

# TO MISS THE FOREST FOR THE TREES?

A GREEN CRIMINOLOGICAL PERSPECTIVE ON THE POLITICS OF PALM OIL HARM

DOOR DE BOMEN HET BOS NIET MEER ZIEN?

EEN GROEN CRIMINOLOGISCH PERSPECTIEF OP DE POLITIEK VAN PALM OLIE SCHADE

(met een samenvatting in het Nederlands)



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## ABSTRACT

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Globally, the palm oil industry has been linked to practices that fit the most conventional definitions and perceptions of crime as well as the types of social and environmental harm that do not fit strictly legalistic definitions and understandings of crime. This thesis examines both the perceptions and realities of harm in the context of palm oil production in Colombia's Pacific coast region, attending to the perspectives of corporate executives, public officials, industry representatives, small growers of oil palm, local palm oil critics, and NGOs with a critical stance towards agroindustrial palm oil production. The theoretical and analytical approach put forward to this end redirects the harm debate from a central concern with the *academic* contestation of harm within criminology, toward a focus on the *on-the-ground* contestedness of harm. The central research question that underpins the study is: "*How are perceptions, practices, and realities of harm linked to palm oil production in the Colombian Pacific coast region contested, and what are the implications of this for debates on harm within green criminology?*" Via a rich field-based account of the constructions, practices, and the lived and perceived realities of harm related to palm oil production, and the interrogation of the mechanisms and relations of power that thereby invest practices and discourses of harm, the study contributes empirically and theoretically to the green criminological analysis of the extractive industries, encouraging green criminology to engage with the notion of harm in more complex and nuanced ways. This approach enhances criminological understanding of the power dynamics that draw and keep in place the boundaries between legal harm, tolerated illegal harm, and non-tolerated illegal harm, and the hegemonic notions and practices of legality that thus operate to reproduce the status quo in ways that generate harm to human beings and the natural environment.

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## SAMENVATTING (DUTCH SUMMARY)

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De palmolie industrie wordt wereldwijd in verband gebracht met, enerzijds, gedragingen en praktijken die zonder meer passen binnen de meest conventionele opvattingen en definities van criminaliteit, en, anderzijds, vormen van sociale en milieugerelateerde schade die strikt genomen niet binnen juridische definities en opvattingen van criminaliteit vallen. Dit sluit aan bij discussie rondom het legitieme object van criminologische studie, welk heeft geleid tot een langslpend debat aangaande de vraag of criminologen hun onderzoeksfocus moeten uitbreiden naar legale vormen van schade, en, zo ja, hoe ver de grenzen van de discipline opgerekt kunnen worden voor een criminologisch relevante conceptualisering van schade.

Dit proefschrift onderzoekt percepties en realiteiten van 'schade' in de context van palmolie productie in de Pacifische kustregio van Colombia, zich daarbij richtend op de perspectieven van vertegenwoordigers van de palmolie industrie, staf van palmolie bedrijven, ambtenaren, kleine palmolie boeren binnen de lokale bevolking, lokale critici van de palmolie industrie, en NGOs met een kritische houding ten aanzien van agro-industriële palmolie productie. De theoretische en analytische benadering die wordt aangedragen en uiteengezet heroriënteert het criminologisch debat aangaande de contestatie rondom het concept 'schade', door het focus – dat zich tot dusver vooral heeft gericht op de *academische* contestatie rondom 'schade' binnen de criminologie – te verplaatsen naar de wijze waarop vormen van schade onderhevig zijn aan contestatie in de dagelijkse praktijk en de interacties tussen betrokken actoren en overige belanghebbenden binnen een specifieke context (ik verwijs hiernaar als de '*on-the-ground* contestedness of harm'). Via de inzichten die dit focus biedt draagt deze studie bij aan het debat over het concept van schade binnen de criminologie.

De centrale onderzoeksvraag luidt: *“Hoe worden percepties, praktijken, en realiteiten van schade met betrekking tot palmolie productie in Colombia's Pacifische kustregio betwist, en wat betekent dit voor debat over schade binnen de groene criminologie?”* Door middel van een omvattend veldonderzoek naar de constructies, praktijken, en de geleefde en subjectief ervaren realiteiten in de context van palmolie gerelateerde schade, en de examinatie van de machtsrelaties en -mechanismen die nauw verbonden zijn met praktijken en discoursen van schade, draagt deze studie zowel empirisch als theoretisch bij aan de groene criminologische analyse van de extractieve industrieën. Dit proefschrift stelt zich daarbij ten doel de groene criminologie ertoe te bewegen zich op een meer complexe en genuanceerde wijze met het concept van schade bezig te houden. Dit resulteert onder meer in een veelzijdiger inzicht in de machts-dynamieken die ten grondslag liggen aan het trekken en instandhouden van de scheidslijnen tussen (i) wettelijk toelaatbare schade, (ii) getolereerde bij wet strafbare schade, en (iii) niet-getolereerde bij wet strafbare schade, en de hegemonische opvattingen

en praktijken van legaliteit die de status quo herproduceren op wijzen die schade toe brengen aan mens en natuur.

Hoofdstuk 1 gaat bij wijze van inleiding kort in op het onderwerp van deze studie, legt uit hoe de gekozen benadering tot dit onderwerp tot stand is gekomen, en hoe deze studie daarmee bijdraagt aan de groen criminologische analyse van de schade en criminaliteit gerelateerd aan palmolie productie. Na de presentatie van de onderzoeksvragen volgt een uiteenzetting (op basis van literatuurstudie) van de argumenten voor en tegen de palmolie industrie. Uit deze controversen blijkt hoe contentieus de palmolie industrie is en dat voor een goed begrip van de consequenties en de onrechtvaardigheden die samenhangen met deze industrie een criminologisch focus op *schade* noodzakelijk is. Ter introductie op wat in detail aan bod komt in hoofdstuk 2, wordt tot slot kort ingegaan op discussies rondom het legitieme object van criminologische studie, en op de verdiepende dimensie die de groene criminologie aan deze discussies geeft.

Hoofdstuk 2 zet het theoretisch kader van dit proefschrift uiteen. Als een onderzoek dat (a) vertrekt vanuit een groen criminologisch perspectief en (b) als doel heeft bij te dragen aan dit vakgebied, worden eerst de (voor dit onderzoek) meest relevante aspecten van de groene criminologie besproken. Hierna volgt een gedetailleerde discussie van het criminologisch debat ten aanzien van het concept 'schade', en hoe dit debat zich door de decennia heen heeft ontwikkeld. Op basis hiervan kaart ik de noodzaak aan om dit debat in nieuwe banen te leiden door, zoals hierboven al aangegeven, het focus te verleggen van aandacht voor de academische contestatie rondom schade binnen de criminologie, naar een expliciet focus op de *on-the-ground contestedness of harm*. Hierbij wordt het standpunt vooruitgeschoven dat de examinatie van de 'politiek van schade' in de context van palmolie productie vraagt om een benadering die de veelzijdigheid van macht (*a multiple view of power*) in aanmerking neemt. Het startpunt van het verklarend kader voor de wijze waarop macht opereert in deze politiek van schade wordt gevormd door het theoretische perspectief dat leidend is binnen de groen criminologische studie van de extractieve industrieën; vanuit een macro-structurele optiek, en voortbouwend op het gedachtegoed van Marx, wordt de politieke economie van groene criminaliteit en schade geanalyseerd. Een centraal argument in dit proefschrift is dat dit kader onontbeerlijk is, maar dat een dergelijke benadering *op zichzelf* te kort schiet voor een diepgaand begrip van de wijze waarop macht opereert in de bestudeerde context. Het restant van het hoofdstuk gaat vervolgens in op enkele van de aspecten die van belang zijn voor een vollediger en meer genuanceerde theoretische onderbouwing van schade, macht, en legaliteit in de context van palmolie productie in Colombia.

Hoofdstuk 3 geeft inzicht in de methodologische benadering die ten grondslag ligt aan deze

studie, de onderzoeksmethodes die zijn gebruikt, en de wijze waarop de onderzoeksdata zijn geanalyseerd. Vanuit een overwegend interview-gebaseerde etnografische benadering is in de periode tussen juli 2012 en maart 2013 veldwerk in Colombia verricht. Het grootste deel hiervan heeft plaatsgevonden in Tumaco (gelegen in Colombia's meest zuidwestelijke provincie Nariño) en Bogotá (de hoofdstad van Colombia, in de provincie Cundinamarca). Het hoofdstuk omvat uitvoerige reflectie op het verloop van dit veldwerk, moeilijkheden en bijzonderheden die hierbij ondervonden werden, en kaart enkele aandachtspunten aan waar onderzoekers zich bewust van dienen te zijn. Tot slot wordt kort stilgestaan bij vraagstukken van objectiviteit en neutraliteit, deels door terug te grijpen op het Becker-Gouldner debat eind jaren '60.

In hoofdstuk 4 wordt inzicht verschaft in de demografische, politieke, sociaal-economische, culturele, en ecologische aspecten die van centraal belang zijn voor een goed begrip van de discussies en analyse die in hoofdstukken 5 tot en met 7 volgen. Hiertoe wordt onder meer Colombia's Constitutionele hervorming van 1991 besproken; in het bijzonder hoe Colombia's nieuwe, progressieve Constitutie *formeel* gezien de politieke en rechtspositie van inheemse en Afro-Colombiaanse gemeenschappen in Colombia versterkt. Gelet op de wijze waarop de erkenning van ethnische en culturele diversiteit is vastgelegd in het grondwettelijk raamwerk van het land, lijkt Colombia, op het eerste gezicht, vooruitstrevend op dit gebied. Daar komt bij dat Colombia's Constitutie eveneens een 'groen' karakter wordt toebedeeld. Na kritische reflectie op deze punten wordt de aandacht verlegd naar Tumaco; door inwoners met trots omschreven als "de parel van de Pacific", maar ook een regio die gedrukt gaat onder hevig geweld, schrijnende armoede, en waar bevolking en natuur moeten wijken voor de belangen van zowel legale als illegale economische activiteiten.

Hoofdstuk 5, het eerste van 3 hoofdstukken waarin de bevindingen van deze studie worden gepresenteerd en geanalyseerd, schetst het brede scala aan factoren, actoren, en belangen die in de Pacifische kustregio samenkomen – waar deze botsen, in wisselwerking treden, of simpelweg naast elkaar bestaan – en wat als zodanig de bredere context vormt waarbinnen de palmolie industrie opereert. Het doel is de complexiteit en gevarieerdheid te ontrafelen van de wijze waarop – in de praktijk en in discours – de schade en criminaliteit ervaren door de lokale bevolking en natuur zich verhouden tot de activiteiten van de palmolie industrie, de aanwezigheid van legale en illegale gewapende actoren, en illegale economische activiteit in de regio. Eén van de argumenten die in dit hoofdstuk naar voren wordt geschoven, is dat de protagonisten en vertegenwoordigers van de palmolie industrie de resulterende 'rommelige' mix van factoren en condities aangrijpen *ten faveure* van de industrie en dat zij een strikte 'legaal versus illegaal' dichotomie mobiliseren en uitbuiten om de aanwezigheid en invloed van de palmolie industrie te verdedigen en te legitimeren.

Hoofdstuk 6 gaat meer specifiek in op de historische en huidige wijze waarop, in Tumaco, de palmolie industrie zich heeft gevestigd en sindsdien heeft uitgebreid. Het centrale argument is dat de palmolie industrie niet enkel opereert en groeit op basis van geweld en gedwongen impositie maar ook via meer indirecte vormen van impositie, compromises, concessies, en overtuiging. De wijze waarop de palmolie industrie in Tumaco is gegroeid vanaf de jaren '60 tot op heden heeft geleidelijk een ander – of, een meer gevarieerd – karakter aangenomen; van een situatie overwegend gekenmerkt door 'accumulation by dispossession' (Harvey, 2003) tot een situatie die beter gekenschetst wordt door het winnen van consensus in de strijd om hegemonie (Gramsci, 1971). De nadruk in het hoofdstuk ligt op het feit dat (in beide gevallen) dergelijke processen, mechanismen, en de bijbehorende discoursen gericht zijn op de reconfiguratie van bestaande sociale relaties, culturele gebruiken en opvattingen, vormen van menselijke interactie met hun natuurlijke omgeving, en het 'zijn' van lokale populaties waar dit afwijkt van de heersende sociale, culturele, politieke en economische structuren en principes. De resulterende opvattingen en realiteiten van schade worden besproken.

In hoofdstuk 7 staan de negatieve gevolgen van het verbouwen van olie palm, de fase van extractie, en aanwezigheid van de palmolie industrie meer in het algemeen centraal. Vanuit de verschillende perspectieven die onderzocht zijn in deze studie (zie het begin van deze samenvatting), komen uiteenlopende opvattingen en ervaringen voort wat betreft de sociale, culturele, en economische schade als gevolg van palmolie productie, en vermeende schade aan ecosystemen en de natuur in bredere zin. Specifieke aandacht gaat uit naar traditionele bestaans economieën en productiesystemen, de ervaringen van kleine palmolie boeren, en de spanningen die heersen binnen de plaatselijke bevolking als gevolg van de steun voor de palmolie industrie vanuit de kleine palmolie boer enerzijds en de weerstand tegen palmolie productie vanuit de critici anderzijds. Het overkoepelende argument van het hoofdstuk is dat, *ongeacht* de Constitutionele hervorming van 1991 – welk resulteerde in de uitbreiding van de territoriale en culturele rechten van Afro-Colombiaanse en inheemse gemeenschappen – diep gewortelde machtsasymmetrieën nog altijd intact zijn. Dit vraagt om kritische reflectie op de centraliteit van (mensen)rechten binnen de groene criminologie, een punt waarop aan de hand van referentie aan het concept van 'neoliberaal multiculturalisme' van Charles Hale (2002) dieper wordt ingegaan in de conclusie van dit proefschrift.

Hoofdstuk 8, de conclusie, koppelt de analyse van de voorgaande hoofdstukken terug naar het criminologisch debat over het schadeconcept en de in dit proefschrift beargumenteerde noodzaak tot het heroriënteren van de wijze waarop criminologen zich bezig houden met het betwiste concept van 'schade'. Behalve terug te blikken op de vormen van criminaliteit en schade die aan bod zijn gekomen in deze studie, wordt ook vooruitgeblikt op twee mogelijke toekomst scenario's. De eerste is een 'business as usual' scenario van ecocide en culturele

genocide in regionen van de wereld die worden gereduceerd tot louter de leveranciers van de grondstoffen voor (de elders genoten) huidige patronen van excessieve en niet-duurzame productie en consumptie. Een tweede scenario berust op een alternatief pad leidend richting een post-extractivistisch productie model waarin respect voor en erkenning van ethnische en culturele diversiteit samengaat met een sociale politiek van herdistributie, en herconnectie met cruciale ecologische processen en de natuurlijke omgeving waarvan wij deel uit maken. Na nogmaals de politieke en theoretische relevantie (en noodzaak) van een criminologisch focus op schade te benadrukken worden suggesties voor verder onderzoek gedaan. Elk van deze suggesties draagt bij aan het ultieme doel van de groene criminologie: het streven naar een rechtvaardige wereld voor mens en natuur, en het blootleggen, analyseren, en reageren op de talloze situaties die nog altijd worden gekenmerkt door onrecht, uitbuiting, destructie, en onderdrukking.

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*For my father, Leo Mol.*



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## 1. INTRODUCTION

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“I have always dreamt of a better Pacific, less violence. That really in Colombia the national government no longer imposes on the Pacific what it wants and what its businessmen want, but that it actually manifests a sense of humanity with this population that has been historically assaulted, that every day has less opportunities and is given less opportunities. So that this region and its inhabitants will have, that we are going to have, a better tomorrow and a better quality of life” (Afro-Colombian from Guapi [47]).

The global land area currently under oil palm cultivation is approximately 15 million hectares (Carrasco et al., 2014). Palm oil – the world’s most consumed and traded vegetable oil – is extracted from the fruits of the oil palm tree, which can be cultivated in the tropical climates of Asia, Africa, and Latin America. The palm oil industry is booming, not least due to the fact that the production of this vegetable oil is increasingly geared to the demand for biofuels and renewable (i.e. ‘green’) energy. The largest producers of palm oil, Malaysia and Indonesia, in 2013 accounted for roughly 76% of the total area under palm oil production. Ranking fifth globally, and as the largest producer of palm oil in the Americas, Colombia’s share that year was 2.2% (Fedepalma, 2014). Colombia’s cultivated area went from approximately 150,000 hectares in 2000 (Fedepalma, 2005) to approximately 477,000 hectares by the end of 2013 (Fedepalma, 2014), and is now approaching 500,000 hectares. Colombia’s President Juan Manuel Santos has recently reiterated that his government is determined to support the continued growth of the palm oil sector, which is acclaimed for its commitment to bring peace and progress to Colombia (Santos, 2014).

For many of its critics, palm oil epitomizes imposition, destruction, and dispossession instead. As the opening quote alludes to, the imposition of palm oil and agroindustrial activity onto the Pacific coast – one of Colombia’s most biodiverse regions – is by many of its primarily Afro-Colombian and indigenous inhabitants considered to generate anything but the conditions for a better tomorrow. In Colombia and other countries, the palm oil industry has been linked to practices that fit the most conventional definition and perceptions of crime through to the types of social and environmental harm that do not fit strictly legalistic definitions and understandings of crime. Against this background this study addresses the different constructions, experiences, perceptions, and practices of harm in the context of palm oil production in the Colombian Pacific coast region. The principal focus thereby lies on the situation in Tumaco, located in the department of Nariño, in the most southern part of Colombia’s Pacific coast region (see Appendix II).

The foundations for my concern with palm oil-related social and environmental harm in Colombia were largely laid during my Master’s degree in Criminology, when I developed a scholarly interest in the state and state-corporate crimes committed in the context of oil

exploitation and coal mining in two regions of Colombia. The focus on the harms, crimes, and injustices linked to these two extractive industries as it were sensitized me to the social, cultural, and environmental impacts related to conventional energy, and the criminological relevance of questions to do with energy and sustainability. However, as I continued reading around the matter, it came to my attention that renewable sources of energy, while promoted as socially beneficent and green alternatives to fossil fuels, are also a major and growing source of environmental destruction and social, cultural, and economic dispossession in Colombia. This eventually drove me to examine the palm oil industry.

By presenting a critical account of the social and environmental harms that in Colombia's Pacific coast region are associated with the production of a lucrative global commodity such as palm oil, this study contributes to ongoing debate over the proper object of criminological analysis. To set out in an introductory way what this contribution consists of, how it took shape, what it endeavours to do, and what is innovative about it, let me narrate my engagement with the subject matter. This leads me from my initial encounter with the contradictory reality of palm oil, *on paper*, to my encounter with it *on-the-ground* when I first arrived to Tumaco, where I undertook most of my field research. Most important here, is to expand on what I would eventually learn and see in this beautiful yet troubled region. Suffice to emphasize that the situation brings together a series of aspects that reflect with particular force the type of world(s) we live in, the privileges this generates to some, and the inferior treatment, exploitation, and dispossession it brings upon others.

In the latter category we find the environments and the human inhabitants of the Colombian Pacific. In what can be summarized as the convergence of a proclaimed shift to sustainable development and green growth, a global economy that thrives by virtue of extractivist patterns of accumulation, and an enduring colonial logic, this region has been converted into one of Colombia's four zones of palm oil production. When I commenced my fieldwork in Colombia, I thus aimed to investigate the confrontation between the pro-palm oil stance of public officials, industry representatives, and corporate actors on the one hand, versus the palm oil critical perspectives of local communities and NGOs supporting them in their struggles on the other hand. While conducting my fieldwork in Tumaco I soon found out that matters were more complex. This caused me to change my preconceptions and laid the basis for the harm approach that I advance in this study.

My first visit to Tumaco was a rather unexpected one. Late August 2012 I travelled to Pasto, the capital of Nariño, where I had planned to spend the week, as I would meet with someone from the Office of the United Nations High Commissioner for Refugees who could arrange an interview with the UNIPA, the umbrella organization of indigenous Awá in the Department of Nariño (see Appendix I). Hence, finding myself in Pasto, I decided to take the opportunity to visit Corponariño, the regional environmental authority. Quite to my surprise,

half an hour later I was on my way out again with what looked to be a promising opening to get research access in Tumaco. The director at Corponariño's office in Pasto had arranged that the coordinator of Corponariño in Tumaco would await me there two days later to assist me in establishing contacts with local stakeholders.

I arrived at Tumaco on August 30, 2012, for a short stay that would be a first step in developing invaluable, new insights. The very same afternoon that I arrived in Tumaco, I was taken to Cordeagropaz, an organization that promotes involvement of small growers in the cultivation of oil palm. I interviewed its Executive Director, and out of this came an interview with a representative of Palmasur the next day.<sup>1</sup> But in addition, I also conducted interviews with two community leaders who were highly critical of what they perceive as the imposition of oil palm onto Afro-Colombian collective territory. Hence, during my first days in Tumaco, I was struck by the local coexistence of what seemed to be a rather substantial support for the palm oil industry by small growers versus the strong rejection of the industry by local critics within the same population. It challenged my somewhat binary view of the 'push for' versus 'opposition to' palm oil, and more than anything it challenged the link that often tends to be made between palm oil, violence, and coercive imposition. Over the next few months, more interviews with small growers and visits to their plantations would follow. So did contact with local palm oil critics, public officials, industry representatives, and corporate executives.

What was I to make of agroindustry expansion through small growers on the one hand and the insistence by palm oil critics that this clashes with the biodiversity and cultural and territorial vocation of the region on the other hand? To make matters more complex still, where does Colombia's progressive Constitution in terms of the recognition of cultural and ethnic diversity fit in with all of this, and what about the collective land titles allocated to Afro-Colombian and indigenous communities in Tumaco over the past two decades? What was I to make of this in terms of harm, power, and legality? I became more and more convinced of the need for harm perspectives in criminology, but in a way that would do more than merely expose and denounce the full range of harms in contexts as these. Why and in what ways does the reality of harm experienced and articulated by palm oil critics differ from the reality of harm experienced and articulated by small growers of oil palm? How does each of these realities sit with hegemonic notions and practices of legality and what can critical criminology and a critical *green* criminology learn from an engagement with these realities?

### **1.1 Research questions and objectives**

To contribute to enduring debate on whether or not harm constitutes an appropriate object of criminological analysis, this study suggest a harm approach explicitly connected to a view on power, thus moving beyond merely exposing the type of social and environmental harm that

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<sup>1</sup> I present and discuss Cordeagropaz and Palmasur in more detail in chapter 4.

exceeds the limits of legalistic definitions of crime. To this end, in the next chapter I suggest to redirect the harm debate towards a focus on the politics of harm, premised on a concept of harm that spans the continuum from legal harm to tolerated illegal harm and non-tolerated illegal harm, and hence to interrogate the mechanisms and the relations of power investing practices and discourses of harm, and the realities of harm that correspondingly inscribe the context under analysis. The overarching research question of this study is: *“How are perceptions, practices, and realities of harm linked to palm oil production in the Colombian Pacific coast region contested, and what are the implications of this for debates on harm within green criminology?”* This question can be broken down into four subsidiary research questions. Research questions 1 and 2 are of a descriptive character, and seek to contribute to green criminological understanding of the crimes and harms linked to Colombian palm oil production. Research questions 3 and 4 are theoretically embedded, and encourage green criminology to engage with ‘harm’ in more complex and nuanced ways. Thus, in view of the knowledge gaps that will be further expounded in subsequent chapters, the four subsidiary research questions that underpin this study are:

1. What are the conceptualizations of social and environmental harm that emerge from the perspectives of relevant stakeholders in the context of Colombian palm oil production?
2. What are the social relations, practices, and broader dynamics thus disputed or upheld, and how do the corresponding realities of harm sit with hegemonic notions and practices of legality?
3. What role do coercion and consent play in the establishment and expansion of the palm oil industry?
4. To what extent does the formal recognition of ethnic and cultural diversity in Colombia hold the potential to challenge hegemonic notions and practices of legality in the context of Colombian palm oil production?

