

What does the enforcement of a particular understanding of the territory and natural resources tell us about the relationship between transitional justice and the type of productivity to be protected in so-called post-conflict scenarios? What is the preventive presence of police actually preventing? Is the removal of land use dissent an indicator to measure the efficacy of the post-conflict regime to come? Today, socio-environmental dissent is still being portrayed as a barrier to productivity within multiple public and private discourses. Preventive anti-riot police presence is pre-emptively reading protests as insecurity, and insecurity as ahistorical violations of property and public space. Some of their means of action are thus making it possible to translate dissent as law-breaking processes, and protestors as trespassers and criminals. Further, in regions and areas so often and problematically designated as stateless and/or unproductive, certain police measures and anti-riot police presence in particular, enforce a specific sense of the territory through the lenses of a certain form of productivity. These situations remove from public sight the complex violence that sustains the points of foreclosure of an economic arrangement of territorial spaces. Police, and anti-riot police in

particular, will not only be enforcing transition. The means by which this kind of police displays its presence might make and signify transition through the imposition of specific spatial relations that detach natural resources and land from the way they are experienced, and socio-environmental conflicts from their politics.

And yet, the question of what “territory” means and how and why it is policed, points to something that goes beyond a shift in the way police power is displayed. It signals a transformation in the modes of resisting the imposition of specific spatial relations.

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