The research objectives of this study are twofold: (1) at the descriptive level, I provide an encompassing account of the different perceptions, practices, and lived experiences of harm in the context of palm oil production in Colombia’s south Pacific coast region, and; (2) to enhance the theorization of ‘harm’ within criminology, I interrogate the play of power in the politics of harm in this context. In view of this second objective, the aim is not just to advance criminological understanding of the power dynamics that *draw* the boundaries of harm and crime, but also of the ways in which hegemonic notions and practices of legality are *kept in place* and thus operate to reproduce the status quo in ways that generate harm to human beings and the natural environment. Before moving on to explicating the specifics of such criminological engagement with palm oil-related harm first some key aspects ought to be

clarified as to what palm oil is, what its uses are, and why the industry has moved to the centre of political, academic, and environmental debate.

## 1.2 Palm oil: beneficent alternative or green nightmare?

Accounting for about one third of the 150 million metric tons of the total volume of vegetable oil produced annually, palm oil is the world's most consumed and traded vegetable oil (Potts et al., 2014: 235). With yields that can reach 4700 kilos of oil per hectare, the oil palm is also the highest yielding oil crop. In comparison, the yields of rapeseed, sunflower, and soybean are, respectively, 720, 580, and 400 kilos of vegetable oil per hectare (Dangond Lacouture, 2014). Oil is extracted from the pulp of the oil palm fruit (crude palm oil), as well as from the fruit's kernel (crude palm kernel

oil). With these, a myriad of products are elaborated: palm oil is widely used as a cooking oil; a component of margarines; an ingredient of a wide range of food products such as bakery and confectionery goods, ice cream, chocolates, pre-made meals, and so on; and a raw



1.1 Oil palm fruit bunch and fruits (photo by author)



1.2 Small grower oil palm plantation in Tumaco (photo by author)

material for the production of cosmetics, paints, lubricants, and detergents.<sup>2</sup> But what is mostly driving up its production these days, is the fact that palm oil can also be converted into biodiesel. In addition, the fruit shells and other remains of the extraction process can be used as biomass for energy (Fedepalma, 2006; Mingorance, 2006: 20-22). Hence, in view of the growing concern over diminishing crude oil reserves, rising oil prices, dependence on oil supplies from unstable production regions, coupled with demands to reduce greenhouse gas emissions in order to mitigate climate change (EC, 2009; Franco et al., 2010), the production of palm oil is increasingly geared towards the market for biofuels and renewable energy.

In view of palm oil's manifold uses and corresponding growing demand, the global area under oil palm cultivation has increased exponentially in recent decades. With 75% of global palm oil production traded internationally, and as an ingredient of about one in two supermarket products, Oosterveer (2014: 1) points out that "palm oil has become a typically globalised agro-food commodity". In the discourse of the industry proponents, the continued expansion of the industry is legitimized, and actively promoted, by invoking the supposedly beneficent social, economic, and environmental impacts of the palm oil industry. The notion

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<sup>2</sup> The kernel of the oil palm fruit moreover consists of oil cake or palm kernel cake, which is mainly used for animal feed.

adhered to is that the palm oil industry plays a key role in meeting the rising global demand for food; supports affordable food prices; contributes to poverty alleviation by generating employment; stimulates rural development by investing in necessary social and economic infrastructure; and protects the environment and fragile ecosystems (RSPO, 2013; Nestlé, 2013; World Growth, 2011). A closer look at some of the main drivers of the global and domestic market(s) for palm oil, as well as the arguments in support of palm oil production, will be the focus of the following section.

### **1.2.1 The global palm oil economy: drivers, incentives, and legitimations**

In 2012, the two main exporting countries of palm oil, together accounting for approximately 38 million tonnes of palm oil exports, were Indonesia and Malaysia, followed by – with only a fraction of total global trade – Papua New Guinea, Thailand, and the United Arab Emirates, together exporting approximately 1.6 million tonnes (Oosterveer, 2014).<sup>3</sup> The top three importers of palm oil in 2012 were China, India, and the European Union, whose imports, added up, reached over 21 million tonnes of palm oil (Oosterveer, 2014). EU consumption of crude palm oil increased by 40% between 2006 and 2012, going from 4.5 to 6.4 million tonnes<sup>4</sup>: in 2012, 3.9 million tonnes of palm oil went into the production of food, cosmetics, and oleo-chemicals; 0.6 million tonnes to heating and electricity; and, comprising 80% of the total increase in imports in the stated period, 1.9 million tonnes of palm oil were geared to biofuels production (Gerasimchuk & Koh, 2013). It thus follows that a significant part of crude palm oil imports by the European Union are destined for the biofuels market.

In fact, the European Union has set targets that require that by 2020, 20% of total energy use – differentiated according to member state – and 10% of each member state's fuel consumption in the transport sector comes from renewable sources (EC, 2009). The proposed solutions and the targets that thus have been set are pursued in an overall framework that fails to question contemporary patterns of production and consumption, projected levels of economic growth, and a continuously growing transport sector (Dauvergne & Neville, 2009; Levidow & Paul, 2010; Franco et al., 2010). As targets cannot be met via domestic production alone, a heavy reliance on imports from the global South is inevitable. In view of the proclaimed socioeconomic and environmentally beneficent impacts that this would have for producer countries, a dependence on imports is considered largely unproblematic by industry proponents and in official discourse (Franco et al., 2010).

Colombia, too, actively promotes the growth of its biofuels industry so as to seize on the opportunities for social and economic development this market offers (DNP, 2008). In its

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<sup>3</sup> Although Colombia is among the five largest palm oil producers in the world, for reasons that will be expanded on in section 1.2.3, the country is currently not among the main exporters of palm oil.

<sup>4</sup> With 1.3 million tonnes, Europe's largest importing country and processor of crude palm oil in 2012 was the Netherlands (Gerasimchuk & Koh, 2013).

outline of the policy guidelines to promote the sustainable production of biofuels in Colombia, the National Planning Department recognized that biofuel production can have positive as well as negative consequences for biodiversity and the environment. In view of this, it held that with the adoption of adequate technological and environmental standards, biofuels can beneficially contribute to: the reduced use of fossil fuels; the recuperation of degraded lands previously used for activities such as cattle ranching; and the reduction of GHG emissions (DNP, 2008). Accordingly, the Colombian government has implemented mandatory blending targets, tax exemptions, and subsidy schemes to incentivize biofuel production through palm oil (Castiblanco, Moreno & Etter, 2015).

Amongst the proclaimed positive impacts of palm oil are the economic benefits of the industry for rural livelihoods as well as national economies. Sayer et al. (2012: 115) note that “oil palm is one of the most profitable land uses in the humid tropics”, which makes it an attractive economic opportunity for local people, corporations, as well as governments. In view of the controversy around palm oil’s contribution to economic growth, social welfare, and rural development, Castiblanco, Etter & Ramirez (2015) conducted a statistical analysis to assess the socio-economic impacts of palm oil expansion in Colombia. Although the study points to higher than average levels of land concentration, violence, and poverty for some production zones of palm oil, the authors were led to conclude that oil palm municipalities in Colombia “have [significantly] lower unmet basic needs indicators and have bigger fiscal income when compared to other municipalities where oil palm is not produced” (ibid: 38).

It has moreover been noted that, alongside the employment generated to plantation workers of medium and large palm oil companies, the palm oil industry also contributes to rural development and livelihoods via the opportunities opened up to local smallholders that get involved in oil palm cultivation on their own land (Sayer et al., 2012; Castiblanco, Etter & Ramirez, 2015). Contrary to reports that link the palm oil industry almost exclusively to land grabs, human rights violations, and the exploitation and impoverishment of rural populations, Rist et al. (2010) state that in the four locations they included in their studies of Sumatra and Kalimantan, oil palm cultivation generated substantial economic benefits to small growers, whose livelihoods improved significantly with the arrival of the palm oil industry. The local willingness to cultivate oil palm is high, they emphasize, and in fact more widespread than levels of opposition to palm oil by local communities. Yet it is such opposition that is claimed to get disproportionate coverage in the reports of NGOs (Rist et al., 2010).

In fact, the controversy surrounding the palm oil industry has led to concerns being raised about the perceivably “biased” accounts and rigid opposition (Rival & Levang, 2015) resorted to by some of the palm oil critics. In view of the socioeconomic impacts of palm oil production and local attitudes to the industry, Rival & Levang state: “local people dream first and foremost about paved roads, electricity, water supply, mobile phone networks, schools

and dispensaries, even international airports. Living in harmony with nature by hunting and gathering forest products, far removed from the stress of the modern commercial world is the dream of the affluent urban westerner and not that of the “noble savage” (2015: 39).

In terms of the alleged environmental consequences of palm oil production, it has been pointed out that although there are indeed cases where deforestation has been directly driven by the establishment of oil palm plantations, overall, the relation between palm oil and deforestation is hard to pin down due to a lack of reliable data and neither necessarily nor primarily a direct one; even where the palm oil industry operates on deforested lands, this deforestation can have its origin in factors wholly disconnected from the subsequent establishment of oil palm (Rival & Levang, 2015; Fitzherbert et al., 2008). Moreover, while the high profits associated with palm oil production on the one hand increase the costs of environmental protection and conservation efforts, it has also been stated that “this should be set against the reality that it is generally easier to secure conservation outcomes when people are prosperous” (Sayer et al., 2012: 115). Without denying the risk of net increases in carbon emissions and the low levels of native biodiversity within oil palm plantations, Sayer et al. (2012) furthermore state that both in terms of carbon emissions and biodiversity loss, palm oil outperforms other agricultural land uses.

Considering also that in comparison to other oil crops, oil palm requires less fertilizer, and in view of a shift to the “widespread use of integrated pest management and leguminous cover crops”, which reduces the use of insecticides and herbicides (Fitzherbert et al., 2008: 543), it appears that measures can be taken to lessen the pollution that the palm oil industry is associated with (see section 1.2.2). Likewise, against accusations of palm oil-related water contamination, it can be argued that while it is true that the wastewater that is produced in the process of extracting the palm oil from the oil palm fruits has the *potential* to be highly contaminating, increasingly, purification systems are in place that allow treated water to be safely discharged into nearby water streams (Fitzherbert, 2008). But on all these points, the palm oil industry is subject to strong critique, too, in view of which the alleged benevolent impacts of palm oil are difficult to sustain. In what follows, the arguments that as such have been articulated against palm oil will be outlined.

### **1.2.2 A green deception mired in controversy**

Depictions of palm oil as an environmentally sustainable form of development and a socially and economically beneficent activity are contested (Franco et al., 2010; Oosterveer, 2014). The expansion of palm oil production in the Global South, driven (amongst other factors) by the demand for renewable energy feedstock in the framework of climate change mitigation, has even been critiqued as a form of “CO<sub>2</sub>lonialism” that exploits and destroys human and nonhuman life in regions of industry establishment and expansion (Hazlewood, 2010). The

environmental concerns the palm oil industry is linked to, include deforestation, soil erosion, and the negative effects on climate change of land cover and land use change of forests, grasslands, and diversified agriculture to agroindustrial monocultures (Danielsen et al, 2009; Carrere, 2001; Fitzherbert et al., 2008). Land conversion to oil palm plantations may in fact result in an *increase* in net greenhouse gas emissions and a prolonged carbon debt. That is to say, the re-absorption of the carbon stored in forests or high-carbon soils, released into the atmosphere upon establishment of oil palm plantations, can take years if not decades or centuries (Danielsen et al., 2009; Gibbs et al., 2008). This relates not only to greenhouse gas emissions from direct land use change, but also from the indirect land use change that results from the displacement of existing land uses (Franco et al., 2010). Gibbs et al. (2008) found that while land use change of degraded lands to oil palm could potentially lead to increased carbon storage, the 'carbon payback time' of forest ecosystem conversion to oil palm plantations may range from 30 to 120 years.<sup>5</sup>

Other environmental impacts to consider are biodiversity loss and the contamination of air, water, and soils. The dominant modality of palm oil production is via production in monocultures; plantations made up of orderly rows of a single crop or species, covering anywhere between a few hectares up to thousands of hectares. Although to the untrained eye a monoculture may look like a forest, in reality these plantations do not remotely resemble the complexity, resiliency, and the species diversity of forest ecosystems (Altieri, 2009). Fitzherbert et al. (2008) found that in comparison to other forms of agriculture, oil palm plantations hold particularly low levels of biodiversity, and that there "appear to be few biodiversity-friendly management practices which could enhance the value of oil palm plantations for native species" (Fitzherbert et al., 2008: 543).

Due to ecosystem simplification, disturbances in the replenishment of soil nutrients, and a consequent reduction in ecosystem resiliency, monocultures require the external input of fertilizers and – for being highly susceptible to disease and pest problems – the use of pesticides and herbicides (Altieri, 2009). In view of the agrochemical runoff from plantations and the liquid wastes from the processing plants, the application of such products has been linked to contaminated soils, groundwater, and rivers (McCarthy & Zen, 2010; McMichael, 2010). This causes harm to nearby flora and fauna, fish populations, and impacts negatively on the health of land and marine ecosystems more generally. In addition, it poses direct and indirect risks to the health of local populations and plantation workers (via direct contact with these products or via the consumption of contaminated water and fish). To the extent that

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<sup>5</sup> This leaves untouched the effects of agroindustry-related emissions of methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O). These are two greenhouse gases with a much higher global warming potential than CO<sub>2</sub>: the global warming potential of methane is said to be 25 times larger than carbon dioxide, whereas in the case of nitrous oxide it is almost 300 times larger (Smolker et al., 2008: 63; Don et al., 2012: 374).

the solid wastes that remain after the processing of the harvest – e.g., empty fruit bunches and palm oil shells – are not returned to the plantation (as mulch<sup>6</sup> for instance) but burned instead, this causes noxious odours and smoke pollution; alternatively, if utilized for internal combustion for the energy provision of extraction plants, cases exist where this has led to black smoke and dust being released into the air (McCarthy & Zen, 2010). To this must be added that monocultures have been linked to water shortages and hydrological imbalances due to the excessive demands that both plantations and processing plants place on water sources (Levidow & Paul, 2010; McCarthy & Zen, 2010).

Similar to Dauvergne & Neville (2010), who have cautioned against the unreserved celebration of biofuels at one extreme versus the outright rejection of biofuels at the other, it must be emphasized that the social and environmental impacts of palm oil production cannot be assumed equally for each and every region, situation, and/or system of production either. The impacts of land use change to oil palm cultivation depend on a variety of factors, such as soil characteristics and climate conditions; vegetation cover; biodiversity and ecosystem dynamics; patterns of existing land uses; land access and control; and the model and scale of production. Given the vast extensions of land generally involved, the monoculture model of production tends to displace local systems of subsistence and production. An often heard critique is therefore that agroindustries pose serious threats to food security and sovereignty (Cerdas Vega, 2009). The restructuring of agriculture in the context of agrofuels production has served to further intensify these processes.

The situation whereby food crops and agricultural lands that were previously devoted to food production are now increasingly directed to the production of fuels has been blamed for rising food prices and exacerbated food shortages. The former UN Special Rapporteur on the Right to Food, Jean Ziegler, has even referred to such policies and practices as “crimes against humanity” and “massacre (by) hunger” (Ziegler in Lederer, 2007). The existence of diverging perspectives on the promise or the horror of this type of non-fossil fuels is reflected in the terminological juxtaposition of ‘biofuels’ in the discourse of industry proponents versus ‘agrofuels’ in the discourse of the critics. Contrary to what the prefix ‘bio’ appears to suggest, according to the critics the production of agrofuels does not so much sustain as *undermine* life. To speak of biofuels, they argue, obscures the fact that the push for the production of agroenergy feedstock subordinates both agriculture and natural ecosystems to patterns of excessive energy and fuel consumption. By referring to these fuels as ‘agrofuels’, attention is drawn to their intricate relation to agriculture, food production, and agrarian social relations (McMichael, 2010; Cerdas Vega, 2009).

Agroindustry establishment and expansion have also been indicated as major drivers

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<sup>6</sup> A protective layer applied to the soil to enhance moisture retention or improve the fertility of a soil.

of land dispossession and the displacement of rural as well as forest-dependent livelihoods (Dauvergne & Neville, 2010), often times in disregard of established property rights and not uncommonly accompanied by violent means (Borras & Franco, 2012; McMichael, 2010). In the case of Colombian palm oil production, both in the Pacific and other regions in Colombia, critics scrutinize the palm oil industry for its alleged complicity in the dispossession of land and the displacement of traditional systems of subsistence and production. Most affected are often already marginalized indigenous, Afro-descendant, and peasant communities. Besides the consequences in terms of food security and sovereignty, the enactment of local culture and existing social relations and practices are thereby also argued to be seriously impeded (Vélez Torres, 2010; Escobar, 2008).

In sum, critics insist that the palm oil industry is linked to ecological destruction and deepened material and sociocultural dispossession. The green credentials and development rhetoric called upon to justify this type of agroindustry expansion must therefore be critically examined, albeit without altogether denying the possibility that oil palm cultivation can have positive effects on poverty alleviation and social and environmental well-being in rural zones. Before moving on to the role of criminology in this type of analysis, I expand briefly on the Colombian palm oil industry, and the official and industry discourse deployed to legitimize and further promote the industry's expansion.

### ***1.2.3 Colombian palm oil: a source of progress and hope for the future***

*"Wherever you find the palm oil industry, you find progress"*. This claim forms the essence of a promotional video (Fedepalma, 2002) that marked the 40<sup>th</sup> anniversary of Fedepalma, the National Federation of Oil Palm Growers of Colombia, created in 1962. The video begins with images and action scenes of sportspeople engaging in adventurous activities such as rafting, paragliding, and mountain climbing, accompanied by the following text:

"This is the spirit of determined men, fearless in facing nature, powerful in surmounting challenges, endowed with a vision of progress and hope for the future, unwavering and committed to struggle" (Fedepalma, 2002).

At that point images of the palm oil industry make their appearance and the voiceover states:

"This is the same unbreakable spirit of those pioneering men who had the audacity to try the unknown, the courage to widen frontiers, and the vision that forged this legacy for Colombia. Palm oil: the future for all Colombians" (Fedepalma, 2002).

Over the last decade, the extension of oil palm plantations in Colombia increased annually with 8% on average (Mesa Dishington, 2014). Both in extension and intensity of production (i.e., yields per hectare) the Colombian palm oil sector is perceived to have ample room for further growth. With little alteration, some 2.5 to 3 million hectares are held to be suitable for

oil palm cultivation. Regarding the intensity of production, emphasis is placed on the need to increase yields from its current level of 3.1 tonnes of palm oil per hectare to 4.7 (Dangond Lacouture, 2014; Mesa Dishington, 2014). In support of such targets, palm oil production is framed as a key economic activity that is both in the national interest and advantageous for local populations and environments. Documents produced by or written under the auspices of Fedepalma emphasize palm oil's wide array of industrial applications and corresponding high economic value, and moreover insist that the oil palm has rooted socially and culturally, bringing stability and increased opportunities for daily subsistence to Colombia's rural zones. It is argued that:

“Oil palm is not only agroindustrial activity and prosperity for Colombia. It is also history, culture, promise, well-being... It is, above all, compromise: with the people, with the land, with development” (Ospina Bozzi, 2007: 5).

There are three dimensions in particular that stand out in the Colombian context in terms of palm oil's depiction as an alternative crop. These merit introductory mention here. To begin with, palm oil is presented as a *productive* alternative. The oil palm is a perennial crop with an economic life of 25 to 30 years, lends itself to competition in the domestic as well as the global market economy, and, once producing, produces constantly. Oil palm cultivation is as such considered a secure source of regular income and a well-remunerated economic activity at that. Such stability and income security are held to be lacking in what are depicted as unproductive or underproductive economic activities organized around local subsistence economies and annual crops (Ospina Bozzi, 2007).

Second, and connected to the first point, palm oil is promoted as a *legal* alternative. Centred on the notion that palm oil is a lucrative commodity with the potential to incorporate large parts of the landless rural proletariat as well as smallholders into its production chain, the sector is viewed as a possible counterweight to immersion in illicit economic activity (e.g. coca cultivation) and involvement with illegal armed groups. As such palm oil takes a central place in alternative development discourse and programmes as the Peace and Development Projects co-financed by the World Bank, the US-funded Plan Colombia<sup>7</sup>, and the Peace Laboratories of the European Union (Godnick & Klein, 2009; Seeboldt, 2010).

Third, and arguably by and large the most definitive feature of the discourse resorted to in the latest cycle of extractivism (see 1.3.1), palm oil is presented as an *environmental* alternative, amongst others in view of its potential as a source of renewable energy. Thereby it is moreover argued that, in comparison to other oil crops that can serve as renewable energy sources, the land extensions needed to steer the economy away from fossil fuel

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<sup>7</sup> Plan Colombia is a United States' counternarcotics and counterinsurgency aid package that entered into force in 2000. Under the pretext of combatting drug trafficking, to which terrorism was added later on, it consists primarily of military assistance and funding. For a critical account, see Stokes (2005).

dependence is far less in the case of oil palm cultivation. It is claimed that to replace 5% of global diesel production with biodiesel, palm oil requires five times less land than rapeseed production and ten times less than soybean (Ospina Bozzi, 2007: 39; Dangond Lacouture, 2014). In Colombia, nearly half of domestic palm oil production is now geared to biodiesel (Mesa Dishington, 2014). Domestic production of biodiesel has in fact increased to such extent that palm oil exports dropped significantly in recent years (Fedepalma, 2014). In 2000, Fedepalma presented its vision for the future. There, it expressed its intent to work towards a – to paraphrase – “ambitious but realistic” growth in the export rate from 20% to close to 80% (Fedepalma, 2000). Indeed, between 1995 and 2006, Colombia experienced a steady rise in palm oil exports, increasing from 6% to 33% of total production (Ospina Bozzi, 2007: 29). However, by 2013 total exports had dropped to 16.3%, with the European Union as principal export destination. Notably, of the produce of the western palm oil production zone, by and large formed by Tumaco, 69.4% was exported in 2013 (Fedepalma, 2014).

In addition to the ‘green uses’ that palm oil serves, another expression of its depiction as an environmental alternative relates to the production model itself – deemed green, too. This is for instance manifest in the claim that “*mature oil palms form true forest landscapes, inhabited by numerous flora and fauna species*” (Fedepalma, 2006: 19). However, serious doubts have been raised regarding the extent to which palm oil plantations can indeed support levels of animal and plant life resembling those of forests. To draw once more on Fitzherbert et al. (2008), contrary to claims that equate oil palm plantations to true forests, there is evidence that “oil palm is a particularly poor substitute for either primary or degraded forests, and whereas any conversion of natural forest is inevitably damaging to biodiversity, oil palm plantations support even fewer forest species than do most other agricultural options” (2008: 542).

### **1.3 Extractivism, criminology, and the emergence of green perspectives**

Extraordinary profits can be made by meeting the growing demand for agricultural primary commodities geared to the food industries and the production of ‘green’ energy, albeit – from the critics’ point of view – often to the detriment of targeted ecosystems and the human and nonhuman life dependent on these ecosystems. An international division of nature thereby confines countries as Colombia and regions as the Colombian Pacific to the role of mere provider of raw materials; generally left with nothing but social and environmental destruction while the consumption and profits of the final products are enjoyed elsewhere (Vélez & Vélez, 2008; Cerdas Vega, 2009). It is increasingly recognized that criminology should address the crimes, harms, and injustices bound up with natural resource exploitation. This includes awareness of the need for such analyses to address the cross-boundary operation of “the politics of power, harm and justice” (Walters, 2010: 314), not least in view of the fact

that the negative impacts of global patterns of production and consumption tend to disproportionately weigh down on the global South (White, 2011). However, the criminological analysis of such matters also inevitably raises questions regarding the ‘appropriate’ boundaries of the discipline. Below, after some modest reflection on the dynamics of the current wave of extractivism, I turn to the debate regarding the perceived need for criminologists to rethink their engagement with crime and harm, and expand on green criminology as an area of scholarship that explicitly endeavours to do so.

### **1.3.1 Agricultural extractivism as an engine of economic growth**

Extractivism refers to the appropriation or the intensive exploitation of natural resources. The activities that first come to mind in this regard tend to be oil and gas exploitation and mining. But extractivist practices can also encompass agroindustry, forestry, and fishing (Veltmeyer & Petras, 2014a). Extractivist agroindustries are characterized by vast and capital intensive monocrop plantations; a heavy reliance on external inputs – agrochemicals included – as opposed to more organic forms of farming; and the use of seed and crop technologies and planting and harvesting methods that, rather than concerned with social and environmental well-being, are first and foremost geared to maximizing yields, profits, and efficiency. The harvest moreover tends to be processed to only a limited degree in the region of cultivation, if processed at all before being transported. This means that the added value of production that results from the transformation of raw materials is usually realized outside the region where the agroindustry is situated (Grigera & Álvarez, 2013). In the majority of cases the corporate control exerted over the extractive industries involves transnational capital, but, as the palm oil industry in Colombia indicates, this is not necessarily the case.<sup>8</sup>

Of course extractivism is not a new phenomenon but has been a mechanism of plunder and appropriation since colonial times, with the first phase of extractivism going back some 500 years with the conquest and subsequent colonization of the Americas (Alimonda, 2011; Acosta, 2013). Extractivist modes of accumulation have since passed through different phases. As such, apart from continuity there are also new dynamics at play in view of which Latin America has been experiencing a renewed cycle of extraction, commodification, and degradation of its natural wealth in recent decades (Seoane, 2012). Rather than providing a thorough overview of these dynamics, here only some aspects that are most relevant for the present discussion will be briefly addressed.<sup>9</sup>

Seoane (2012) notes that an ever more extensive and unprecedented intensification

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<sup>8</sup> The Colombian palm oil industry is (as of yet) not a prime target of foreign direct investment, but still mostly controlled by domestic corporations.

<sup>9</sup> For a comprehensive analysis of the continuities and changes over time regarding the dynamics of extractivist modes of accumulation, including reflection on the ‘neo-extractivism’ of some supposedly more progressive post-neoliberalist Latin American governments, see Veltmeyer & Petras (2014b), Seoane (2012), Acosta (2013), and Grigera & Álvarez (2013).

of the commodification of nature and life is not only destroying local environments, territories, and populations in the Americas but is threatening the continuity of life *as such* (Seoane, 2012). In Latin America, the current phase of extractivism is characterized by what is mostly an export-oriented ‘reprimarization’ of the economy (Grigera & Álvarez, 2013), although it must be added that an enclave economy model can also be at work *within* the geographical limits of countries. The impetus to scale up investments in the extraction of a set of primary commodities particularly lucrative now and towards the future is significantly driven by the renewable energy sectors. The world over, the production of primary commodities such as oil palm, soy, jatropha, sugar cane, and corn, is intensified and redirected to visions of clean energy. However, as Seoane asserts: “This is not about greening the economy, but on the contrary, about making the green into an economic matter; which is to say, to treat or subordinate the environmental to the logic of the market” (2012).<sup>10</sup>

Critics insist on the huge social and environmental costs of extractivism, resulting in exacerbated social inequality, the destruction of livelihoods, the break-down of communities’ social fabric, and environmental degradation (Acosta, 2013). In short, extractivist patterns of accumulation are held to constitute the type of capitalist development that is characterized by Harvey (2003) as ‘accumulation by dispossession’, to be further discussed in chapter 2 (see also Grigera & Álvarez, 2013). This time round it is under the banners of ‘green growth’ and ‘sustainable development’ that the social and environmental burdens of the production of *renewable* energy are shifted onto the former colonies and, within those countries, onto regions that are treated and depicted as peripheral and underdeveloped. Colombia forms no exception. The agroindustries in Colombia are presented as one of the country’s key ‘motors of economic development’. The palm oil industry is among those sectors thus considered particularly suited to stimulate economic growth, mitigate climate change and environmental problems, and in the process consolidate peace and “prosperity for all” (DNP, 2011).

### **1.3.2 Harm, crime, and criminology: politics with a vengeance**

Passas & Goodwin (2004: 2) note that, as criminologists, “we have set our priorities wrongly by overlooking misdeeds whose consequences are even more threatening than what is legally designated as crime”. The authors point to the existence of practices that are ‘lawful but awful’. Whilst not officially defined as illegal or criminal, these practices have devastating outcomes for humans and environments, and should be of concern to criminology. It would, however, according to Passas & Goodwin, be too far off “to stretch the concepts of crime and criminality to cover these practices” (2004: 3). I concur with the view that it is not helpful to blur the concepts of crime and harm but that there is nevertheless scope for criminologists to scrutinize the boundaries drawn between ‘crime’ and the type of harmful practices that for

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<sup>10</sup> Unless otherwise stated, throughout this thesis, all translations are mine.

various cultural, political, and economic reasons are socially accepted or tolerated.

By way of introduction to what will be discussed in more detail in chapter 2, it is worth reflecting briefly on the debate on harm within critical criminology. In 1970, Herman and Julia Schwendinger addressed “the 30 year controversy about the definition of crime” (1975: 113).<sup>11</sup> This “controversy” refers to the discussion stirred up in the late 1930s and 1940s by Sutherland (1940) and Sellin (1938), who questioned the extent to which the criminal law forms an appropriate basis for criminological analysis. Tappan (1947), a foremost critic of attempts to broaden or otherwise rethink the scope and focus of criminological analysis, responded as follows:

“Vague, omnibus concepts defining crime are a blight upon either a legal system or a system of sociology that strives to be objective. They allow judge, administrator, or – conceivably – sociologist, in an undirected, freely operating discretion, to attribute the status “criminal” to any individual or class which he conceives nefarious. This can accomplish no desirable objective, either politically or sociologically” (Tappan, 1947: 99).

The Schwendingers (1975), taking up this debate 30 years later, concurred with critiques of criminal law definitions of crime. However, other than Sutherland (1940), who had extended the definition of crime to violations of civil and administrative law, the Schwendingers argued against the acceptance of *any* legal definition of crime as handed down by the State. They did so from the view that such acceptance implicates criminologists in the reproduction of the existing inequitable social order.

Another 45 years have passed since the Schwendingers’ contribution. Although harm perspectives now assume a more central place and broader acceptance within criminology, harm still remains a contested object of criminological analysis. Within critical criminology, various positions exist regarding what counts as a criminologically relevant conceptualization of harm: some advance a focus on crime-equivalent harm, to different degrees moving away from the legal framework traditionally adhered to in criminology (i.e., the state’s criminal law); others insist on abandoning the concept and the discourse of crime altogether, to advance a focus on social harm instead; and there are those that question the move away from *crime*, insisting on the link between crime and deviance (rather than between crime and harm), the ontological reality of crime, or a combination of the two. In chapter 2 each of these positions, and reference to their respective authors, will be discussed in more detail.

The existence of substantial disagreement on *whether* criminologists should engage broader notions of harm, and if so, *how far* the disciplinary boundaries of criminology can or ought to be pushed in this regard, are far from trivial definitional matters. Tensions about the subject matter of criminology and divergent conceptualizations of harm are *political* tensions.

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<sup>11</sup> The article originally appeared in *Issues in Criminology* in 1970.

Indeed, as Reiman has stated, “this is politics with a vengeance. Politics openly, necessarily, insinuates itself into the heart of criminology” (2007: 236). And as if this politics had not been complex enough already, adding to the discussion, from the 1990s on a growing number of critical criminologists began to insist explicitly on the inclusion of a crucial dimension that thus far had been missing from criminology’s conceptual framework and analytical focus: the natural environment and nonhuman species.

### **1.3.3 Towards a green frame of reference**

One of the areas of criminological scholarship where harm perspectives assume centrality is green criminology, although there is also green criminological work that is informed by more legalistic understandings of crime. By the same token, alongside critical perspectives there exist more mainstream approaches to the substantive issues variously addressed. As South (1998) observes, green criminology is neither a theory nor a unified field of theorizing, but a ‘sensitizing perspective’ that builds on diverse theoretical positions. Broadly defined, green criminology engages the ways in which human society relates to, acts upon, and interacts with the nonhuman in ways that generate harm and crime against humans, animals, and the natural environment at large (Halsey & White, 1998; Cazaux, 1999). In addition to this, green criminology also involves the analysis of environmental law and regulation (White, 2008) and more recently attention has been drawn to the *criminogenic effects* of environmental harm as warranting more thorough attention. That is to say, in a variety of ways, environmental harm can be a cause of crime; resource scarcity for instance can be conducive to social conflict, violence, and property crime (Potter, 2014; Lynch & Stretesky, 2014).<sup>12</sup>

Some of the topics that from the 1990s began to be addressed within the contours of an emerging green criminology were not entirely new to the discipline. One example is the study of the illegal disposal of hazardous waste as a case of corporate crime facilitated by a vulnerable regulatory structure and an at times blurred line between corporate and organized crime (Szasz, 1986). Yet it was felt that the nature and extent of environmental harm as an endemic feature of current political economic and sociocultural arrangements (Halsey, 1997) asked for the type of analysis that could also critically engage these themes outside the framework of the crimes of the powerful (Halsey & White, 1998). This paved the way for a much more explicit criminological engagement with the interconnection between social and environmental issues, the systemic nature of environmental crime and harm, thereby also directing more explicit attention to nonhuman suffering and negative impacts (White, 2002).

Although criminological engagement with environmental issues is starting to make its

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<sup>12</sup> To an extent this argument has been invoked to insist on the wider relevance of a green perspective for mainstream criminology; i.e., even where environmental harm *as such* does not constitute a crime, such harm can be a contributory factor in the genesis of ‘real’ crime and thus carries importance also for more conventional, mainstream, or orthodox criminology (Potter, 2014).

imprint on the discipline as a whole, in the grand scheme of things it is still a relatively minor subject area. Lynch & Stretesky (2014), in view of this, argue that in order for contemporary criminology to engage its subject matter (crime, harm, and justice) in a comprehensive and relevant manner, it is essential to take the *environment* as the point of departure. In contrast, thus far criminological theory and analysis has built on human-centred frames of reference in which the environment enters at most as a secondary consideration, or worse still, as little more than an externality. These human-centred frames, it is argued, ignore a crucial point. This is that ultimately, “the environment defines the maximum scope of human possibilities” *and* imposes boundaries on the limits of human forms of organization (Lynch & Stretesky, 2014: 40-41). Hence the authors argue that criminology should radically rethink the ways in which it understands and analyses crime and harm, and that this necessitates a green frame of reference.

Within a green frame of reference, critical green criminology can take various forms. Of particular relevance here is the eco-global perspective advanced by White (2011). White (2011) directs attention to the cultural, political, and economic arrangements that give rise to the generation of social and environmental harm and conflict, and the transference of such harm and conflict to the global South, whose human populations and natural environments are thus differentially targeted and victimized. The social and environmental harms of palm oil production that this study is concerned with moreover exemplify what White refers to as ‘paradoxical harm’. Paradoxical harm occurs when proposed solutions to harm generate new forms of harm. As argued:

“Such harm is paradoxical precisely because the harms stem from the pursuit of sectional social interests that inevitably fashion responses to, rather than resolution of, the key contradictions of the present age (namely, the preservation of the capitalist growth economy versus transformation towards sustainable ecology). Paradoxical harm is not the same as unintended consequences. In many instances the harms are known, and the acts leading to the generation of the harms are intentional” (White, 2011: 45).

Both the ‘agrofuels solution’ (as a green alternative to fossil fuels) and the palm oil industry more broadly (as a way to mitigate rural poverty and stimulate ‘sustainable development’) can be seen as sources of paradoxical harm that further compound existing environmental and social harm. In a green frame of reference, this study advances a harm perspective that critically interrogates the power dynamics that invest the discourses and practices of harm that as such infuse the production of palm oil in the south Pacific coast region of Colombia.

#### **1.4 Thesis outline**

Embedded in a discussion of how considerations of harm and power figure implicitly or explicitly in existing critical criminological work, in chapter 2 the theoretical framework that

underpins this research will be set out. I expand on green criminological perspectives that extend and deepen the critical criminological tradition; review in more detail the harm debate within critical criminology, and suggest to redirect this debate; and subsequently present the contours of an explanatory framework for the play of power in the 'politics of harm' in the context of palm oil production in Colombia's Pacific coast region. My point of departure is the theoretical basis of critical, green criminological studies of environmental harm and crime related to resource extraction, which generally draw on Marxist political economy analysis. I argue that although such works offer crucial insights into the subject matter at hand, they do not arrive at a thorough theorization of the power-harm-legality dynamic.

Important in this regard is that critical accounts of the impacts provoked by the palm oil industry and other large-scale economic activity in Colombia confront us with images of violent dispossession and forced displacement, and of territories 'cleansed' of their human inhabitants, nonhuman and natural diversity (Tenthoff & Eventon, 2013; Mingorance, 2006). While this violent reality continues unabated in many parts of Colombia, there is a risk that exclusive emphasis on the coercive and violent dimensions of agroindustry establishment and expansion, and rigid assumptions about the capital-nature antagonism, are insufficiently attentive to the nonviolent forms of imposition as well as more subtle workings of power that inscribe contexts as these. The growing involvement of small growers in oil palm cultivation; the forging of social and environmental compromises; the different realities of harm lived and perceived by small growers on the one hand and local palm oil critics on the other hand; and the granting of collective land titles to Afro-Colombian and indigenous communities are all aspects that ask for a more refined analysis of the power dynamics at play in this context.

In the chapter that follows (chapter 3), I discuss the methodological approach of this study, the methods that have been deployed towards answering the research questions, the fieldwork experience, ethical considerations, and the data analysis. Chapter 4 then as it were prepares the presentation and analysis of the empirical data in chapters 5 to 7, by providing some necessary legal, political, demographic, social and ecological background.

In chapter 5 I analyse the broader frame within which to interrogate the politics of harm in the Colombian Pacific region, drawing attention to the fact that Colombia's contested grounds are at once socionatural spaces where human and nonhuman life interweave, sites of capitalist industrial development, and sites of armed conflict and illicit economic activity. The chapter takes stock of the multiple interests that in this convergence of factors, actors, and dynamics coexist, compete, and interact. Chapter 6 is organized around the analysis of the ways in which the ground has been and is prepared for palm oil production in Tumaco. I discuss the establishment and expansion of the palm oil industry, related conceptions of the land, and attendant perceptions of harm from the perspectives of corporate actors, industry representatives, public officials with a favourable attitude to palm oil, members of NGOs,

local palm oil critics, and small growers of oil palm. Considerations of coercion and consent are central to the discussions thus engaged in.

In chapter 7 the focus shifts to the social and environmental harms associated with the phases of oil palm cultivation and palm oil production. I thereby contrast perspectives that insist on the social and ecologically beneficent character of oil palm cultivation with the socioecological, cultural, and economic rationalities adhered to by those communities within the local population that continue to object to such agroindustrial developments. In addition, specific attention goes out to the fact that it is increasingly difficult for these communities to withstand corresponding pressures to put their lands 'to productive use' in accordance with neoliberal dictates of development and capitalist criteria of productivity. I also address the small grower experience and the tensions that accordingly exist within the local population.

In the concluding chapter I discuss the research findings in the light of the research questions of this study and expand on the conclusions that thus can be drawn regarding the appropriate object of criminological study. To aid this discussion, I draw on several concepts that, although not introduced as part of this thesis' conceptual and theoretical framework in chapter 2, carry relevance for the discussion and, as critical afterthoughts, should be read as an invitation to take further the debate on the fundamental matters addressed in this thesis.<sup>13</sup> I close the thesis with suggestions for further research.

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<sup>13</sup> Most notably, these concepts include: clearance, ecocide, cultural genocide, and – after brief initial mention in chapter 7 – neoliberal multiculturalism.

## 2. THE PLAY OF POWER IN THE POLITICS OF HARM

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In the previous chapter I noted that the social and environmental harms associated with the Colombian palm oil industry exceed strictly legalistic definitions of crime, and that the context therefore asks for a broader concept of harm. The notion that strict adherence to a legalistic definition of crime excludes a whole variety of serious and widespread harms from criminological analysis has led a growing number of critical criminologists to argue for the expansion and reconsideration of the focus of criminology. However, there is still a profound lack of consensus regarding the perceived theoretical and political validity of broader notions of harm as an appropriate object of criminological analysis. There is ongoing debate over *how* to conceptualize a criminologically relevant notion of harm and *whether* such objectives and the corresponding types of analysis should even be pursued at all (e.g. Hillyard et al., 2004; Michalowski, 2009; Potter, 2013).

To advance this debate, this study puts forward a theoretical and analytical approach to a criminologically relevant, critical engagement with harm that draws on and contributes to green criminological analyses of the extractive industries. In this chapter I explicate what this approach entails, and how and why it redirects the harm debate within criminology. Central to my argument is the notion that harm is contested, and that this contestedness exists on two levels. Existing debate over the appropriate object of criminological analysis is principally centred on the *academic* contestedness of harm *within criminological theory and analysis*. In their analyses, such works draw on the distribution of power and wealth – at times implicit, at times more explicit – to explain and critique what practices are dealt with as crime and which ones are not. Considerations of power are therefore generally not absent from these works. However, to enhance our understanding of the power relations and mechanisms that invest discourses and practices of harm and that draw the boundaries between the legal and the illegal, I shall argue that we should shift our criminological lenses to a second level of contestedness. That is, harm is also contested in the broader social field. Criminology, in my view, has thus far been relatively inattentive to this *on-the-ground* contestedness of harm.

Hence I propose to redirect criminological engagement with 'harm' towards a focus on the politics of harm in the context of palm oil production, starting from the premise that this politics comprises the continuum of legal harm, tolerated illegal harm, and non-tolerated illegal harm. Examination of the discursive and practical dimensions of this politics of harm allows for both a more inclusive analysis of the social and environmental harms linked to palm oil production and for the interrogation of the power dynamics at play in this context. Following on from the notion that it is important that we thereby take a multiple view of power, I lay out the contours of an explanatory framework for the operation of power in the politics of harm in the context of Colombian palm oil production. The explanatory framework

that informs this research thereby draws on the political economy framework of analysis that generally underpins the type of critical, green criminological studies of the crimes and harms related to processes of natural resource exploitation (e.g. White, 2011; Stretesky et al., 2014) but also points out the need for a more refined and integrated theorization of harm, power, and legality. Throughout chapter 4 (based on secondary sources) and chapters 5 to 7 (drawing on primary empirical data) I provide insight into the power dynamics that draw and keep in place the boundaries between legal and illegal harm, and address the corresponding perceptions, practices, and lived realities of social and environmental harm.

The structure of the chapter is as follows. Considering that this research has its basis in the evolving field of green criminology, in section 1 I reflect on the green criminological orientations and concepts that are most relevant for the purposes of the harm approach here suggested. Section 2 takes up the harm debate within critical criminology in more detail. Section 3 forms the crucial turning point in the chapter, as this is where I redirect the focus to the politics of harm. The explanatory framework for the operation of power in the politics of harm in the context of Colombian palm oil production is then elaborated in section 4.

## **2.1 Towards a critical, green perspective on harm**

As noted by White (2013b), green criminology is not a unified field but has developed into a fairly broad area of scholarship wherein a diversity of substantive concerns, conceptual foci, theoretical positions and political orientations find common ground in the perceived need to grant more specific criminological attention to environmental issues. Below I expand on three key directions in which green criminology has sought to rethink crime and the criminological endeavour, specifying also how and to what extent these notions figure in this study.

### ***2.1.1 Extending the focus from the human to the nonhuman***

Green perspectives extend the disciplinary reach of criminology beyond exclusively human-centred analysis towards a more encompassing concern with the impacts of environmental harm on humans, nonhumans, and the natural environment. Whether something comes to be defined as an environmental issue to be dealt with as crime, or whether it comes to be defined as an environmental issue at all, is dependent on philosophical principles, questions of power, and particular interests (White, 2008: 4-5). Let us first consider some of the eco-philosophical principles that underpin our understanding of the human-environment nexus and societal and individual attitudes towards nature, and that consequently lend themselves to different conceptualizations of environmental harm and crime (Halsey & White, 1998). At the outset, I should state that there lies a world of subtleties, complexities, and significant overlap between different ecophilosophies (see, e.g. Halsey, 1997) and that it is beyond the purposes of this study to elaborate on this. Most relevant here are critiques of the type of

anthropocentric or human-centred attitudes towards nature that rest on purely instrumental views of the natural world and that reduce nonhuman nature to human property. From an anthropocentric stance, nature generally tends to be viewed and treated as an exterior realm that is open to human exploitation and appropriation, and as 'natural capital' at our disposal (Plumwood, 1991; Halsey & White, 1998). Environmental harm is thus problematized only to the extent that it impedes human interests. Moreover, *sectional* human interests are thereby often of decisive (if not exclusive) influence.

In contrast, an ecocentric or socioecological approach rests on the notion that there exists a substantial degree of continuity and interdependence between humans, animal and plant species, and the broader natural environment. Yet it *also* perceives a level of distance and distinctiveness that demands that human beings use, interact, and act upon nature in sustainable ways in order to minimize or avoid generating adverse impacts (Halsey & White, 1998; Plumwood, 1991). Thus considered, humans are neither superior to nonhuman nature nor 'just another' species but have specific responsibilities towards each other and towards nonhuman nature so as to sustain both current and future generations (Halsey, 1997; South, 2008). Even when an ecocentric perspective is adhered to, the focus regarding who or what is being victimized may vary. An ecocentric perspective or socioecological approach to a particular environmental problem is for instance not incompatible with a primary emphasis on how this affects certain *human populations*.

In regard to who or what is victimized, criminological engagement with environmental harm occurs along three intersecting, and potentially conflicting, lines of enquiry : (i) from the viewpoint of environmental justice, analysis is primarily centred on the human consequences of environmental issues; (ii) from the viewpoint of ecological justice, analysis centres on the adverse impacts of environmental crime and harm on the integrity of the natural environment at large; (iii) from the viewpoint of species justice the concern lies with the harms and crimes perpetrated against animal species, which may refer to individual cases of animal abuse, institutionalized abuse, as well as habitat destruction stemming from broadly accepted social and economic activity (White, 2013a). Particular ideas of eco-justice (White, 2013a) thereby underpin different conceptions of rights. Thus, from an environmental justice perspective, environmental rights are thought of as a necessary extension of human rights, considering that access to and the use of a healthy environment are crucial components of social justice. In view of the intrinsic worth of nonhuman nature on the other hand, ecological justice and species justice can be seen to entail the need to extend the reach of rights to the natural environment and animal species.

Ideas of eco-justice are also bound up with notions of power. Environmental justice – from which this study takes its cue – has been defined by White (2013a) as “the distribution of environments among peoples in terms of access to, and use of, specific natural resources

in defined geographical areas” (White, 2013a: 15). As a consequence of power differentials operating along lines of gender, class, ethnicity, race, geopolitical location, age, and so on (Stephens, 1996; Wachholz, 2007; Lynch & Stretesky, 2003), environmental problems are often shifted onto, or disproportionately affect, particular human groups. Thus, environmental *injustice* is intricately linked to social systems of oppression and differentiation that lead to the differential victimization of certain human populations and individuals (Lynch & Stretesky, 2003). It follows that justice, rights, harm, and power intertwine. However, to understand how harms come about and persist, requires an explicit focus on harm vis-à-vis power. It is in relation to *this* focus that rights enter the analysis in this study in chapters 6 and 7, and that I take up the discussion of rights again in the concluding chapter.

### **2.1.2 Extending and deepening the critical criminological tradition**

It follows that environmental issues can also be framed in terms of the power relations that imbue environmental crime and harm. As I have argued elsewhere (Mol, 2013), how power produces and operates through green issues is interlinked with the ordering of an array of social and socioecological relations. In the analysis of the social and environmental harms of palm oil, questions of power pertain to who or what is being harmed; where (geographically) such harm is experienced or transferred to; the causes or driving forces behind these harms; how alleged harms are conceptualized or denied; and so on. Analysis of the multiple ways in which power operates through social differentiation based on class, race, ethnicity, gender, North-South divides, and colonial relations, has increasingly been finding its way into critical criminological analysis.

The critical criminological tradition arose in the late 1960s to advocate a praxis-oriented, structural analysis of power and an attendant critique of existing (inequitable) social arrangements in the study of crime and deviance. The founding principles of this project were perhaps best exemplified and for the first time thoroughly spelled out in the landmark book *“The New Criminology”* by Taylor, Walton, & Young (1973). After initial concern with the class character of crime, crime control and criminal justice procedures, realization grew that class was but one component in a range of power relations that criminologists should focus their energies on. Progressively, considerations of race, patriarchy, gender and so on, gained a more significant place in criminological analysis.

Green criminology embeds itself in, continues, and deepens this critical tradition by taking the analysis and the interrogation of power into the socioecological realm, extending it to human-nonhuman dualisms, and examining the systemic nature of environmental crime and harm. Premised on an attentiveness to “the ability of powerful groups to manipulate and use race, class, gender *and the environment* to preserve the basis of their power” (Lynch, 1990: 1, emphasis added), the ‘greening of criminology’ was first explicitly called for over two

decades ago by Lynch (1990). More recently a strand of green perspectives has once more taken up considerations of political economy in the analysis of environmental crime and harm (Lynch et al., 2013; Stretesky et al., 2014).

Analysis and theorization along these lines centre primarily on global political and economic structures, processes, and relations that, it is argued, are managed by standards of economic performance that do not reflect or factor in the environmental and social costs of production models but are geared exclusively to the accumulation of capital and economic-reductionist criteria of wealth (Ruggiero & South, 2013). This is closely linked to ideologies that tie human welfare and societal progress to economic growth and that (correspondingly) seek the ‘solutions’ to environmental problems in market expansion, individualized forms of responsabilization, and technological innovation (White, 2011; Stretesky et al., 2014). All too often existing harms are perpetuated or exacerbated in the process, or new forms of harm are generated.<sup>14</sup>

Stretesky et al. (2014) draw on Schnaiberg’s theory of the ‘treadmill of production’ to theorize the systemic nature of environmental harm. They argue that the expansionary logic of capitalism and the ecological additions and withdrawals central to capitalist production cause ecological disorganization.<sup>15</sup> Also, existing regulatory frameworks and the dynamics of law enforcement – in other words, the extent to which environmental crimes and harms can be and are officially dealt with – by and large reflect and reproduce the power configurations of contemporary capitalist society (Stretesky et al., 2014).

The present study is strongly committed to structurally oriented analysis that seeks to theorize environmental crime and harm with an explicit view on power, conflict, and political economy. I will, however, also argue for the need for a more multiple view of power.

### **2.1.3 Transcending the legal-illegal divide**

Despite growing environmental awareness as well as legislative and judicial gains in relation to environmental matters, there is still a substantial discrepancy between official definitions of environmental crime and the array of *legal* (i.e. lawful) environmental harms endured by humans, plant and animal species, environments and ecosystems. Owing to this mismatch between acts legally designated as environmentally harmful or problematic on the one hand, and ecologically informed notions of harm (Halsey & White, 1998; White, 2011) on the other hand, a central endeavour of green criminology is to rethink and theorize the notion of harm within criminology. As Halsey (2004) states:

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<sup>14</sup> I mentioned in the previous chapter that White (2011: 45) refers to this as ‘paradoxical harm’.

<sup>15</sup> I expand on this point in section 2.4.1, as part of a more detailed discussion of the Marxist analytical framework initially envisioned by Lynch (1990) – and later followed by others (e.g. White, 2002; Stretesky et al., 2014) – as the terrain from which to pursue the greening of criminology.

“[C]riminology should not be constrained by a strictly delimited field of analysis. Indeed, the vitality of the discipline depends on its capacity to subject to critique events and processes which, when viewed through one lens or another, are apt to attract the label ‘harm’ or a closely associated term. Indeed, a key critical criminological task is to bring to light factors which function to divide criminal from so-called normal, routine or acceptable practice” (Halsey, 2004: 837).

As touched upon previously, the routine character and broad societal acceptance of acts and processes that generate (or are conducive to) environmental harm, must be viewed in terms of the economic and political dictates that inscribe global capitalism and the construction of needs and corresponding patterns of production and consumption in late modern consumer culture (White, 2002; Stretesky et al., 2014; O’Brien, 2008; Brisman & South, 2014). South (1998: 226) for that matter has noted that: “Late modern society is a consumption society but this also means it is a ‘throwaway’, ‘discard and dispose’ society, a society producing more and more desired goods but also more and more undesired ‘bads’ – waste, effluent, toxins and so forth”. Arguably, we can even go as far as to state that the ‘discard and dispose’ logic signalled by South (1998) extends to whole groups of seemingly expendable human beings, nature, and nonhuman life (see, e.g. O’Brien, 2008).

In their critique of narrow corporate constructions of environmental problems, Lynch & Stretesky (2003) elaborate on the contrast between environmental justice and corporate versions of ‘green’. The latter version rests on a depoliticized view not only of environmental problems but also of environmental law, regulation, and enforcement; points at consumption and individual behaviour as sources of (and hence the key to solving) environmental harm; and frames as environmentally problematic only practices officially defined as illegal. Hence its definitive feature is that it leaves untouched the structural arrangements and underlying power differentials that are at the basis of environmental victimization. In view of this, Lynch & Stretesky (2003, 2014) insist that a critical green criminology must take a firm political stance in analysing and confronting environmental issues.

Evidently, I concur with the view that considerations of power should be central in the criminological analysis of environmental crime and, by implication, *harm*. I differ on the view advanced by Lynch & Stretesky (2014) that it is essential that criminologists thereby strive to base their analyses on objective, scientifically grounded notions of harm. To anticipate the argument that I will advance in section 2.3, I would argue that it is much more insightful, and in fact crucial, to approach the conceptualization of harm, too, as an unequivocally political process. However, before I get to elaborate this point it is necessary to reflect in more detail on the wider debate over (social) harm within criminology. It is to this longstanding debate that I now turn.

## 2.2 Beyond crime: criminological concern with ‘harm’

The origins of the debate over criminology’s core organizing referents can be traced back to the time of Edwin Sutherland’s presidential address to the American Sociological Society in 1939, where Sutherland (1940) directed attention to the crime-equivalent nature of the social harms perpetrated by “white collar criminals”. The discussion thus instigated has lost none of its vigour or relevance over time. Yet the directions that have been taken since are manifold: from calls for a move “beyond criminology” (Hillyard et al., 2004); to expressions of concern over the tendency within some harm perspectives to discard the potential for progress *within* criminology (Hughes, 2006; Muncie, 2005); to the resolute stance that criminologists are committing a conceptual and analytical error when blurring the categories of crime and harm (Green & Ward, 2000; Lasslett, 2010).

There is always the risk of oversimplification when trying to translate a longstanding debate into a categorization of its key conceptual premises. Nevertheless, in my view it is possible to discern three main positions from which and between which the debate over the conceptualization and the criminological relevance of harm has developed. A first strand of works insists on the crime-equivalent character – in scope, severity, and nature – of a variety of social harms (Sutherland, 1940; Schwendinger & Schwendinger, 1975; Michalowski, 2009). This strand of works rests on the notion that these legal harms can be legitimately incorporated into criminological analysis by broadening the definition of crime. The objective is thus not necessarily to criminalize the practices or relations in question, but to have these *analytically* dealt with as (equivalent to) crime. Diverging theoretical and political orientations notwithstanding, the common denominator in these works is a felt need to open up criminological analysis to the variety of social harms that escape scrutiny for being outside official, legalistic definitions of crime.

Endeavours to broaden the definition of crime to the inclusion of a wider set of harms are subject to critique from two distinct and mutually exclusive camps. Social harm oriented scholars question whether it is theoretically accurate and politically useful to maintain the conceptual distinction between crime and harm (Hillyard & Tombs, 2004; Pemberton, 2004). From their point of view, no matter how critical, a focus on crime maintains and reinstates the ‘myth of crime’ and by doing so, adds legitimacy to an inequitable and ineffective criminal justice system (Hillyard & Tombs, 2004). This has led to calls for a shift away from crime to an all-encompassing focus on social harm and, in the long run, the altogether abandoning of criminology. Whilst it has been suggested to refer to this field of study as ‘zemiology’ this term does not enjoy broad acceptance (Hillyard et al., 2004: 276). Pemberton (2007) has for instance pointed out that ‘zemiology’, as the study of *all* harm, is not the preferred term to refer to the study of *socially mediated* harm, which is what the political and theoretical project of a social harm approach is principally concerned with.

Social harm perspectives stand in sharp contrast to another line of critique that takes issue with a broadening of the object of criminological study. This time, however, the critique rests precisely on the view that the concepts of crime and harm are distinct categories *that ought to be retained as such*. It is therefore asserted that crime and harm cannot and should not be conflated, nor merged for analytical purposes (Ward, 2004; Green & Ward, 2000; Lasslett, 2010). In any given historical and social context, particular sets of social relations and practices assume the form of ‘crime’ and come to be enforced as such, whilst others – no matter how harmful – are tolerated and/or socially accepted (Matthews, 2009; Lea, 2009). It is therefore considered incoherent for criminologists to study social harm; notwithstanding the significance of harm as a sociological phenomenon, harm as such, is not the sociological phenomenon that falls within the scope of *criminological* analysis.

Below, each of these three positions will be discussed in more detail. Subsequent to this outline I suggest a distinct focus that redirects our criminological engagement with harm. In the concluding chapter I reflect once more on these positions in the light of the findings of, and the discussions developed in, this study.

### **2.2.1 Off with the old criminologies<sup>16</sup>: broadening the definition of crime**

It is reasonable to see in Sutherland’s pioneering work on white-collar crime (1940, 1983) the early foundations of the debate over criminology’s appropriate object of study. Directing long due attention to the crimes of the powerful, Sutherland argued that the social harms perpetrated by “persons of respectability and high socio-economic status in the course of their occupation” (1983: 7) are not categorically different from conventional crimes and *are* crimes indeed. This challenged conventional depictions of crime as disproportionately or all but completely concentrated in the lower classes. The core of Sutherland’s argument rests on the notion that what sets the crimes of the powerful apart from those of persons of low socioeconomic status is that they are *differentially dealt with*; taken up by administrative and civil procedures rather than the criminal justice system, hence neither perceived nor officially labelled as crime.

By rejecting exclusive adherence to definitions of crime that encompass only the perpetration of acts that are in violation of the criminal law and that have been tried and penalized in criminal court accordingly (cf. Tappan, 1947), Sutherland extended the reach of the definition of crime to any act legally defined as socially injurious and for which the legal provision of a penalty is in place, irrespective of the type of legal statute under consideration. This therefore included civil and administrative law. But, even if rejecting narrow, criminal law definitions of crime, Sutherland did not interrogate the power dynamics and structures at the

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<sup>16</sup> “Off with the old criminologies, on with the new orientations, the new horizons!” was Tappan’s (1947: 96) reproach to attempts to extend the criminological scope beyond the mere study of offenders convicted by the state for violations of the state’s criminal law.

very basis of the construction and functioning of such a concept of crime and the institutions bound up with it. On this point, critical criminologists such as Taylor et al. (1973) challenged Sutherland's work, lamenting the lack of "examination of the ways in which white-collar infractions were (and are) functional to industrial-capitalist societies at points in their development" (Taylor et al., 1973: 274).

Where Sutherland failed to truly challenge the legal and ethical boundaries set by the state (Schwendinger & Schwendinger, 1975), the Schwendingers went further, claiming that the legal definition of crime in capitalist society reflects and operates in the service of a bourgeois morality that functions to reproduce a repressive and exploitative class system (1977). To avoid complicity in the reproduction of the existing social order via acceptance of the legal definition of crime handed down by the State, the Schwendingers put forward a human rights-based concept of crime, consistent with which the criminal character of social systems and practices follows from the latter's violation of basic human rights. Imperialism, racism, sexism, and poverty are thus considered crimes that demand criminological analysis (Schwendinger & Schwendinger, 1975).

For Stan Cohen (1993) it is not clear where exactly Schwendinger & Schwendinger would draw the line as regards the criminal status of human rights violations. Hence, while in principle urging criminologists to pursue a more thorough consideration of the violation of human rights in their focus on the crimes of the powerful, Cohen insisted that criminologists should restrict themselves to the study of evidently criminal violations of human rights. According to Cohen (1993: 98), the Schwendingers failed to establish the criminal character of human rights violations, which led him to denounce their unqualified, overly broad reliance on human rights rhetoric as a "moral crusade".

One sees the focus on the 'evidently criminal' also reflected in the more general reluctance within criminological work on crimes of the powerful to stray too far from existing legal frameworks. As Michalowski (2009) asserts, the majority of criminologists dedicated to the study of corporate, political, and state crime continue to hold on to some form of 'legal formalism'. That is to say, they study acts that are formally prohibited by law, albeit in a legal framework that transcends domestic criminal law, from a broader and complementary focus on international law (e.g. Kauzlarich, 1995; Rothe & Friedrichs, 2006). On a pragmatic level, it is argued that adherence to the legal framework adds legitimacy to criminological analysis. This may enhance the acceptance of such works at the institutional level and by the general public, and increases the chances of assimilation of this type of analysis into the mainstream of criminology (Kauzlarich, 1995). However, as Michalowski (2009) rightfully observes:

"The problem, as I see it, is that limiting criminological analyses to only those harmful actions that have been prohibited through the workings of hegemonic power structures

inherent in law formation renders criminological inquiry constitutive of the dominant social order rather than analyses of that order” (Michalowski, 2009: 307, my emphasis).

This leads him to question the reliance on existing legal frameworks – including international ones – as “epistemological warrants” for criminological analysis. According to Michalowski, there are certain acts and processes that, although crime-equivalent in scope and severity, in the light of geopolitical interests and global power imbalances are unlikely to be critically examined under existing legal provisions. He puts forward the concept of ‘analogous social injury’ (Michalowski, 2009) for the criminological analysis of the social relations, political and economic structures, and cultural framework that underpin these crime-equivalent harms.

Michalowski’s notion that “studying the non-creation and non-enforcement of laws in the face of significant social injuries is as central to the sociological study of crime as studying the origin and enforcement of established laws” (2009: 320), parallels the assertion by Kramer et al. (2002: 266) that “it is in the differences between crime and not-crime that the underlying dynamics of making law and practicing “justice” are revealed”. Within green criminology, a similar argument has been made by Halsey (2004), which I presented earlier. In sum, the works addressed in this section problematize strictly legalistic definitions of crime and as such challenge the official discourse of crime. However, all make reference to, or retain, *some* concept of crime. In contrast, it is the very discourse and category of crime that is rejected by social harm scholars.

### **2.2.2 Thinking harm outside the box: abandoning criminology?**

From the view that a differentiation between criminal and noncriminal harm is theoretically incoherent (Hillyard & Tombs, 2004), attempts to decentre the category of ‘crime’ are central to social harm approaches. Insistence on the argument that the designation of certain acts as ‘crime’ and others as ‘not-crime’ is not supported by any intrinsic quality held by the first category while absent from the latter, draws substantially on Hulsman’s (1986) critique of critical criminology and the concept of crime. Hulsman insisted that crime lacks ontological reality. Although critical criminologists analyse crime and crime control in view of inequitable power configurations and existing political and economic structures, he argued that they do not debunk the concept of crime *as such* (Hulsman, 1986).

Social harm perspectives, as well as critical criminologists more generally, argue that the *image* of crime as ontologically real is socially constructed and perpetually reproduced through legislative, judicial, and political processes within national as well as supranational frameworks and discourses of criminal justice (Hillyard et al., 2004; Michalowski, 2009). This is claimed to divert attention from other – not infrequently more serious – forms of suffering, and the role of governments, corporations, intergovernmental organizations, and financial institutions in the production and/or persistence of such suffering. The difference between

Michalowski's (2009) notion of analogous social injury and Hillyard et al.'s (2004) concept of social harm consists in the open-ended nature of social harm versus the *crime-equivalent* character of analogous social injury (Michalowski, 2009). This means that in the latter case, a certain parallel is drawn with acts officially designated as illegal. In contrast, social harm, as a concept and an analytical approach, resists analogies with legal definitions of crime.

Advocates of 'social harm' question the "theoretical rationale and political utility of retaining a commitment to the analysis of crime, (criminal) law and the criminal justice system" (Hillyard et al., 2004: 1). Hence, both criminological reliance upon existing legal frameworks *and* critical criminological efforts to bring about a broadening of the definition of crime are deemed problematic from the viewpoint that this perpetuates the 'myth of crime' and thus reinforces hegemonic, misguided notions of the true nature and extent of harm that people endure throughout their life course (Hillyard & Tombs, 2004; Pemberton, 2004). Pemberton (2004), albeit not denying the political utility of drawing upon existing legal norms and principles to lay bare "the inconsistencies inherent in the 'law and order' project" (p. 71), problematizes the recourse to legal discourses of harm from the view that this ultimately fails to challenge dominant tendencies to perceive the most serious harms predominantly in terms of criminal justice notions of 'crime'. This extends to the normative framework of human rights as a definer of criminal harm.

Mainstream criminology *and* critical criminology are thus targeted as ill-positioned for breaking away from the hegemonic imagery and institutional arsenal built up around the legal category of crime. Criminology's proximity to the state and its apparatus of criminal justice – focused on the intentional actions and moral agency of the individual actor – is held to preclude adequate engagement with the *social* forces that are at the basis of a wide range of wholly preventable harms (Hillyard & Tombs, 2004; Gordon, 2004; Pemberton, 2007). There is as such a strong emphasis on the need for criminologists to engage the systemic character of the social harms that inhere in the social, political, and economic organization of contemporary societies (Tombs & Hillyard, 2004).

In response to such criticisms, it has been argued – in my view rightly so – that "a reconsideration of the parameters of criminology" is already well under way (Muncie, 2005; Hughes, 2006). One can think for instance of critical criminological studies of the crimes of globalization<sup>17</sup> that thoroughly engage the cultural, political, and economic forces conducive to harm (intended or not) and the ways in which these harms are perceived and dealt with (or not) by governments and/or supranational bodies. As one example of such work, take the in-depth analysis by Rothe et al. (2006) of the sinking of the Senegalese state-owned Le Joola ferry in 2002. There, Rothe et al. analyse the criminogenic contexts that result from the

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<sup>17</sup> A term first coined by Friedrichs & Friedrichs in 2002, and most recently extensively dealt with in Rothe & Friedrichs (2015).

convergence of legacies of colonialism, the dictates of global capital, and the structural adjustment and austerity measures imposed by the World Bank and IMF; factors which conditioned expenditure on transportation and infrastructure by the Senegalese state, which ultimately led to the sinking of the Le Joola ferry and the consequent death of 1863 persons. Criminological attention for crimes of omission as one dimension of a 'complicity continuum of state crime' (Kauzlarich et al., 2003) likewise moves criminological analysis away from traditional concerns with intent. In addition to this, major examples can be found within the field of green criminology, e.g.: Halsey (1997) on oil as the 'life-blood' of the global economic system, and the consequent social and environmental implications; Boekhout van Solinge (2010) on the local-global dynamics that connect processes of deforestation in the Amazon rainforest to patterns of unsustainable meat consumption in the west; Zaitch et al. (2014) on natural resource exploitation and the nature and effects of consequent cases of land use change in Latin America; and, for an edited volume on environmental crime and social conflict, Brisman et al. (2015). All such work reflects the potential for critical analysis *within* criminology whilst at the same time upholding *some* discourse of crime. And perhaps this is precisely the strength of such analyses. I come back to this in the concluding chapter.

### **2.2.3 Crime matters: back to the core**

A third strand of perspectives is both critical of the type of criminological work that broadens the definition of crime and of social harm approaches that seek to dissolve the very category of crime and the discourses and institutions bound up with it. These scholars take issue with the shift from the analysis of crime to broader notions of harm, and urge criminologists to revive the study of crime and criminalization. Zedner (2011) for that matter claims that "crime needs to be put firmly back onto the criminological agenda" (p. 272). She emphasizes that acceptance of 'crime' as a legal category and as criminology's core organizing referent does not impede asking critical questions regarding "the whys and wherefores of criminalization" and crime control. Against the argument that a social harm approach is better positioned to challenge power, Zedner states (2011: 275):

"To the extent that the problem lies outside the legal category of crime and in the realm of power politics, it is unclear that moving 'beyond criminology' would liberate new conceptions of harm from the hierarchical political relations and interest group politics that have bedevilled it thus far. That crime has been mobilized to serve sectional interests, that it takes particular forms, and targets particular social and ethnic groups does not mean that it is incapable of reform. Nor does it mean that any alternative concept would be free from the effects of these embedded structural inequalities. If powerful constituencies mobilize crime for their own political ends, what reason have we to think that social harm, or indeed any other conceptual category (dispute or conflict, for example), would be immune?"

Of course *no* conceptual category, nor any aspect of social life, exists outside of or can be

immune to power, let alone be liberated from it. However, the argument put forward by social harm proponents seems rather to revolve around the point that 'harm' does not come with the institutional and ideological baggage to a large extent bound up with 'crime'; hence the notion that, at least in principle, analyses centred on social harm may be better positioned to challenge existing power configurations and structural inequalities.

Other perspectives that seek to reinstate crime as the object of criminological study have more explicitly addressed the relation between crime and harm. This has led to claims that, whilst overlapping, crime and harm are distinct concepts (Green & Ward, 2000; Ward, 2004; Lasslett, 2010). From a critical realist position, Matthews (2009) insists that crime, as a construct embedded in social structures, is not a mere act or transgression but the historical product of a complex interplay between action and reaction. Crime is not something simply construed into existence but a social relationship embedded in a set of material conditions, structures, and ideologies by which it obtains its concrete quality (Matthews, 2009, 2014). Hence it is acknowledged that a phenomenon does not have an essence in and of itself that inscribes it with a criminal status. Rather, it is the larger totality of relations and processes in which phenomena are embedded that inscribe these phenomena with definite characteristics (Lasslett, 2010). Thus considered, Lasslett posits that:

"Hillyard and Tombs are quite correct to assert that there is nothing "intrinsic" in an act which makes it criminal, nevertheless, acts can certainly acquire this characteristic as a result of the social complex in which they are situated, and may thus be said to have an ontological reality" (Lasslett, 2010: 3).

Lasslett (2010) explicitly decouples crime and harm, whose relationship, he argues, is at most contingent. In this conception, crime is the outcome of processes of social contradiction and struggle by which a certain social audience succeeds in labelling an act as deviant. It follows that not all harmful acts will acquire the characteristic of criminality, just as not all acts that are assigned a deviant status will be necessarily harmful (Lasslett, 2010). This conception coincides with, and draws significantly on, the view adhered to by Green & Ward (2000), which rests (i) on a commitment to a conceptual link between crime and deviance, and (ii) the argument that although closely related, harm and deviance are distinct areas of study. What results for Green & Ward (2000), is a definition of crime that encompasses a set of human rights violations that are at once 'objectively illegitimate' and 'subjectively deviant'. To focus on human rights violations *per se* – i.e. without specifying what defines the criminal status of a human rights violation (cf. Schwendinger & Schwendinger, 1975) – is believed to stretch the concept of crime too far if criminology is to retain its coherence as a field of study distinct to that of the study of social harm. Criminology, thus perceived, is the study of deviant behaviour; there can be overlap between crime and harm, but the undifferentiated

study of social harm is not the domain of criminology (Green & Ward, 2000; Ward, 2004).

### **2.3 The contestedness of harm**

Clearly then, the concept of harm – its conceptualization and its relevance for criminological analysis – is contested within criminology. The above-outlined positions argue, respectively, for: (i) a broadening of the definition of crime to include the analysis of crime-equivalent harms that fall outside strictly legalistic definitions of crime; (ii) the analysis of social harm, which is to displace the study of crime, based on the view that there are neither theoretical nor political grounds to maintain the differentiation between crime and social harm, and; (iii) a clear differentiation between crime and harm, from which it follows that the concept of crime ought to be reinstated as the object of criminological analysis.

But harm is contested not only within criminological theory. Harm is also contested in the broader social field, the object of conflict and struggle, and differently constructed by the various actors involved. There is, as such, *a second level of contestedness* that is omitted from view when criminologists preoccupy themselves primarily with adopting a particular position on (or against) harm, within or outside criminology. While criminologists are mostly concerned to resolve the academic contestation around ‘harm’, the bigger picture of harm’s contestedness *on-the-ground* is missed. It is this second dimension of contestedness that is in need of critical interrogation in order to advance the criminological debate on harm, and it is as such that this study theorizes the social and environmental harms associated with palm oil production in the Colombian Pacific coast region. Below, I explicate the consequent focus on the politics of harm. In the concluding chapter I connect the dots by returning to the three positions on harm that were outlined above and reflect on how this study advances the harm debate in criminology and to what extent it supports one position more than others.

#### **2.3.1 The politics of harm**

Harm is contested, but this contestation is not limited to academic debate in criminology. The notion of harm, as a normative concept, has an unequivocal political dimension: to speak of harm is to challenge, to dispute, or to make a claim to something, the assertion of a right, a demand for change, and so on. The politics that inhere in ‘harm’ manifest themselves in two forms. One way is via the denunciations voiced by those who endure alleged harms and by those who represent or support the former in their struggles. Secondly, politics also inhere in the *production* of harm; bringing about a degree of harm may be crucial to secure, facilitate, or reproduce particular political and economic interests, privileges and arrangements, as well as the broader cultural framework in which these are embedded. No less crucial, in turn, are the ways in which these alleged harms are discursively framed, denied, justified, relegated to external factors and processes, and so on. As such, I argue that a politics of harm consists

of two dimensions: (i) a discursive dimension, which refers to how a concept of harm is articulated, understood, constructed, denied, reconfigured, or used strategically, and; (ii) a practical dimension – i.e., ‘the actual’, or that what actually happens – which in this case refers to the operations of the palm oil industry and the dynamics revolving around it, which includes struggle(s) over the practices, social relations, and human-environment interactions thereby implied.

Through this focus, this study aims to arrive at a more encompassing understanding of the lived and perceived realities of harm in the context of palm oil production, along with the interrogation of the power relations and mechanisms thereby at work. The production of harm, the ‘validity’ accorded to some conceptualizations of harm versus the discursive displacement or disqualification of others, the classification of harm as legal or illegal, and the ways in which the latter category of harms is dealt with (or not!) by a state’s criminal justice apparatus or regulatory entities, are all intimately bound up with the operation of power in a given context. It is worthwhile to draw on Foucault (1991) here, and his reflections on the shifting ‘space of tolerance’ granted to given sets of illegalities – shifts that tend to accompany transitions in the social, economic, and political organization of a society.

Important to emphasize in this regard, is that power not only differentiates harm into legal harm and illegal harm but also distributes the harms that belong to latter category along an ‘economy of illegalities’ that reflects the values and precepts useful for a society’s political and economic functioning. Hence can be explained why, with the historical transition to capitalism, a gradual redistribution of illegalities in keeping with a bourgeois legality took place (Foucault, 1991: 76-89, 272-292). Hence can also be explained why, in this study, I examine the politics of harm as spanning the continuum of legal harm, tolerated illegal harm, and non-tolerated illegal harm. Differential systems of legality say something about the order of power in a particular society, including the international frame of reference. This study will investigate the power dynamics that draw and keep in place such boundaries as well as how hegemonic notions and practices of legality thus reproduce corresponding realities of harm.

### ***2.3.2 A multiple view of power***

In view of the above, the central task ahead is to interrogate the mechanisms and relations of power investing practices and conceptualizations of harm. Rather than holding a singular view as to what power is, how it is exercised, and what it does, as argued by Ekers & Loftus (2008) one can have a multiple view of power that draws on both relational and more realist understandings; that thinks of power as consolidated in social structures and institutions, but also as operating at the level of the subject; as something held and deployed, as well as an effect; as sometimes more consensual and at times more coercive. Thus perceived, this study allows for the consideration of interacting and overlapping oppressions linked to social

differentiation based on class, race, and ethnicity, colonial dimensions of power, the human-nonhuman or human-environment nexus, and addresses the various mechanisms through which this occurs. Rather than assuming the existence of a single determining principle of articulation – for instance class, under which race, ethnicity and so on are then subsumed – this study is open to the possibility of the structuring force of social relations other than those corresponding to a capitalist logic of power, i.e. to social relations, practices, cultural forms and meanings that do not necessarily bear a one-on-one relationship to a society's economic foundations (Hall, 1996). Alongside capitalist social relations there are other social relations as well as cultural practices and meanings to take account of. These may very well articulate with, but not necessarily, let alone principally, be determined by class struggle or the capitalist mode of production (Jessop, 1990; Moore, 1996). Regarding the merits and limits of a macro-structural political economy framework for the analysis of land and resource related conflict, Moore (1996: 126) has noted that:

“Global capitalism, from this perspective, not only shapes but also exactly determines heterogeneous local histories, cultures, and societies. Cultural practices and beliefs usually enter this discussion derivatively, as exotic trappings to the nuts and bolts of “underlying” structures. Although it would be wrong to minimize the force of political economy, too much emphasis on structural determination elides other factors shaping conflicts over Third World environmental resources”.

An explanatory framework of the play of power in the politics of harm in the context of palm oil production must thus simultaneously include and go beyond the dictates and dynamics of the political economy of global capitalism. A sometimes rigid emphasis on the capital-nature antagonism and capital's inherent tendency to expand destructively, to impose, coerce, and obliterate, thereby also warrants to be qualified, considering the possibility that capital may (selectively) protect and conserve some natures and environments (Cárdenas, 2012), make concessions, and forge environmental and social compromises (Levy & Egan, 2003). A Gramscian lens in particular – given the more autonomous role it grants to ideology, culture, and politics – carries relevance here and can counter somewhat mechanical views of the link between the economic infrastructure and environmental harm and crime (Levy & Egan, 2003). We moreover ought to be attentive to the *meanings* given to such crime, harm, and to the conditions under which they are alleged to arise.

Recent endeavours to work towards a green cultural criminology (Brisman & South, 2014) and, especially relevant for the focus of this study, considerations of ‘the rural’ from a green cultural criminological perspective (Brisman et al., 2014) can also be usefully drawn upon here. In addition to calling attention to the contestation of space, and consideration of constructions of environmental crime and harm, Brisman et al. (2014) go some way toward pointing to the need to be attentive to farmer *differentiation* – and rural differentiation more

broadly – and thereby emphasize the importance to challenge popular understandings and depictions of ‘the rural’, and of “recognizing the strengths and weaknesses of the public perspectives offered therein” (2014: 490). Along similar lines but from a slightly different angle, I address the different perceptions, constructions, perspectives, and realities of harm, and the meanings ascribed to land use change to oil palm cultivation by the local subjects and wider actors that have a stake in the politics of palm oil harm – i.e. small growers, local palm oil critics, industry protagonists, and so on (see chapter 3).

## **2.4 Toward an explanatory framework of power in the politics of palm oil harm**

Critical, green criminological perspectives insist that the form and pace of the transformation and degradation of nature cannot be understood in isolation from the dynamics and the expansionary logic of the capitalist mode of production (see, e.g. White, 2002; Stretesky et al., 2014). Hence, the overriding theoretical framework within which the crimes and harms associated with processes of natural resource extraction are analysed draws principally on Marxist-inspired political economy analysis. After discussing some of the key notions that inform this framework, in sections 2.4.2 and 2.4.3 I draw attention to some specifics that in the addressed context suggest the need for a more refined theoretical understanding.

### **2.4.1 Green criminology and political economy analyses of environmental harm**

Insistence on the continued relevance of political economy is central not just to critical green criminological perspectives (Stretesky et al., 2014; White, 2013b) but has been reiterated in scholarship in the field of crimes of the powerful as well (Tombs & Whyte, 2002). As stated by Tombs & Whyte:

The labour theory of value and the theory of surplus value, the necessarily antagonistic relationship between classes, the inherent tendency of capitalism to expand, destructively, whilst at the same time reproducing the contradictions upon which it is founded, all seem to be crucial tools for understanding and engaging with the trajectories of the world (Tombs & Whyte, 2002: 222).

Green criminology specifically extends this analysis of power in structural terms to questions related to environmental harm and crime. The dynamics that inhere in the capitalist mode of production and the concomitant social, economic, and political organization of society, entail growing pressures on the natural world (White, 2002, 2011; Stretesky et al., 2014). There are various approaches that seek to explain how the constant drive to accumulate and generate more profits inevitably produces social and environmental harm. Here, some of the work that to this end has been developed within green criminology will be expanded on. In addition, I draw on a broader literature that carries relevance for the discussion.

Within green criminology, Stretesky et al. (2014) have drawn on Schnaiberg’s theory

of the treadmill of production as a theoretical basis for the analysis of environmental harm. Treadmill of production theory explains how the extraction of raw materials and conversion of these raw materials into commodities causes ecological disorganization, thus damaging or destroying ecosystems to such extent that the conditions to sustain human and nonhuman life are severely disrupted, sometimes irreversibly. This occurs through ecological withdrawal and ecological additions. Harms of withdrawal are brought about directly by the technologies and processes of extraction and harvesting. Harms of addition stem from production-related waste streams and the contamination of soil, water, and air. Due to the expansionary drive of capital this is a continuous process that leads to ever more intensive, widespread, and accelerated ecological disorganization (Stretesky et al., 2014; Lynch & Stretesky, 2014).

Outside of criminology, another approach takes its cues from Marx's writings on the 'metabolic rift'. I explain this concept, which can usefully add to existing green criminological analysis of the contradictions that exist between capitalist production and nature, by drawing on Moore (2000), McMichael (2009b), and Schneider & McMichael (2010). The concept of 'metabolic rift' revolves around the notion that the push towards ever more capital, energy, and technology intensive forms of agriculture, exacerbates the separation of agriculture from its biological base – and humans from nature more generally – and disrupts the natural nutrient cycle to unprecedented extents (Moore, 2000; McMichael, 2009b). Reworked<sup>18</sup>, the concept explains the rapid exhaustion of soil and ecological conditions as agriculture comes to be subordinated to the logic of capital and the capitalist division of labour (Schneider & McMichael, 2010). Moore (2000), through a discussion of the successive metabolic rifts that are cause and consequence of global capitalist development, substantiates the claim that capitalism *inevitably* destroys the ecological basis of its production conditions. The capitalist logic of productivity cannot but depend on large-scale industrially farmed monocultures that exhaust soil, water sources, and ecological conditions that sustain life. Green criminological analysis and theorization of agroindustry-related environmental harm can benefit from the concept of 'metabolic rift' that enhances our insights into the dynamics and implications of the "subordination of agriculture to capitalist production relations" (McMichael, 2009b: 827). Especially the discussion of the social and environmental harms linked to the cultivation and production stages of palm oil in chapter 7 (section 7.1) where I contrast the local, traditional model of production and subsistence with the neoliberal capitalist restructuring of agriculture, demonstrates the relevance and explanatory power of the notion of the metabolic rift.

Lastly, within a political economy framework, Harvey's (2003) notion of 'accumulation by dispossession', too, carries relevance for the green criminological analysis of the social

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<sup>18</sup> Reworked in the sense of shifting the emphasis from a principal concern with the *organization* of labour to the *practice* of labour; i.e. looking more meticulously at agricultural practice under capitalism (Schneider & McMichael, 2010).

and environmental harms that result from global patterns of production and consumption.<sup>19</sup> Revisiting Marx's notion of primitive accumulation, Harvey (2003) has emphasized that the extended reproduction of the capitalist system necessitates continuous expansion, and as such entails "the continuous role and persistence of the predatory practices of 'primitive' or 'original' accumulation" (p. 144). If the production of surplus value cannot, or no longer, be realized within existing production settings<sup>20</sup>, new frontiers for capital accumulation must be opened up. Thus, in order to sustain economic growth, capitalist penetration and processes of commodification reach into all but every corner of the world and aspects of human and nonhuman life to open up 'non-capitalist territories'<sup>21</sup> to capitalist accumulation. Agribusiness is one of the drivers of the dispossession that thus disrupts ecological processes, dislocates subsistence economies and the sociocultural dynamics of locally embedded forms of life and coexistence, and undermines smallholder agriculture (McMichael, 2009a). In many ways, the presentation of the empirical material in chapters 5 to 7 bears witness to the 'accumulation by dispossession' that has taken and still takes place in the context of Colombian palm oil production. However, I will also demonstrate that the palm oil industry operates and expands not exclusively through 'accumulation by dispossession'. This, I argue, asks for theoretical refinement of green criminological engagement with harm and crime in the framework of natural resource extraction.

In sum, the importance of political economy as a macro-structural framework within which to analyse the social and environmental harms of palm oil production is indisputable. However, the on-the-ground dynamics of the politics of palm oil harm ask simultaneously for closer reflection on the day to day struggles over access to, control, and use of land; the cultural meanings and practices that invest the respective territories; and the multiplicity of power relations and mechanisms at work in this context.

#### ***2.4.2 Peripheral natures and peoples: the persistent reality of coloniality***

This research's main focus is on the social and environmental harms of palm oil production in Colombia's Pacific coast region – which is, to reiterate, a region predominantly inhabited by Afrocolombian and indigenous communities. Escobar (2008) points to the subjugation of the knowledges, cultural patterns, and ways of being experienced by these communities as sectors such as the palm oil industry push for the agroindustrial capitalist development of Afro-Colombian and indigenous territories.

In working towards an eco-global perspective, White (2011) takes up the theoretical

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<sup>19</sup> See also Gutiérrez Gómez (2013), for the application of this concept to state-corporate harm in the context of gold mining in Colombia.

<sup>20</sup> That is, within the limits of, for instance, existing manufacturing, agricultural, or extractive activities.

<sup>21</sup> These are territories where, even if not wholly external to the capitalist economy, a non-capitalist logic of production and subsistence prevails.

and methodological implications of the spatial dimensions, transnational character, and local-global dynamics of environmental issues for criminology. In addition to a focus on the transference of harm, he thereby also calls attention to the fact that the world is viewed and perceived differently through different eyes and from different localities, histories, and subjectivities. The 'local' on such accounts is not a mere physical construct or geographical marker, but refers just as much to one's social and epistemological location and ontological being (White, 2011). Consideration of colonial relations and dimensions of power in the analysis of social and environmental harm arguably merits a more central place in green criminological analysis. Below I make reference to some works that confirm the relevance of such a focus on the operations of the palm oil industry in the Colombian Pacific. The multiple view of power adhered to in this study would caution against tendencies to thereby *reduce* a colonial logic of power to a capitalist one, notwithstanding their intricate relation.

The heterogeneity of Colombia's Pacific coast region in relation to its cultural and ethnic diversity, 'disorderly' nature, and forms of sociocultural organization and local ways of relating to the region's natural environments, have come under growing pressure from the homogenizing mechanisms of dominant models of development (Escobar, 2008). The lived experience and attendant denunciation and contestation of palm oil-related harm are closely linked to the increased displacement of locally prevailing social relations and conceptions of the land, and of historically and culturally specific means of production and subsistence, by dominant notions and projects of development, progress, and sustainability (Ramírez Vidal, 2007). Such processes are moreover to a large extent sustained and enabled by the "armed machinery" that operates in the region (see chapter 5) and that is claimed to subjugate many of its inhabitants to a new diaspora (Arocha Rodríguez & Moreno Tovar, 2007).

With reference to the enduring forms of colonial domination of non-Western cultures, Quijano (2007) coined the concept of 'coloniality' to emphasize the continuity of a colonial technology of power notwithstanding the end of colonial administrations (Castro-Gómez, 2002). The disqualification of 'alternative' ways of knowing, seeing, and being, as well as the broader devaluation of human and nonhuman life in regions construed as Colombia's Other (Serje, 2007) draw attention to the persistence of a colonial imaginary that divides social reality into distinct albeit interrelated realms.<sup>22</sup> Boaventura de Sousa Santos (2007) speaks of such divisions in terms of "this side of the line" and "the other side of the line", whereby the latter as it were forms the condition of possibility of the former. This applies as much to North-South divides as to centre-periphery relations within regions of the Global South. An

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<sup>22</sup> Based on a false dichotomy, there is a prevailing notion that there are two separate Colombias: the prosperous Andean zone which is seen as the centre of development, modernization, order, stability, and legality; versus a Colombia characterized by absence, lack, and disorder, onto which is projected an imagery of backwardness, marginality, and violence (Serje, 2007, 2012).

assigned peripheral status sustains a view of the environments and human inhabitants of these regions as instrumental, manipulable, and expendable in the process of implanting dominant models of development and industries primarily geared to support the lifestyles of those in the North.

Escobar (2007, 2008) has extended the notion of coloniality to include the ecological, arguing that “it is in the nature of coloniality to enact a coloniality of nature” (2008: 120). A coloniality of nature is discernible both in the subordination and exploitation of biophysical nature and the subalternization of local models of nature, “particularly those that enact a continuity between the natural, human, and supernatural worlds” (ibid.: 121). As Alimonda (2011) has argued more broadly:

“A persistent coloniality impacts on Latin American nature. The latter, both as biophysical reality (its flora, fauna, human inhabitants, the biodiversity of its ecosystems) and its territorial configuration (the sociocultural dynamic that significantly articulates these ecosystems and landscapes) is depicted, in global hegemonic thought and by local elites, as a subaltern space open to exploitation, devastation, and reconfiguration according to the demands of current regimes of accumulation” (Alimonda, 2011: 22).

Colombia’s Pacific coast region is one such region that, through an imaginary geographical and racial hierarchy known as ‘andinocentrism’, is still significantly portrayed as backward, its inhabitants ranked as racially and culturally inferior (Arocha Rodríguez & Moreno Tovar, 2007). Ramírez Vidal (2007) in this regard, looking back upon the period of research carried out by him several years earlier, recalls how palm oil companies in the region “had become the new symbol of mestizo and white cultural penetration”. As a consequence of this, he adds, “control of Afro-Colombian groups over their environments was being seriously threatened and undergoing profound socioeconomic and cultural transformation” (2007: 410). The push towards agroindustrial production of palm oil is considered exemplary of the imposition of an andinocentric or ‘Euro-Andean’ (Escobar, 2008) model of development. Critics stress how the palm oil industry is “infused with colonial overtones” (Escobar, 2008: 70), manifest in the imposed alteration of the utilization of land that reinvigorates exploitative configurations of human-environment relations (Ramírez Vidal, 2007; Escobar, 2008; Cárdenas, 2012: 330).

#### ***2.4.3 Between coercion and consent: small growers in the midst of opposition***

Whereas a focus on coloniality and the imposition of palm oil would seem to suggest that local communities unequivocally and unanimously oppose the palm oil industry, this would misrepresent the full range of dynamics of industry expansion in Colombia’s palm oil zones. Somewhat disparate from well-documented cases that link the establishment and expansion of the Colombian palm oil industry to processes of violent dispossession and coercion (e.g.

Mingorance, 2006; Grajales, 2013; Maher, 2015), in many of Colombia's palm oil production zones, palm oil is not so much, *or at least no longer*, the mere product of violent imposition and land dispossession. Early on in the introductory chapter I noted how, during my initial encounters with the palm oil industry in Tumaco, I was confronted with the involvement of a substantial number of small growers in the cultivation of oil palm (see also, Leech, 2009; Cárdenas, 2012).

What is it that drives smallholders to opt for the cultivation of oil palm on their lands? If local populations 'opt' for palm oil, then what does this say about the dynamics of land use change or land grab? Borrás Jr. & Franco (2012) have cautioned against the imprecise and uncritical use of the 'catch-all phrase' of land grab as this risks obscuring the complexity and multidimensional character of the nature, mechanisms, objectives, and directions of land use change. It should, for instance, not be assumed that mechanisms of land use change always depend on violence and coercion. Alongside the forced imposition and the resort to coercive mechanisms of land use change, there are also more consensual processes by which local subjects are incorporated into projects of agroindustrial capitalist development (Cárdenas, 2012). If power works in coercive and violent as well as in non-coercive ways, it follows that it is crucial to analyse how coercion and consent figure in the play of power in the politics of harm, and how or to what extent these two dimensions may articulate.

But what about Afro-Colombian and indigenous communities that continue to reject palm oil? Are these communities brutally repressed, coerced into conformation, or violently disposed of? Where the smooth incursion of agroindustrial and wider projects of economic restructuring are obstructed by dissenting populations that oppose the imposition of such logics onto their territories, it has indeed been pointed out that the answer often assumes the form of a 'politics of terror' and violent persecution of local communities (Oslender, 2008). In Colombia, an expanded legal framework (which will be further discussed in chapter 4) seeks to include segments of the population that have been historically excluded, ethnic minorities among them. Yet, as Lemaitre notes, the respective changes to Colombia's Constitution and legal framework are paralleled by increases in the violent persecution of these segments of the population (Lemaitre, 2009). Rural communities are especially hard-hit in this regard.

Notwithstanding the advances in the legal recognition of ethnic and cultural diversity in Colombia with the Constitutional change of 1991, when neoliberal development models run up against the legal limits set by the collective land titles granted to Afro-Colombian and indigenous peoples, such 'obstacles' are often claimed to be violently overcome:

"There is a general opinion in Colombia that an error of historic proportions was committed when the government handed over 25% of the nation's territory in the form of *resguardos* to these communities, in effect placing these lands beyond the scope of the market and of all possibility of investment and development. Evidently, the corrective to this has been to

put into practice a covert program of extermination, hidden behind the veil of the country's armed conflict. The rate of violence in indigenous zones is 100% greater than the national mean" (Serje, 2007: 46).

For a more thorough understanding of the conditions that enable and/or constrain opposition to palm oil, and the effective space opened up to alternative notions of legality, it is crucial to reflect on the place of Colombia's expanded legal framework vis-à-vis land tenure and the cultural rights of ethnic minorities in the wider configuration of social, cultural, political, and economic relations and processes. With the legal recognition of ethnic and cultural diversity and the allocation of collective land titles, to what extent can alternative social, cultural, and ecological rationalities be effectively articulated and materialized? It is crucial to examine the politics of palm oil harm in view of these questions and to reflect on the true extent of autonomy that Afro-Colombian and indigenous communities are allowed to exercise in the sociocultural, territorial, and economic sphere; in short, to interrogate the implications of an expanding legal order and set of legal practices for the lived experience and contestedness of harm.

## **2.5 In summary**

In this chapter I laid out the theoretical rationale for a redirected criminological engagement with harm and the corresponding foundations of a critical, green perspective on the social and environmental harms associated with Colombian palm oil production. After outlining the key green criminological notions that inform this study and a discussion of the state of the art of the harm debate in critical criminology, I have drawn attention to the different levels of contestedness of harm. I noted that primacy is given to the *academic* contestation of 'harm' *within criminological theory and analysis*. In contrast, harm's contestedness in the broader social field receives insufficient attention from criminologists. To advance the criminological debate on harm I therefore proposed a shift in focus to the *on-the-ground* contestedness of harm and sketched the contours of an explanatory framework for the critical analysis of the politics of harm in the context of palm oil production. Examination of this politics, I argued, contributes to an enhanced criminological understanding of the perceptions, constructions, practices, and realities of harm that inscribe the presence and operations of the palm oil industry in the Colombian Pacific coast region; and, in being sensitive to the multiplicity of power relations, allows for a deeper theorization and comprehension of the power dynamics that thereby draw and keep in place the boundaries of legal harm, tolerated illegal harm and non-tolerated illegal harm, and that invest discourses and practices of harm. In the next chapter, the methodological underpinnings of this research, methods, fieldwork experience, and data analysis will be discussed.

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### 3. METHODOLOGY

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In this chapter I present the methodological principles that underpin this research and the methods that have been deployed toward answering the research questions. Related to this, in a more informal voice, I elaborate on the fieldwork experience, from sampling and access to safety, practical, and ethical considerations. In the last part of the chapter I detail how the analysis of the research data was carried out; reflect on matters of internal and external validity; and, with reference amongst others to the Becker-Gouldner debate, discuss matters of neutrality and objectivity.

This research is a qualitative study into the discursive and practical dimensions of the politics of harm linked to palm oil production, from a primarily interview-based, ethnographic approach. Rather than a method, ethnography is a methodological approach that is followed towards obtaining in-depth understanding of micro-level interactions, practices, perceptions, and meanings, *situating these in their broader context*, and hence adding to empirical and theoretical understanding (Zaitch et al., 2010). Thus I examined the on-the-ground practices, discourses, and relations in the context of palm oil production in the Colombian Pacific coast region against the broader structures of power and control in which these are embedded, as well as the different perceptions and meanings ascribed to these practices and relations by local subjects and wider stakeholders.

Regarding the relationship between theory and data in this study, my approach is at once deductive and inductive. The notion that constructions and understandings of harm are subject to political contention, and that the analysis of this contention ought to take account of the multiplicity of power relations and mechanisms thus at play, principally informed and guided the research. As such, rather than testing theory, the theoretical framework laid out in the previous chapter is drawn upon to advance our understanding of the politics of harm in the addressed context. Based on the fieldwork and the analysis of the empirical data, the research questions that were initially articulated by way of a review of the harm debate and the literature on palm oil-related crime and harm have been reformulated and refined.

Research question 1 (“What are the conceptualizations of social and environmental harm that emerge from the perspectives of relevant stakeholders in the context of Colombian palm oil production?”) aims to examine the discursive dimension of the politics of harm by analysing the spoken – and, to a lesser extent, written – accounts of relevant stakeholders in the context of Colombia’s palm oil industry. The relevant stakeholders thereby included in this research are: (a) industry representatives; (b) corporate executives; (c) public officials; (d) local, small-scale agriculturalists dedicated to oil palm cultivation; (e) local community members critical of the imposition of palm oil production onto the region, and; (f) civil society organizations. The three main types of discourse thus addressed largely correspond to: the

agroindustrial 'developmentalist' discourse, which comprises the perspectives of corporate executives, industry representatives, and public officials with a favourable attitude towards agroindustrial palm oil production; small grower discourse; and the discourse of palm oil critics within the local population and their activist and NGO allies. A discourse – to draw on Fairclough (2003) – advances a particular perspective on the world, what that world could be, and/or ought to be:

“Different discourses are different perspectives on the world, and they are associated with the different relations people have to the world, which in turn depends on their positions in the world, their social and personal identities, and the social relationships in which they stand to other people” (Fairclough, 2003: 124).

Discourses can have structuring effects on social reality and reproduce social structures but, crucially, are also *embedded in* social structures and hence are *structured* by an underlying social and material reality (Joseph & Roberts, 2012; Fairclough et al., 2012). Regarding the effects of discourse, in the framework of this study, in particular the *ideological* effects of discourse are important to consider; a discourse can sustain, instil, or construct ideologies that underpin or reinforce particular relations of power and domination (Fairclough, 2003: 9). The concept of ideology accordingly held in this study refers to the promotion, universalizing, or naturalizing of prevailing values and beliefs while discarding, undermining, or ruling out other values and beliefs, so as to legitimate power (see Eagleton, 1991) – i.e., the concept held is that of ideology as a modality of power (Fairclough, 2003).

### **3.1 Research methods**

The research methods that have been deployed in this study rest on a combination of semi-structured interviews, informal conversations, and observations – with most weight on the interview component of the research. Thus, I conducted 38 semi-structured interviews and a significant number of more informal conversations. Throughout chapters 5 to 7, the inclusion of empirical material will be specified by in-text reference to the numbers that in Appendix V are allocated to respective interviews, informal conversations, discussion spaces, and site visits. The interview form approximates what Soyini Madison (2005: 26) refers to as the topical interview, which enables the researcher to gain insight into the point of view that the interviewed research participant holds regarding a particular subject or state of affairs. The decision to adopt a semi-structured interview style is that this type of interview allows for a more conversational dialogue to be established between interviewer and interviewee. This means that, while focussed on a specific subject matter, the researcher and the research participant are able to reach deeper layers of meaning and understanding, with the possibility to (patiently) probe towards such objectives (Soyini Madison, 2005).

Most of the interviews and informal conversations held in Tumaco took place in the

municipality's urban zone. In addition, some were conducted 'on site' during visits to the rural zone, including visits to: the Alto Mira y Frontera and Bajo Mira y Frontera Afro-Colombian community councils (see Appendix III); several small grower projects located along the road that leads from Tumaco to Pasto; the La Brava and Peña La Alegría resguardos of indigenous Awá (see Appendix IV); and a 3-day trip to a palm oil company operating in Colombia's eastern plains. Except for the last-mentioned trip, the duration of the visits made to the rural zone in Tumaco generally ranged from two to five hours. This was primarily due to safety issues, but linked to more practical matters as well. For instance, in the case of the visit to La Brava and Peña La Alegría, we had to leave the area before the dark would set in and, not in the least; one has to cross the river before the ferry – owned and operated by the oil palm company – makes its final crossing of the day (no later than 6 p.m.).

During site visits – which also refer more broadly to the six times travelled to Tumaco as such<sup>23</sup> – conversations and interviews were combined with, or went accompanied by, observations and the taking of photographs. Lastly, on four occasions I attended what I would call 'discussion spaces': two reunions of associated small growers of oil palm; a two-day reunion of Afro-Colombian and Afro-Ecuadorian community members, representatives, and activist in the framework of activist campaign '*Otro Pazífico Posible*'; and a prior consultation reunion regarding the appropriate method of eradicating oil palms affected by bud rot (see chapter 7) – a prior consultation reunion that, paradoxically, or perhaps tellingly, took place *after* the widespread application of a chemical substance.

Combined, the research methods allow for examination of the discursive dimension of the politics of harm in the context of palm oil production in Colombia's Pacific coast region, and simultaneously give insight into the operations of the palm oil industry and the broader dynamics revolving around it; what I referred to as the practical dimension of the politics of harm, which primarily underpins research questions 2 to 4 ("What are the social relations, practices, and broader dynamics thus<sup>24</sup> disputed or upheld, and how do the corresponding realities of harm sit with hegemonic notions and practices of legality?"; "What role do coercion and consent play in the establishment and expansion of the palm oil industry?"; and "To what extent does the formal recognition of ethnic and cultural diversity in Colombia hold the potential to challenge hegemonic notions and practices of legality in the context of Colombian palm oil production?").

### **3.2 Fieldwork experiences**

Below I reflect on some aspects of the fieldwork experience. I organize this discussion along three lines: starting with sampling and access, then moving on to address safety issues and

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<sup>23</sup> I expand on this in section 3.2.

<sup>24</sup> 'Thus' here refers to the different conceptualizations of harm put forward in this research.

practicalities, and lastly including ethical considerations.

### **3.2.1 Sampling and access**

The sampling technique relied upon is that of 'purposive sampling'. Rather than selecting the research participants at random, purposive sampling rests on a set of criteria established by the researcher so as to allow the latter to arrive at an accurate and thorough understanding of the subject matter under analysis (Mortelmans, 2010). In keeping with these criteria, the research subjects that are approached will be those persons that are most knowledgeable of the topic, not uncommonly for having a direct or indirect stake in the matter. Initially, when I began to prepare for the fieldwork, I aimed to include three groups of research participants: local palm oil critics (i.e. locally affected community members in zones of palm oil production in the Colombian Pacific); proponents of the palm oil sector, made up of public officials, industry representatives, and corporate executives; and NGOs supporting local opposition to palm oil production. Relatively soon after having commenced the fieldwork and arriving to Tumaco, as I explained in the introductory chapter, I became aware of the importance to also include the perspectives of small growers of oil palm.

After a first round of sampling came the challenge of actually gaining access. If I would be asked to describe this process, key words for me would be patience, insistence, and flexibility. A good dose of luck is perhaps not insignificant either. When arriving to Bogotá, Colombia's capital city, on July 3, 2012, I had two entries that could potentially help me to gain wider research access in Bogotá and to establish contacts in Tumaco. Via one of my supervisors I entered into contact with someone from CENSAT Agua Viva – Friends of the Earth Colombia; an environmental organization that works and campaigns to achieve environmental and social justice for Colombia's workers and historically marginalized communities. With CENSAT's help I was able to arrange interviews with Justicia y Paz (a human rights organization based in Bogotá) and Grupo Semillas (an environmental NGO, also based in Bogotá). Contact with the Process of Black Communities (PCN, see Appendix I) was initiated as well. However, a provisional invitation to accompany several PCN activists on a trip to Tumaco, which was meant to be organized in a matter of weeks, eventually did not materialize.

About three weeks into my fieldwork in Colombia, I had to start paving new entries to get further access into the field. One way I went about this was by emailing to organizations that had a stake in the palm oil industry (e.g. Fedepalma) or persons working for NGOs that, even if not themselves working the theme, I thought might be able to put me into contact with persons or organizations that engage the social and environmental issues associated with palm oil production. It was a strategy of mixed success. Before I expand on this point, let me first comment on the second point of entry established prior to travelling to Colombia.

While still based in England, I established contact with Nixon Arboleda<sup>25</sup> by email. Nixon is an Afro-Colombian from Guapi who back in 2008, then a student in Environmental Management, had written an article on the imposition of palm oil in the Colombian Pacific. Late August I travelled to Buenaventura to meet with Nixon, staying with him and his brother for 3 days. In addition to showing me Buenaventura, a nearby forest reserve, and agreeing to be interviewed, Nixon offered to arrange a visit to Guapi. In Guapi we could stay with his family, and I would be introduced to a local organization that opposes palm oil cultivation on collective Afro-Colombian territory. Furthermore, as turned out later, we would meet with two representatives of a local small grower association and visit some small grower plantations. However, it would eventually take until January 2013 for a short but insightful visit of this kind to materialize. I had to cancel the trip we initially planned for the third week of September for private reasons that made painfully clear how one's professional and private life interweave, and how circumstances in the latter may pull you out of the former. Rather than providing further detail here, allow me to refer back to the Acknowledgements of this thesis.

For now, let me to come back to the effectiveness (or not) of efforts to gain research access by emailing potential gatekeepers or research participants. It must be said that I did manage to reach several key participants via contacts initially established by email, each of which in turn not only provided invaluable insights themselves but also introduced me to new people, enabling me to make significant progress with the research. However, regardless of mayor steps forward, it also became clear to me that in Colombia email is not the best way of gaining access. This led me to partially change strategy and to start visiting organizations directly, unannounced. I simply walked in, introduced myself and explained briefly what my objectives were, in the hope of being redirected to the right person. Although (perhaps no surprise) less successful with embassies and other highly securitized buildings, overall this turned out to be quite an effective way. In Bogotá it enabled me to get access to Afrodes, Cimarrón, and Fensuagro. In the introductory chapter I moreover mentioned the example of Corponariño in Pasto, which subsequently opened several doors for me in Tumaco. A similar thing occurred at Incoder (also in Pasto), where the person I was directed to, was willing to arrange an interview for me with a former agronomic director of Palmas de Tumaco. Two aspects merit particular mention in this regard.

First, the example of Corponariño points to the importance of flexibility. Not knowing who you meet the next day also means that you may not know where you will be headed to the day after or the next week. Since I was based in Bogotá and from there travelled to the places I visited in the Pacific coast region, I was normally bound by my flight schedule (open tickets are rarely an option for PhD students on a tight budget). However, one can still try to

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<sup>25</sup> See Appendix V, where I also explain the reference (or not) to real and/or full names.

accommodate unforeseen opportunities as much as possible by, for instance, scheduling in some extra days prior to, and following, the activities that were planned in advance. Second, the examples of Corponariño and Incoder – although not limited to these situations – point also to dynamics of (among others) gender, age, nationality, and class that are inevitably at play when conducting research. At the very least, it sparked people’s curiosity that a white woman from Europe had travelled to Colombia to do fieldwork on palm oil for her doctoral research. This opens doors, but it also closes them (I come back to this shortly). Throughout our studies – from the moment we develop an interest in a particular issue to the moment of preparing the research design, from the point of entry into the field to the moment of leaving again, from analysis to writing up – it is crucial to be reflexive about our own positionality. Positionality refers not just to our subjectivity but, more than this, is about our subjectivity in relation to others, or to the Other (Soyini Madison, 2005: 9). It requires us to reflect on our position as researchers in relation to our research subjects and informants, as well as on our position in society more broadly. As stated by Soyini Madison: “Positionality is vital because it forces us to acknowledge our own power, privilege, and biases just as we are denouncing the power structures that surround our subjects” (2005: 7).

In short, via multiple entries, the necessary patience and perseverance, and more than anything with the help of great people (some of whom became true friends along the way) my circle of research participants gradually expanded. Of course, the foregoing details almost exclusively dwell on the more optimistic side of things. There was a nonresponse, too. Just as there were moments of concern about how much longer that nonresponse would continue. Thus, especially revealing, and crucial to mention, is the possibility that research participation gets *actively declined*. When I approached a local representative of the PCN in Tumaco, at first she told me that people were reluctant to share their insights and views any longer. Tumaco is full of researchers, NGOs, and (international) aid organizations. Typically, the researcher arrives with the best of intentions, yet when they leave, it is often the case that either nothing has changed or that communities are worse off than before. As a result, she explained in a critical voice, many people have become disillusioned with promises of change and grown tired of requests to participate in studies that ultimately have no impact. It is something that was also mentioned in various interviews and conversations, and indicates yet again the need for reflexivity as to issues of positionality.

### **3.2.2 Safety and practicalities**

Tumaco, besides being known as the ‘Pearl of the Pacific’, is also located in a conflict-ridden region where a variety of forces, interests, and adverse factors converge (something I will discuss in more detail in the next chapter). Evidently this affects the extent to which one is realistically and responsibly able to carry out one’s research, as well as the manner of going

about this. It may entail the need to adapt the *initial* research plans (as envisioned before entering the field) and it requires a readiness for the real possibility that what seems feasible and hence gets planned on one day will be cancelled the next, because conditions simply do not allow for it. When preparing for the fieldwork, I anticipated conducting a rather extensive participant observation research component, centred on the ways in which rural communities perceive, experience, and deal with the presence and operations of the palm oil industry on and around their lands. I envisioned that, once in Bogotá, I would explore the possibilities of staying in Tumaco's rural zone for some weeks or, if possible, longer. It took one meeting with my contact person of CENSAT Agua Viva in Bogotá, only days after having arrived to Colombia, to let go of this idea. My impressions and conversations in Tumaco, as well as a cancelled trip (to which I come back shortly), confirmed that I could neither go too deep nor too long into Tumaco's rural zone.

During my first visit to Tumaco I stayed in the sister branch of the hotel I was staying at in Pasto that week. It seemed convenient, and what did I know about Tumaco at the time? When on my second trip to Tumaco I was picked up from the airport by the Afro-Colombian *tumaqueño*<sup>26</sup> (see Appendix V, [23]) with whom I maintain contact to this very day, he told me to never ever again stay in a hotel located next door to a police station! About 7 months earlier, on February 1, 2012, in an attack on the police station the FARC detonated a bomb, causing the death of 7 civilians, 4 police, and leaving more than 70 people wounded (see El Espectador, 2012). I should add that, just two weeks before, when my two contact persons in Pasto picked me up for our first meeting, they urged me to change hotel *as soon as possible*. Apparently my Lonely Planet had failed to mention that this part of the city was the kind of area where you are likely to get robbed at gun point. People *have* been killed here for no more than a phone, they told me. We drove to another part of the city where they knew of a better place to stay. I enquired at the reception desk whether there were rooms available, got a positive response, and checked-in the next day. One learns a lot from these types of experiences. Maybe it was my naivety at the moment, but although not careless in booking a hotel, neither was it something that made all alarm bells ring. Now, finding myself in the same situation or having to advise someone else, I would include this as one of the things that should definitely be on the list of things to consult with gatekeepers, informants, or local contact persons that have the researcher's confidence (and vice versa).

Apart from thinking about where to stay, and taking advice on where to stay far away from, also *how* to get to one's destination must be thoughtfully considered. Already in Bogotá

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<sup>26</sup> The second time I met with this research participant, he and his wife offered me to stay with them whenever I would visit Tumaco. As a clear indicator of the level of trust, openness, kind-heartedness, and warmth that characterizes so many Colombians, that same day we drove (I sat on the back of his motor, the most common way to move around in Tumaco) to a local shop to make a spare key for the house, so that I could get in whenever I would arrive.

I was told that it was best to fly to Tumaco rather than travel over land. For many years, the road from Pasto to Tumaco was an extremely dangerous medium to travel by. Paramilitary and guerrilla groups controlled and moved along different parts of the route, with serious risks for those who used the road. Now heavily militarized, these days the road is much safer. On the two occasions that I combined a visit to Tumaco with a stay in Pasto, or the other way around, I therefore decided to travel over land regardless. This means travelling in a shared taxi or minivan for an impressive five hour ride that leads through different landscapes (from mountain ranges to moist forest to coast), climates, and a correspondingly shifting cultural landscape. The times I travelled this way, on average we got stopped at two or three military checkpoints, which meant that we had to get out of the car, show our ID, bags (mine got opened rarely, and if opened, barely), the boot of the car would be inspected, and after some questions we were allowed to continue the journey. If asked why I was travelling to or from Tumaco I remained somewhat vague, casually stating that I was a student and had to be in Tumaco for a meeting with a local organization – which would have been Corponariño in case of further questions. Further questions never followed, yet these checks nevertheless kept giving me a nervous feeling.

In part this was due to, and reinforced by, several experiences and conversations that left an impression on my mind. For one thing, one research participant in our very first encounter started off by stating that he would rather not be seen with me in the centre of Tumaco, where “there are informants all over the place”. And whereas some method books encourage students who are about to embark on ethnographic fieldwork to chat with anyone including the local taxi driver, based on what I heard, I would *not* recommend doing so in Tumaco or in any other conflict-ridden zone of Colombia where, more than life, it is powerful political and economic interests that matter most. Such suspicion not infrequently extends to the police and public forces. Another experience, still not sure whether banal or noteworthy, might be worth mentioning, too. Upon passing a military checkpoint when returning from a site visit to several small grower oil palm plantations with a technician from Cordeagropaz (by motor again), while at first we were allowed to pass we were then all of a sudden called back. We were told they stopped us because we passed the checkpoint with too much speed. The technician reacted surprised. Our IDs got checked and we could continue. About one hour later, immigration arrived to the place where I was staying (not yet with the couple I mentioned before). They checked my documents and asked me what I was doing in Tumaco and how long I would stay. Although still unsure what to make of it, once more it brought to my attention that I did not go unnoticed in Tumaco. Bear in mind that the majority of the population in Tumaco is Afro-Colombian; as a white woman I could literally not move around unnoticed. Although quite an uncomfortable experience at times, this feeling of discomfort is also precisely what makes this an invaluable and eye-opening experience in terms of earlier

discussed issues around positionality.

This brings me to the point where I should state, and explain, my decision not to visit corporate oil palm plantations in Tumaco, by which I end this section. Several weeks into January 2013, I felt confident that I had arrived at a deep enough understanding of the small grower experience, the views of palm oil critical community members, and the local tensions that in view of these divergent positions exist regarding the (lack of) effective control over collective lands. What could still complement this was a better grasp of the conditions in the rural zone and *personal* familiarity – no matter how modest – with the daily interactions, social and cultural practices in the rural zone. Mid-January I travelled to Tumaco again, over the past two months having established the contacts that could help me in organizing a stay with a family in the Afro-Colombian Alto Mira y Frontera community council. I met with one of the family members and we arranged that I would stay with his family for a small week at the beginning of February. A few days later I received a call. The trip had to be cancelled: in a confrontation between the guerrilla and the military within the territory of Alto Mira y Frontera, two militaries were killed. As the unilateral ceasefire between the FARC and the Colombian government had been ended, the situation was too precarious.

About a month later, the same community member accompanied me on a half-day visit to some *veredas* (settlements) in Alto Mira y Frontera, walking up to the point where the collective territory borders with Palmas de Tumaco; one of three palm oil companies situated in the hearth of what are now the Afro-Colombian community councils of Alto and Bajo Mira y Frontera. He told me that he actually had planned to cross the plantations by motor with me that day. However, as there was still too much turmoil in the zone, again, this was not possible. With two weeks left before I would leave Colombia, in view of interviews held with the owner of Palmeiras and other corporate executives, I knew that even in this short time span it would be possible to plan a visit to one of these plantations. But it did not feel good. I was afraid to put at stake the safety of the local subjects I had been seen with up to that point. Maybe an unfounded concern, but it is always better to be safe than to be sorry.

### **3.2.3 Ethical considerations**

On 13 June 2012 ethical approval for this research was obtained from the Student Research Ethics Committee of the School of Social Policy, Sociology and Social Research (SSPSSR) at the University of Kent. In accordance with this, based on a truthful and transparent outline of the research aims and planned use of the data, in all cases prior and informed consent of the research participant was obtained; interviews have been tape recorded only after explicit approval from the research participant; and notes from the fieldwork and recorded material have been dealt with, processed, and held with utmost care. Participants were informed that – in case they would agree with the interview to be tape recorded – the recording could be

paused, temporarily suspended, or abruptly at all times. The level of anonymity was left to the research participants. Participants were free to (partly) provide or, alternatively, withhold their personal name as well as the name of the organization connected to (see Appendix V).

Rather than written consent, I should state that I have sought *verbal* consent prior to interviews, informal conversations, and site visits. One of the reasons I sought verbal prior and informed consent is that illiteracy levels in the Colombian Pacific region exceed the national average. A potential imbalance between the researcher and the research participant could, in view of this, risk embarrassment or distress for the research participant, and conduce to a perceived lack of understanding regarding the research participant's situation on part of the researcher.<sup>27</sup> Moreover, on a related note, Afrocolombian and indigenous populations – in this region and in Colombia more generally – are especially hard-hit by social and economic marginalization. I have attempted to minimize the impacts of such imbalances by being open and honest about my research premises and objectives, and by stating clearly my intent to arrive at an accurate understanding of the situation lived by research participants from their perspectives, knowledge, and perceptions.

The way I presented myself to the research participants and the degree of openness thereby displayed vis-à-vis the objectives of this study are worth expanding on. Although at all times I clarified my role as a *researcher*, my approach to industry proponents (corporate actors, industry representatives, and public officials) was somewhat different from the way I approached palm oil industry critics. To participants known to be palm oil critics I generally introduced myself as a criminologist studying the social and environmental harms associated with the palm oil industry, adding that I addressed the theme by accounting for the divergent perspectives that exist on it. To industry proponents and protagonists, I presented myself as a researcher with an interest in examining the divergent perspectives on the palm oil industry from a sociological perspective in view of its perceived impacts – positive and negative. I felt comfortable going about it in this way, since ultimately there was nothing lied about it. In fact, when after the second interview held with an industry proponent (coming from the corporate perspective) we continued our conversation over lunch and I eventually explained to him my work as a criminologist, his reaction confirmed the need for my 'sociologist' approach. Although not feeling misled, somewhat surprised, he laughed, and said that had I introduced myself as a criminologist, to all likelihood he would not have been keen on talking to me.

Boekhout van Solinge (2014) discusses the dilemma that researchers can be faced with when openness about their role and true intentions may either block research access or result potentially dangerous. The latter did not apply to the research activities that have been conducted for this study or any of the contacts thereby sustained. On the other hand, out of

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<sup>27</sup> Also in view of safety considerations I figured that ensuring anonymity was better achieved through verbal rather than written consent.

precaution – for my own safety but above all for that of the local subjects that participated in this study – I did make the conscious decision *not* to visit corporate oil palm plantations in Tumaco, even if having had the opportunity to do so. I already commented on this above.

But alongside the ethical principle of doing no harm, researchers may legitimately be asked what they have done (or seek to do) *for* the research participants and local subjects they sympathize with in their studies. With reference to the previously mentioned possibility of being actively declined research access and/or collaboration, I should state that I have no illusions about the fact that, to an extent, this research, too, belongs to the type that tends to be frowned upon by community-level organizations and national or international NGOs and activist collectives for failing to make a *direct*, positive impact on the communities (and environments) in question. Of course, my aim, via this thesis and subsequent publications, to enhance academic as well as public understanding and awareness of the perceived and lived realities of harm in palm oil production regions such as the Colombian Pacific, no matter how laudable, is of no direct impact on local populations and environments. One way in which I *am* currently in the process of making a somewhat more direct, even if modest, contribution to the cause of local communities in Tumaco and the Colombian Pacific coast region more broadly, is by making the product(s) of my research accessible to local subjects and stakeholders in Colombia. Thus, rather than solely publishing in (criminology) journals and books geared to speakers of the English language, I seek to disseminate parts of my work in Spanish. With an article currently going through peer-review in a Colombian critical criminology journal, I aim to stimulate both academic discussion on palm oil related problems in Colombia and via, among others, activist collectives such as the PCN, Colombian NGOs, and organizations as the ONIC, establish further dialogues with the actors and organizations that collaborated and participated in the research.

### **3.3 Data analysis**

Having discussed matters pertaining to research design, data *collection*, access, and ethics, in this section I explain how I registered, organized and analysed the primary data. Given the centrality of interviews and informal conversations in this research, emphasis is given to the analytical procedure deployed vis-à-vis the spoken accounts of the various stakeholders that were identified above: for the perspectives on reality articulated through these accounts, and the constructions, perceptions, and experiences of harm contained in them. As Jaworski & Coupland (2006: 5-6) state: “Discourse is implicated in expressing people’s points of view and value systems, many of which are ‘pre-structured’ in terms of what is ‘normal’ or ‘appropriate’ in particular social and institutional settings. Discourse practices can therefore be seen as the deployment of, and indeed sometimes as acts of resistance to, dominant ideologies”. Hence, in keeping with what has been stated earlier in this chapter on having to

situate micro-level interactions, struggles, practices, and relations in their structural context (material, cultural, and ideological), the type of analysis of interviews, informal conversations, and field notes advanced here, requires transcending the 'material data' of spoken or written accounts so as to analyse that which is articulated against the background of its unspoken dimension, which may or may not be grasped by the research participants (Aspden & Hayward, 2015).

Regarding the registering of research data, except for one interview where I had to resort to note taking, all the interviews were (audio) tape recorded. In their reflections on the possibility to record an interview, or the taking of notes where recording is not allowed or not appropriate, Noaks & Wincup (2004: 127) observe: "Devoting attention to writing down what is said can detract from achieving a rapport with the interviewee and the researcher's observation of non-verbal cues". Indeed, my motives for seeking approval to tape record the interviews was that this would enable me to include the views articulated by participants most accurately and in a way that allowed me to stay as close as possible to their own words and accounts. The tape recording of interviews minimizes the risk of losing out on important details and allows one to concentrate fully on what is being said and how, as well as being attentive to non-verbal communication. Notes of informal conversations and site visits were made either during the activity or as soon as possible afterwards.

Tape recorded interviews were fully transcribed. I did this myself, no external support was sought. Although definitely a time-consuming activity, the benefit of transcribing one's own work is that it allows for an intensive engagement with the empirical data and the early identification of key themes and concepts. It is, as such, one strategy of familiarizing oneself with the data. The process of familiarization, no matter what approach is taken, is "essential for the analyst's subsequent decisions regarding coding of the data" (Noaks & Wincup, 2004: 129). As all interviews were held in Spanish, it is worth adding that the transcripts were not translated but kept in their original form. It was only later, while writing up, that direct quotes as well as the research data more generally, were translated to English. No major translation issues were encountered; where doubts arose as to participants' use of certain concepts and expressions, I consulted native Colombians to ensure that my interpretation and translations were correct. Where this applies, reference is made to the original expression or concept.

For the coding of interview transcripts and field notes no qualitative data analysis software was used. Similar to the phase of transcription, coding – the process of "grouping together themes and categories that [have been] accumulated in the field" – does not merely *precede* the data analysis but should be engaged in with analysis in mind (Soyini Madison, 2005: 36-37). Likewise, Noaks & Wincup (2004: 130) state that the coding of research data "should not merely be seen as a mechanical process but as an opportunity for further reflection and thought on the part of the researcher regarding the messages that are

emerging from the data". Although I conducted a substantial amount of interviews, the fact that these interviews (and conversations) could be grouped into six overall categories meant that the data could be feasibly managed and coded manually.

Regarding the coding approach that has been followed, I began with what is referred to as 'open coding' (Noaks & Wincup, 2004); an initial round of reflection on the research data as a whole and segmenting of the texts so as to discover general themes. This allowed me to discern the principal themes that emerged from the research, on the basis of which I organized the presentation and discussion of the research data into three chapters (5 to 7). To draw on the terminology used by Soyini Madison (2005) in her discussion of the variety of coding procedures, this open coding was then followed by deploying a combined method of high-level coding (the allocation of codes based on more abstract ideas and concepts) and low-level coding (allocating codes based on more concrete themes). The coding process was both informed by preconceived theoretical and conceptual ideas derived from the review of literature and the main themes underpinning the research questions, and a more inductive element whereby the codes flowed more directly from the research material itself (Thomas, 2006).<sup>28</sup> While coding is a crucial stage in the analysis, ultimately, the interpretative process that allows establishing "the linkages and theoretical connections that the researcher makes between the analytical categories" (Noaks & Wincup, 2004: 132) continues after the coding has been completed and extends into the writing phase. In other words, the act of writing, too, is an analytical tool and has been depended on as such in this study.

### **3.4 Objectivity, the dangerous illusion of value-neutrality, and validity**

This research has sought to confront the tendency to reduce the cultures and knowledges of Afrocolombian and indigenous peoples to mere objects of study and top-down intervention and explanation (Walsh, 2007) by recognizing and incorporating the intellectual and political relevance of the knowledges and perspectives of local subjects. However, while sensitized to the cause of locally affected communities, my aim has not *merely* been to give a voice to the marginalized and excluded perspectives of local subjects. Over and above this objective, I have addressed the perspectives of local small growers of oil palm and local palm oil critics *alongside* the perspectives put forward by industry representatives, corporate executives, public officials, and NGOs, and, if anything, considered all of these with an eye on wider sociocultural forces and global political economy.

This asks for a brief reflection on researcher partisanship in keeping with Gouldner's

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<sup>28</sup> E.g. regarding the mechanisms and character of land use change to palm oil production in Tumaco, as reflected on in chapters 1 and 2, on the one hand the analysis was informed by Harvey's (2003) 'accumulation by dispossession'. On the other hand, substantial small grower support of palm oil in Tumaco seemed to suggest that the 'accumulation by dispossession' explanatory framework could not fully account for the power dynamics at play in the addressed context. *How* to theorize this was thus something that had to emerge specifically from the research data.

(1968) critique of Becker's "Whose Side Are We One?" (1967). Gouldner is sympathetic to sociologists that show a particular concern with the standpoint of the 'underdog'. Gouldner's *critique* of Becker is that such an exercise requires clarification of why an 'underdog' position is taken – which Becker fails to do – and that such efforts must be more than an "empty-headed partisanship" (Gouldner, 1968: 116). That is to say, underdog standpoints can offer new and crucial insights into the social reality (and reality of suffering) of those whose views and experiences tend to be largely unknown, and often neglected, and by addressing these standpoints we can moreover enhance our understanding of wider social, cultural, political and economic conditions and structures. But to make this work, such analysis cannot be reduced to a focus on low or middle level officialdom and hierarchical relations. Critical analysis, Gouldner argues, must attend to the institutional and structural level processes and power dynamics that govern the relationships between subordinates and superordinates; it must "force the research focus upwards", "to the doorstep of power" (Gouldner, 1968: 111).

Along such lines this study incorporates the range of perspectives that run from the staunchest support of the palm oil industry to the industry's outright rejection, reflecting a balanced account of the different groups of perspectives thus addressed, which adds to the internal validity of the research. It is worth stating that – again, along the above stated lines – thereby I do unapologetically take a partisan perspective in my commitment to the struggles for social and environmental justice in regions affected by agroindustrial activity and by the destruction brought about by extractive industries more generally. This does not compromise my position as an objective researcher. In fact, as Tombs & Whyte (2002) have asserted:

"Objectivity – as openness, accountability, rigour, and honesty – needs to be rescued from value-neutrality, which is a dangerous illusion. The historical development of the social sciences has been inseparable from partisanship, never value-neutral; so questioning whether partisanship is desirable or not makes little sense since social scientists, by definition, are partisan" (Tombs & Whyte, 2002: 230).

Regarding the generalizability or external validity of this research, notwithstanding regionally or country specific demographic characteristics, particularities linked to ecological conditions and ecosystems, diverging political and social contexts, and specifics of the applicable legal framework, the dynamics and impacts of the Colombian palm oil industry are to a significant extent shaped or structured by global political and economic relations and configurations of power. Likewise, the problems faced by Afro-Colombian and indigenous communities at the hands of the palm oil industry and powerful political and economic interests, have parallels with the impacts of extractive industries on ethnic minorities and environments elsewhere in the world (see, e.g. The Gaia Foundation et al., 2008; Veltmeyer & Petras, 2014b). As such, even if this study seeks to arrive at a comprehensive understanding of the constructions,

perceptions, lived realities, and practices of harm associated with the palm oil industry in the Colombian Pacific region, the general conclusions drawn from this research have relevance, and something useful to say, beyond the immediate context here addressed.

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#### 4. PALM OIL: NATIONAL AND LOCAL CONTEXT

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As mentioned previously, the principal focus of this study lies on the impacts and operations of the palm oil industry in the Colombian Pacific coast region. The Colombian Pacific constitutes the most western part of Colombia, comprising the Chocó department in the north and the coastal municipalities of the departments of Valle de Cauca, Cauca, and Nariño to south (see Appendix II). It is part of the *Biogeographic Chocó*; an ecoregion of rivers, forests, mangroves, swamps, and floodplains<sup>29</sup> encompassing the lowlands west of the Andes. Other than its name would seem to suggest, the *Biogeographic Chocó* stretches from the mountain ranges that form the border between Colombia and Panama in the north all the way down to the northwest of Ecuador. One of the main reasons due to which the region is so humid and experiences such abundant rainfall stems from its location in the Intertropical Convergence Zone<sup>30</sup> and for being situated between the Pacific Ocean on the west and the Andes mountain range to the east (Delgado et al., 2007: 46-47). With rainfalls up to 12,000 millimetres in the central zone and 3,000 to 4,000 millimetres in the northern and southern extremes, the Colombian Pacific is one of the rainiest regions of the Americas (Pintaud et al., 2008). As noted by Restrepo:

“The Colombian Pacific is not only one of the most humid places of the world; the density and variety of its vegetation and fauna also define it as one of the most biodiverse regions of the planet” (Restrepo, 2002: 37).

A region’s biophysical properties – in terms of its vegetation, soil conditions, biodiversity, precipitation regimes, humidity, and so on – are important factors to consider in the analysis of the environmental, social, and cultural impacts of land cover change and land use change to agroindustrial models of production, which adds weight to the claim that criminology ought to adopt an environmental frame of reference (Lynch & Stretesky, 2014).

Demographically, the majority of the region is Afro-Colombian, followed by a smaller presence of indigenous peoples belonging to various ethnic groups.<sup>31</sup> Escobar (2008) offers a rich analysis of the heterogeneity of the social relations and practices, production and subsistence patterns, and local ways of relating to the region’s biodiverse forest and aquatic environments that are the product of this ethnic diversity. According to Escobar, incursions of the palm oil industry into the region form part of a broader push towards the “reconfiguration of the biophysical and cultural landscapes of the Pacific” (2008: 64), which is increasingly displacing the economic, cultural, and ecological difference that marks the ways of being, thinking, and knowing of the region’s Afrocolombian and indigenous communities.

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<sup>29</sup> Floodplains are lands adjacent to rivers, lakes, and oceans that are prone to periodic flooding.

<sup>30</sup> A belt of low pressure moist air masses.

<sup>31</sup> Respectively these groups make up approximately 90% and 5% of the population in this region.

In what follows I outline the extent to which Colombia's legal and political framework incorporates concern for ethnic and environmental issues. In addition I reflect briefly on the social context in what forms the main focus of this research – the municipality of Tumaco, Nariño – and address the different modalities of oil palm cultivation that exist in this locality.

#### **4.1 Colombia: a “pluri-ethnic and multicultural nation”**

Constitutional reform in 1991 marked momentous change in Colombia's political and legal framework in the domain of ethnic and cultural diversity. From an assimilationist discourse and politics that had its ideological basis in notions that indigenous and black peoples were backward, undeveloped, and racially inferior, a shift toward the recognition and protection of Colombia's ethnic groups was formally instituted (Arocha, 1998; Semper, 2006). Colombia in this regard forms no exception to a wider trend of Constitutional reform in Latin America by which “the discourse on cultural pluralism has penetrated the discourse on constitutionalism” (Van Cott, 2000: 12). Demands for Constitutional reform in Colombia was primarily driven by the view that the violence that was tearing Colombia apart was a product of persistent social and political exclusion; of the poor, working class, women, ethnic minorities, LGBTs, and so on (Lemaitre, 2009). As Lemaitre sums it up:

“The Constitution would put an end to the violence because it would end with two of its principal sources: the exclusion of minority groups from political participation and the readiness of the partisan State to take up arms against its enemies” (2009: 128).

One dimension of the pursuit of greater political participation and inclusion found expression in the recognition and protection of ethnic and cultural diversity, granting specific cultural and territorial rights to Colombia's indigenous and Afro-Colombian population. Hence, Colombia is presented as a ‘pluri-ethnic and multicultural’ nation. Related to this, below I address one aspect in particular; the space that these reforms have opened up to halt, and potentially reverse, the dispossession of land and ways of being inscribed in the land.

##### **4.1.1 Colombia's multiculturalist turn and the titling of collective land**

Constitutional safeguards, ensuing legal provisions, and a favourable interpretation thereof in the jurisprudence of Colombia's Constitutional Court (see, e.g. Lemaitre, 2009: 330-331), since 1991 are important instruments in indigenous and Afro-Colombian struggles to defend land, life, and livelihoods. This is not to say that there are no forerunners whatsoever of this kind. In the case of indigenous peoples for that matter, the juridical figure of the *resguardo* is not a recent invention but has its origins in colonial times, at that time created to designate areas where indigenous groups were to settle (Semper, 2006).<sup>32</sup> Yet it must be emphasized

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<sup>32</sup> For an outline of the invention and subsequent stages of the dissolution and the restoration of the *resguardo*, see Semper (2006).

that such 'recognition' had its motivation and logic in the depiction of indigenous peoples as savages that were to be treated differently so as to enable their transition or integration into 'civilized life' (Arocha, 1998; Semper, 2006).

In contrast, with Constitutional change in 1991, the space opened up for expressions of ethnic and cultural diversity rests on a view of plurality as (in principle) something positive (Lemaitre, 2009). This recognition moreover extends to Afro-Colombian communities, whose existence as a distinct ethnic group, after a centuries-long history of invisibilization and dehumanization, with the adoption of Law 70 in 1993 was finally recognized (Arocha, 1998). One of the decisive factors that led a growing number of Afro-Colombian organizations and communities to mobilize and articulate demands for such recognition and attendant territorial and cultural rights, was the growing threat of dispossession posed by encroaching extractive industries. With utmost disregard for the lives of the populations thus affected, the impacts of concessions granted to the timber, mining, and agroindustries by the Colombian State began to grow unbearable from the 1980s onwards (Restrepo 2004a; Pardo, 2002).

Although Afro-Colombian organizations did not have their own representative in the Constituent Assembly, primarily via the indigenous delegates in the Assembly they achieved that Transitory Article 55 (AT 55) was ultimately included in the Constitution.<sup>33</sup> AT 55 ordered the formation of a commission that was to draft a law to deal specifically with the collective land rights of (rural) Afro-Colombian communities. In 1993, Law 70 was adopted as a result. Still, it was only when Decree 1745 of 1995 was signed – regulating Chapter III of Law 70 – that Afro-Colombian communities could start the actual procedures to request collective land titles. Decree 1745 determined that Afro-Colombian communities had to be organized into community councils in order to obtain a collective title to their land, and laid down the terms with which communities had to comply (Arocha, 1998; Pardo, 2002; Restrepo, 2004a).

Now, two decades later, Afro-Colombian communities in the Pacific coast region hold approximately 5,275,145 hectares of collective territory in what corresponds to 169 titles (UAEGRTD, 2013). Nation-wide, the titled area of indigenous resguardos is approximately 29 million hectares (UAEGRTD, 2013). In both cases, allocated land titles are inalienable, imprescriptible, and inembargable (República de Colombia, 1991: art. 63). This means that the rights exercised over these lands are non-transferable, not subject to prescription (i.e., it is a right that lasts and that does not expire in case a land is not used or claimed not to be used), and the land is not subject to seizure (the land can for instance not be mortgaged and consequently expropriated due to an inability to pay off debts).

If their Constitutional rights are violated or threatened by the Colombian State or any

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<sup>33</sup> Restrepo (2002, 2004a) notes that AT 55 was simultaneously an *outcome* of the mobilization and organization around an Afro-Colombian ethnic and cultural identity, and a factor in *strengthening* and *reproducing* that identity.

public entity in particular – whether actively or by omission – Colombians have access to the action of the *tutela*, a writ that can be directed “without the aid of a lawyer, to any judge with jurisdiction over the dispute” (Delaney, 2008: 54). A ruling must follow within 10 days, which may order that the action in question is halted immediately or that protective measures so as to prevent further harm are taken (Cepeda-Espinosa, 2006). Indigenous and Afro-Colombian communities are moreover endowed with the right to prior consultation where legislative or administrative measures or projects of natural resource exploitation may affect their lives and territories (Orduz Salinas, 2014). The requirement of prior consultation is underpinned by the notion that the materialization of ethnic groups’ fundamental rights to cultural, social, and economic integrity and their existence as a people depend crucially on the exercise of *effective* control and autonomy over the land and over their lives (Semper, 2006).

However, notwithstanding the legal protections that are in place and the allocation of land titles, Afro-Colombian and indigenous communities are still being forced off their lands and/or have to endure the economic activities of extractive industries on their lands (Serje, 2007; Restrepo, 2004a). As much as 5,185,406 persons have officially been registered as internally displaced in Colombia between 1997 and 2013. Afro-Colombians and indigenous peoples are disproportionately represented in this number (UNHCR, 2015). But, as Oslender (2008) notes, these figures fail to grasp the experiences of those that are resisting *in place*; i.e., those that stay put on their lands and continue to withstand the pressures related to the presence and operations of extractive industries and armed actors within their territories. The effective reach of the formal recognition of ethnic and cultural diversity in Colombia thus figures centrally in this study’s focus on harm, power, and legality.

#### **4.1.2 A green Constitution in the absence of an ecological politics**

Colombia’s Constitutional reform and relevant case law of the Constitutional Court also led to a normative reappraisal of the human-environment relation, centred on the twofold notion that the natural environment merits protection in itself and that a healthy environment is a prerequisite for the meaningful preservation and perpetuity of human life. In view of the legal safeguards put in place accordingly, Colombia’s Constitution has even been characterized as ‘green’ or ‘ecological’ (Corte Constitucional, 2010: 35-36). This proclaimed environmental spirit must be qualified in several ways. I mention two here.

First, Colombia is often criticized for being ‘*a país leguleyo*’; a term that seeks to draw attention to the fact that Colombia is a country replete of laws and lawyers, where recourse to the law and legal procedure is the norm, but that ultimately falls short in terms of law enforcement and compliance. In fact, it has even been argued that the country experiences a ‘legislative inflation’. The existence of an ever greater amount of laws and legal provisions, in similar fashion to monetary inflation, thus simultaneously brings about the devaluation of

the juridical system, hence as it were hollowing out its perceived credibility (González, 2011). But more than anything, it is important to point to the limited effects of a progressive legal framework that works in an overall framework that lacks a sustainable *politics*.

This brings me to the second reservation that I wish to make, for which it is instructive to draw upon an example of a recent environmental drama in Casanare, located in central-east Colombia. There, in the first half of 2014, months of severe drought caused the death of thousands of animals including capybara, cows, and turtles (Correa, 2014), not to mention the difficulties that the experienced water scarcity brought upon the local human population. After months of inaction, a specialist unit of the Attorney General, charged with the criminal investigation of environmental issues and natural resource related activity, travelled to the area to clarify what factors had led up to this situation. The ex-Minister of the Environment, Manuel Rodríguez Becerra (quoted in Correa, 2014), gets to the heart of the matter when stating: “It is madness to see that the Environmental Crime Unit of the Attorney General’s Office is involved in this. This is a stance of ‘let’s find the culprit’. *What is to blame is a badly oriented development politics*” (emphasis added). Spurred by such a politics, the savannahs of Casanare have been converted into one of Colombia’s main areas of oil extraction, large-scale cattle ranching, rice fields and vast plantations of oil palm; industries that ostensibly bring ‘prosperity for all’ to Colombia and that, as such, are normal practice.

It is therefore important to reiterate that no matter how ‘green’ a Constitution and its corresponding legal framework are, a society’s legal framework generally exists with and largely reflects deeply engrained conceptions of nature as ‘capital’ at our disposal, open to human exploitation and appropriation (White, 2002). I do not mean to deny the importance of the implementation of environmental legislation and regulatory measures, but so long as these provisions are subservient to the prevalent view that natural resources can be put to ‘sustainable’ use on the capitalist path to progress, ultimately the green credentials of such frameworks are empty.

## **4.2 The palm oil industry in Tumaco**

There are four major zones in Colombia where the palm oil industry has a presence, referred to as the northern, central, eastern, and western zones of palm oil production (see Appendix II). Tumaco by and large constitutes the whole of the western production zone.<sup>34</sup> The first oil palm plantations in Tumaco began to be established in the late 1950s; initially an endeavour coordinated by the Institute for Cotton Development<sup>35</sup> given in by government policy geared to import substitution and the diversification of oleaginous crops. Soon this was followed by

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<sup>34</sup> Although Guapi (in the Cauca department, directly north of Nariño) is envisioned as a potential site of oil palm cultivation, thus far its share in the western production zone of palm oil is negligible.

<sup>35</sup> *Instituto de Fomento Algodonero*, IFA.

private sector investment and a consequent rapid expansion of the area cultivated with oil palm (Ospina Bozzi & Ochoa Jaramillo, 1998: 47-54; Ospina Bozzi, 2001: 21-59). The total extension of oil palm cultivation in Tumaco has since then grown to reach (at its height) an estimated 35,000 to 36,000 hectares.

#### **4.2.1 Tumaco: 'Pearl of the Pacific'**

Tumaco constitutes the most southern municipality of the Colombian Pacific coast region, by its inhabitants proudly referred to as 'the Pearl of the Pacific'; a name variously explained by reference to Tumaco's natural beauty, its fertile and productive lands, or the immense pearl that supposedly once was found on its shores (Velandia Cruz, 2012). But, on a less cheerful note, it is also the case that the social and economic deprivation experienced in Tumaco is alarming: 84% of the population lives in poverty, compared to 50% for Colombia at large (of course *both* figures are disturbing); the level of Unsatisfied Basic Needs is 48%, compared to a national average of 27%; sewerage service exists for 5% of the population, where this is 73% for the country as a whole; and over 60% of the population have no access to water supply utilities (Diócesis de Tumaco, 2012; Alcaldía de Tumaco & Gobernación de Nariño, 2014). For many of Tumaco's inhabitants the conditions to subsist are dire, and especially in the rural area the provision of basic services falls short.

Powerful economic and political interests have moreover turned the 'Pearl of the Pacific' into a whirlpool of threats and adversities. Along with the state-corporate push for the capitalist development of the region's territories, or arguably intertwined with the pressures thus placed on the land and existing land uses, since the late 1990s armed conflict and illicit economies have brought a wave of terror upon Tumaco's population and environments (Diócesis de Tumaco, 2012). With its dense (even if reduced) forest cover, traversed by an extensive river network, bordering with Ecuador to the south and having quick access to the Pacific Ocean to the west, the region is of great geostrategic and economic interest for groups involved in narco-business and contraband activity. Various paramilitary groups (los Rastrojos, Urabeños, and Águilas Negras)<sup>36</sup>, guerrilla forces (FARC, ELN)<sup>37</sup>, and 'Bacrim'<sup>38</sup>,

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<sup>36</sup> Ballvé (2012: 603) describes paramilitaries as "an outgrowth of a complex alliance between narcos (drug traffickers) and agrarian elites, [that] simultaneously act as drug-trafficking private militias and counterinsurgent battalions, while using land appropriation and agribusiness as favored conduits for money laundering and illicit profit". In contrast to leftist insurgencies' antagonistic relationship to the Colombian state and the prevailing socioeconomic order, paramilitary groups have developed close links with corporate and institutional structures and the political establishment. The formal trajectory of paramilitary groups leads back to the 1960s, when the Colombian state laid the legal foundations for the creation of civil defence groups as part of its strategy to combat leftist guerrillas (Richani, 2007). In the 1990s, these as well as other paramilitary groups – created to defend the economic and political interests of cattle ranchers, large landowners, agribusiness, and drug traffickers – became centrally organized under the command of the AUC (the United Self-Defence Forces of Colombia). Despite their formal demobilization since 2003, there is widespread agreement that paramilitary structures have not been dissolved and that new groups – such as the Rastrojos, Urabeños, and Águilas Negras – have emerged (Richani, 2007; Ballvé, 2012; Grajales, 2013).

currently have the region in its grip (Corte Constitucional, 2014; VerdadAbierta.com, 2014b; Human Rights Watch, 2014). The presence and actions of these actors also dramatically interfere with the territorial and cultural rights of indigenous and Afro-Colombian communities (Pardo, 2002; Restrepo, 2004a; Lemaitre, 2009). It is moreover in this broader context that the palm oil industry operates. Hence, integrated with a focus on the harms associated with the palm oil industry I address the various ways in which these factors and forces converge, interact, and coexist.

If we consider Tumaco's demographic composition in connection with the recognition of ethnic and cultural diversity instituted with Colombia's Constitutional change in 1991, the following can be observed. Approximately 45% of Tumaco's 187,084 inhabitants live in the rural zone. In addition to the existence of individual land titles, a substantial number of rural indigenous and Afro-Colombian communities hold collective titles to their land. Of Tumaco's total of 360,238 hectares, collectively titled Afro-Colombian land comprises 173,632 hectares and indigenous resguardos 65,780 hectares (Alcaldía de Tumaco & Gobernación de Nariño, 2014). In total, there are 15 Afro-Colombian community councils in Tumaco. The two that are most affected by the palm oil industry are the Alto Mira y Frontera and the Bajo Mira y Frontera community councils, respectively located along the higher and lower part of the Mira River. Alto Mira obtained its title in 2005, and after amplification in 2006 covers 24,790 hectares; Bajo Mira obtained its title in 2003, covering 46,481 hectares (Diócesis de Tumaco, 2012). Both are located south of the road that leads from Tumaco to Pasto (see Appendix III). As for the indigenous



2.1 The Mira River in Tumaco (photo by author)

resguardos<sup>39</sup> directly affected by the presence and operations of the palm oil industry, this study addresses the situation of two Awá resguardos located north of the road that leads from Tumaco to Pasto; La Brava and Peña La Alegría (see Appendix IV). In 2000, the 615

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<sup>37</sup> The FARC, *Fuerzas Armadas Revolucionarias de Colombia*, are a left-wing guerrilla group that has its genesis in the peasant self-defence groups that emerged in the 1920s and 30s in the struggle for land reform. In 1964, the Marquetalia massacre was the final push to give birth to this guerrilla group, which two years later would name itself the FARC. The ELN, *Ejército de Liberación Nacional*, created around the same time, differed from the FARC in that it was principally influenced by Che Guevara's revolutionary doctrine of the 'foco'; several of its founders studied and received training in Cuba (Kirk, 2003).

<sup>38</sup> 'Bacrim' is a Spanish acronym for *bandas criminales*, i.e. criminal gangs, although in critical circles the term is viewed as a misleading euphemism that distracts from what are effectively 'demobilized' paramilitaries (Diócesis de Tumaco, 2011).

<sup>39</sup> There are 15 resguardos of indigenous Awá and one resguardo of indigenous Eperara Siapidara in Tumaco (Diócesis de Tumaco, 2012).

inhabitants of La Brava obtained a title to 983 hectares of land; the 212 inhabitants of Peña La Alegría obtained a collective land title in 2010, to an area that by then had been reduced to 30 hectares. Whereas La Brava and Peña La Alegría are impacted by the establishment of vast corporate-owned oil palm plantations around *what is now left of Awá territory*, in the case of the Afro-Colombian community councils of Bajo Mira y Frontera and Alto Mira y Frontera there is oil palm not just around but also within and traversing collective territory. Within, as a result of small grower involvement in oil palm cultivation; traversing the territory due to corporate occupation of these areas *before* Law 70 of 1993 was implemented and the subsequent exclusion of these areas from the collective title.

#### **4.2.2 Modalities of palm oil production: corporate plantations and Strategic Alliances**

The last lines of the previous section point to the existence of different modalities of oil palm cultivation. I close this chapter by expanding on this aspect. The two principal modalities of oil palm cultivation – in Colombia and globally – correspond to vast agroindustrial oil palm plantations of large and medium corporations on the one hand and cultivation by organized small growers that enter into partnerships with the private sector on the other. In Colombia, in 2010, 9% of palm oil production corresponded to cultivation in Productive or Strategic Alliances of on average 12 hectares (Rodríguez Raga et al., 2010). McCarthy (2010), writing on small grower cultivation of oil palm in Indonesia, notes that the integration of small growers into corporate-driven, agroindustrial value chains either tends to be presented as a viable strategy of poverty reduction and form of rural development or, in contrast, critiqued for subjecting small growers to dependency relations that reproduce or exacerbate social and economic inequalities. To nuance this dualistic narrative, McCarthy demonstrates that in between these two extremes lie different degrees of a more or less beneficial through to mostly adverse inclusion of smallholders. Whether and to what extent palm oil works for or against the poor, depends on the terms on which small growers are incorporated into the oil palm economy (McCarthy, 2010).

Cárdenas (2012) argues that small growers of oil palm in Tumaco, who account for close to 40% of local palm oil production, “occupy an ambiguous position that straddles the divide between landless proletariats and willing (and truly advantageously positioned) stakeholders” (2012: 317). Small grower oil palm cultivation has existed in Tumaco from the early stages of the sector’s establishment (Ospina Bozzi, 2001: 29-31, 59-61), something I discuss in chapter 6. Still, the terms of small grower incorporation into the oil palm economy in Tumaco assumed a more formalized and entrepreneurial character with the creation of Cordeagropaz in 1999. As a joint initiative of the palm oil sector and Tumaco’s municipal administration, Cordeagropaz was established to strengthen agribusiness-led development and smallholder economic activity, backed by public funding and international cooperation

(Cordeagropaz, 2015). Given the high levels of poverty and social vulnerability experienced by its population and with an eye on mounting pressures on the area as a consequence of armed conflict and coca cultivation, fomenting small grower cultivation of oil palm was seen as a productive alternative that could contribute to peace and social and economic stability.<sup>40</sup>

Cordeagropaz promotes, directs, and coordinates the entrance of small growers into Strategic Alliances with palm oil companies. Under the direction of Cordeagropaz, small growers that are organized into associations can get access to loans, technical assistance, and sell their oil palm fruits to the palm oil company that owns the extraction plant. Alongside Cordeagropaz, Palmasur, created in 2006, lends support in the production and postharvest stages and seeks to bolster the commercial interests of small growers. It is important to emphasize that the type of small grower cultivation thus promoted, steered, and supported, conforms to the agroindustrial logic of production; i.e., cultivation in monocultures, rows of oil palms planted at fixed distances from each other, external input of fertilizers, the use of agrochemicals, and so on, all to maximize productivity, efficiency and profitability. In addition to these two modalities, in Tumaco a third modality exists that has its basis in a diversified, non-industrial system of traditional agriculture whereby oil palms are cultivated interspersed with other crops and vegetation (Restrepo, 2004b; Cárdenas, 2012).

This study centres on the two agroindustrial modalities of oil palm cultivation, since it is these that have grown most prominent and that are at the heart of palm oil-related tension and conflict in Tumaco. Hence I reflect (primarily in chapters 6 and 7) on palm oil industry expansion through small grower involvement; the extent to which this can be considered a viable social and economic activity; and the divergent (and conflicting) perspectives of small growers of oil palm on the one hand and palm oil critics in the local population on the other. First though, in the chapter 5, I turn to the analysis and discussion of the politics of harm in the context of Colombian palm oil production specifically in the light of the broader dynamics and complexities at play in the Colombian Pacific coast region.

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<sup>40</sup> Hence the suffix *paz* (meaning peace) in Cordeagropaz.

## 5. COLOMBIA'S CONTESTED GROUNDS

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“If anything has generated an impact *prior* to its arrival, it has been this, it has been palm”  
(ONIC representative [43]).

“60% of the inhabitants of the Pacific are displaced. And the few people that resist are under pressure from all sides; the air force constantly bombards them under the pretext of fighting the guerrilla, the guerrilla on the other hand to win followers, and the paramilitaries in turn are the ones that represent the Colombian bourgeoisie. Because unfortunately, we stand alone in all of this; the only thing, which isn't all that clear-cut either, is the little that the international community does and which of course is very much subject to government policy. I'm not saying that they [the cooperation] are malicious, they are fulfilling their mission. But this mission is not directed towards the Colombian people but to the Colombian government, and between these there lies an immense difference” (Afrodes activist [41]).

In this chapter, the first of three that have their basis in the empirical data collected for this research, I sketch the broader context within which the operations of the palm oil industry in the Colombian Pacific coast region take place. The chapter is organized around a discussion of the various factors and dynamics that interact, compete, or exist alongside each other in zones where the palm oil industry is operating. Hence, in what follows, the principal aim is to disentangle the complex and varied linkages that exist in practice and in discourse between the harms and crimes endured by local populations and environments, the operations of the palm oil industry, and the presence of legal and illegal armed actors and illicit economic activity in the region.

The main argument thus put forward is that the existence in the Colombian Pacific of a variety of factors and dynamics unrelated or only remotely related to the palm oil industry, allows for the type of discursive mechanisms by which substantive debate over alleged palm oil-related harm in this context is diverted. The principal focus thus rests on the discussion of three observations that are central to this argument: (i) as various factors compete, interact, or exist together in the same region, this allows for the *externalization* of harm by denying that the alleged crime or harm is palm oil related; (ii) Colombia's ongoing internal armed conflict allows for the undermining or delegitimization of allegations of harm by reference to political ideology and subversive sympathies, and; (iii) illegality is relegated to an exterior realm characterized by the absence of the state, rather than existing *intertwined* with legal operations, economic development, and institutional structures.

I set this analysis up by way of a brief outline of the emblematic case of Jiguamiandó and Curvaradó. Although this region in the Colombian Pacific has not been the primary focus of the research activities carried out for this study, it is nonetheless crucial to reflect on the situation there. This is so for mainly three reasons. First, the occurrences in the Lower Atrato

region of the Chocó (where Jiguamiandó and Curvaradó are situated) are frequently taken as reference point for the denunciations voiced against the Colombian palm oil industry in the reports of national and international civil society organizations (Mingorance et al., 2004; Mingorance, 2006; Vélez, 2008; World Rainforest Movement, 2010) and scholarly analysis (Grajales, 2013; Ballvé, 2013). The case significantly shapes the image – both in Colombia and abroad – of the Colombian palm oil industry, and was referred to in nearly all interviews conducted for this research.

Second, context-specific particularities notwithstanding, the occurrences along the Jiguamiandó and Curvaradó rivers raise some difficult questions about how to interpret the violent dynamics revolving around the establishment and expansion of palm oil operations in Colombia, which are of vital importance for the broader frame of analysis in which to address the coercion-consent and legal-illegal dynamics of the politics of palm oil harm.

Third, the Chocó case was on several occasions brought up *in defence of the palm oil industry*. This applied to interviews with corporate executives, industry representatives at the level of Fedepalma, local officials, and small growers. The occurrences in the Chocó were thereby invoked not as a problem *of*, but a problem *for*, the palm oil industry. A small grower for instance spoke about the difficulties experienced as a result of the rejection of palm oil by, above all, local community leaders. Such misguided opposition to palm oil, he argued, stems from the violent imposition of palm oil in the Chocó:

“The thing is that in Tumaco we are confronted with a situation that presented itself in... in the Chocó. What occurred there, travelled to Tumaco and other production zones of palm in the sense that palm is said to be the number one enemy of the producer, of the country, and that people should not cultivate it” (Small grower and leader of Palmasur [3]).

I will argue that allusion to the Chocó is merely one example in a broader set of discourses that seek to dissociate the “normal” operations and perceived virtues of the palm oil industry from allegations of palm oil related crime and harm.

### **5.1 Violence, conflict, and palm oil: Curvaradó and Jiguamiandó**

The Curvaradó and Jiguamiandó river basins of the Lower Atrato region of the Chocó department are located in the most northern part of the Colombian Pacific. Situated at the Gulf of Urabá, this region of the Chocó department is also frequently referred to as Urabá or Urabá Chocoano. Rather than a clearly delimited geographical area, Urabá is comprised of parts of the Chocó (Urabá Chocoano) and Antioquia (Urabá Antioqueño).

Urabá Chocoano is inhabited principally by Afro-Colombian communities, followed by a smaller presence of indigenous Embera Dóvida, Embera Chamí, Embera Katio, Wounan, and Tule, and mestizo population (Mingorance et al., 2004). Generally, the latter are settlers (*colonos*) that began to arrive to the region in the 1970s and 80s. They were either landless

peasants or smallholders forced to leave the departments of Córdoba, Sucre, Atlántico, and Antioquia due to persecution by large landowners who were laying claim to the lands in that zone (CIJP, 2005).<sup>41</sup>

To this day, significant parts of the Chocó are still scarcely known. In addition to conditions relating to the climate and natural geography of the region, this is not least due to the prevailing Andinocentric imaginary (discussed in chapter 2) that has construed these territories as backward and underdeveloped. The Chocó, as well as the Colombian Pacific more broadly, constitutes a historically neglected and invisibilized region (Mingorance et al., 2004; Grajales, 2013). In fact, as Mingorance et al. (2004: 88) put it, “the Chocó has been so utterly ‘abandoned and forgotten’ that even the war under which Colombia suffers, for a time seemed to have forgotten about these lands”. But all of this changed rapidly from the mid-1990s, when south-western Urabá began to experience levels of violence that for decades had affected almost exclusively the northern part of Urabá (Grajales, 2013).

Although the Lower Atrato has been a zone of FARC presence from the early 1980s, counter-insurgency operations had been sporadic up to that time. However, the convergence of geostrategic and economic interests linked to narco-trafficking, contraband activity, as well as a growing awareness of the region’s economic potential in view of its biodiversity and as a site of agroindustry, in the 1990s brought about a paramilitary influx and a surge in military actions against guerrilla groups (Grajales, 2013). Consequently, communities have come to endure repeated waves of forced displacement, harassment, violence, and brutal atrocities at the hands of paramilitary groups with the tacit or active complicity of military forces (CIDH, 2003; Defensoría del Pueblo, 2005).<sup>42</sup>

It is often alleged that this violence, land grab, and persecution of communities is the sole outcome of territorial conflict between guerrilla and paramilitary groups, and that military operations by Colombian state forces are meant to defeat or at least drive out the FARC. However, the means and methods resorted to cast doubt on the stated counter-insurgency objectives. Indiscriminate aerial bombardments have almost exclusively affected the civilian population and have moreover been accompanied by massacres, selective assassinations, ‘disappearances’, cases of torture, intimidation, and the plundering and burning down of

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<sup>41</sup> The referenced document (“La Tramoya”) offers an in-depth, chronological description and narrative testimony of events in the Curvaradó and Jiguamiandó zone. The term ‘tramoya’ stands for a swindle or a scheme, and in this case refers to the dirty business and entanglement of legal institutions and illegal forces in ways that seek to obscure the underlying relations and real objectives of the forced displacement and persecution of affected communities.

<sup>42</sup> There are few cases where the role of paramilitaries in land use change to palm oil production, and the exercise of power by paramilitary groups in regions of palm oil production more broadly, have been exposed to the extent as documented for the situation in Curvaradó and Jiguamiandó (Ballvé, 2013; Grajales, 2013). The paramilitary nexus with private corporations and institutional structures is complex, fluid, and different from one region to the other. Within the scope and primary focus of this thesis, it has not been possible to pursue a thorough analysis and exposition of this complexity.

villages (CIJP, 2005; Grajales, 2013).

The close collaboration between Colombian state forces and paramilitary groups in these processes has been well established (see Grajales, 2013). Paramilitary movement and incursions into the region have been condoned, up to facilitated, by the public forces (CIJP, 2005). In 1997, paramilitary groups actively joined forces with the military in Operation Genesis, which provoked the displacement of an estimated 15,000 inhabitants from the river basins of Cacarica, Curvaradó, Jiguamiandó, Domingodó, Truandó, and Salaquí (Defensoría del Pueblo, 2005). Some sought refuge in the forests, while others fled the region to other departments or across the border with Panamá (CIJP, 2007a). When the appropriated lands had been emptied of their human inhabitants and territorial control was secured, from 2001 onwards the lands in question began to be planted with oil palm. The lands thereby occupied constitute an area of well over 25,000 hectares (CIJP, 2007a; Grajales, 2011), most of which is located within the collective territories of Afro-Colombian communities who received legal titles to these lands in 2000. Regardless of the existence of legal title deeds, the grabbed lands were legalized (Grajales, 2011).<sup>43</sup>

In view of the above, in Urabá Chocoano, palm oil has grown synonymous with the systematic, violent persecution of local communities and individuals that stand in the way of the materialization of powerful political and economic interests. Palm oil in this region is viewed at once as constituting an economic, political, and a (para) military project. Affected communities and the NGOs that support them in their struggles to retrieve their lands, means of subsistence, and ways of life, have likened the planting of oil palm in Curvaradó and Jiguamiandó to the “implementation of death” (CIJP, 2007a). A member of Justicia y Paz ([39]) insisted that throughout the process – from clearing the lands to the establishing and subsequent expansion of oil palm plantations – *“it wasn’t the people who were protected but the very criminals that grabbed the lands”*. As this respondent explained, the rejection of palm oil on part of the affected communities in Jiguamiandó and Curvaradó stems first and foremost from the criminal way in which this industry was able to establish its operations in the zone:

“The communities said, say: ‘This land is fertilized with the bodies of our loved ones’. From 1996 to the present day, within the complete time frame of implementation of this project more than 140 persons have been assassinated there” (Member of Justicia y Paz [39]).

Moreover, as spaces of life were turned into spaces of terror, people’s vital spaces of living became disintegrated. The transformation of the physical landscape of these territories also transformed the existential geography and symbolism of the socionatural spaces targeted

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<sup>43</sup> See Ballvé (2012, 2013) and Grajales (2011, 2013) for in-depth analyses of the mechanisms and bureaucratic procedures through which such legalization is achieved.

(CIJP, 2007b: 19). While this is an aspect that will be expanded on in chapters 6 and 7, it is worth emphasizing the centrality of socionatural spaces to locally specific productive, social, and cultural dimensions of life. Processes of agroindustry establishment and expansion thus destroy and debilitate not only physical life but *ways* of life, too. This was likewise reiterated by the previously referred to member of Justicia y Paz:

“The foundations of people’s lives are profoundly dislocated. It is brutal. In other words, people are not only affected because the palms were planted, no, people were uprooted. As if to say: there is no space for you here, what belongs here is *this*, in *this way*. And if you want to return it is to work *this*, and in *this way*. The prospects for a community to exercise autonomy are lost” (Member of Justicia y Paz [39]).

The depiction of oil palm cultivation as a legal alternative and productive opportunity capable of contributing to peace and rural development is untenable in view of such testimonies and accusations. Below I further elaborate on such divergent and conflicting perspectives.

## 5.2 ‘Alternatives’ in the midst of conflict

In an attempt to counter the existence of arguments that link the palm oil industry to violence and dispossession, a study carried out by the Security and Democracy Foundation<sup>44</sup> stated the following:

“[T]he African oil palm business has developed in a highly complex and sometimes critical context of rural insecurity that has conditioned, to a great extent, its projects and activities. But this insecurity is the result of various criminal factors, the most noteworthy of which are, for the effects of this paper, the following: drug trafficking; subversive, counter-insurgency and common criminal armed organizations; arms smuggling and trafficking; takeover of lands and displacement from properties. Given its complexity and extensiveness, this violence must be acknowledged and treated based on its particular conditions as a multi-variable phenomenon that includes various stages, inflection points, and recurrences” (Rangel et al., 2009: 61).

Also in personal communication with corporate executives and industry representatives of the palm oil sector (see Appendix V) repeated emphasis was placed on the fact that, due to variables external to the palm oil industry, the sector operates in regions afflicted by a high degree of social turmoil and socioeconomic marginalization. The adverse conditions in these conflict-prone and conflict-ridden zones are said to compound the operations and beneficent potential of this agroindustry. Although it is emphasized that palm oil cannot work miracles in stabilizing conflict zones, the industry is presented as an economic stimulus that contributes to social stability by offering alternative projects of life and giving a boost to local economies.

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<sup>44</sup> It is worth mentioning that this study was carried out under the auspices of Fedepalma (Ocampo Valencia, 2009: 175).

Agricultural modernization by way of an expanding palm oil industry is thus held capable of overcoming the rural conditions that are conducive to conflict and illegality.

By generating employment and by binding people to the formal economy, palm oil is presented as one of the few actual counterweights to engagement in illicit activities such as coca cultivation or involvement in illegal armed groups. For instance, with regard to small grower involvement in palm, the Social and Business Coordinator of Cordeagropaz ([4]) stated: *“We have always seen palm as a productive, economic alternative, and really a crop in terms of which people, when dedicating themselves to its cultivation, are not thinking in any other activity, neither in illicit or illegal activities, or terrorist groups, or what have you; because this is an activity that you have to manage with an entrepreneurial spirit”*. Palm oil proponents insist on the industry’s central role in maintaining the regions where it operates in social and economic equilibrium by boosting and diversifying local business, around which gradually develop a whole web of economic activities and social dynamics. Rangel et al. (2009) in view of this have stated that accounts that associate the palm oil industry with forced displacement and the imposition of an economic model allegedly detrimental to large segments of Colombia’s rural population, have their basis in an anti-capitalist ‘ideological reductionism’.

Underlying such claims is the view that the onset and perpetuation of armed conflict, violence, and illegality in rural zones is the outcome of a lack of social investment in these regions, high rates of unemployment, and the absence of viable economic opportunities. In fact, I was told by a corporate manager that, in this regard, opposition to the corporate sector is problematic; why oppose the corporate entrepreneurs that invest in rural zones and that create the business opportunities without which these populations turn to illegality? As he stated, warfare comes from the rural area: *“And why does warfare come from the rural area? Because the rural area has no business, there is nothing there that generates money. Hence people turn to either coca or warfare”* (corporate manager [8]). The view put forward is that corporations play a decisive role in creating the social and economic infrastructure needed for a way out of the violence and conflict that has Colombia in its grips. Hence, in addition to a strong institutional state presence that goes beyond a mere military presence, the rural area must be opened up to industrial enterprise. Nuclei of agribusiness established by so-called ‘anchor’ companies, would then pave the way for smallholder economic activity to start forming around these nuclei. Official policy in Colombia, too, tends to adhere to the view that violent conflict impedes development and the related notion that development is a necessary step towards ending violent conflict (for a critique of the ‘development in reverse’ thesis, see Thomson, 2011).

The perspectives that in the framework of this research were articulated by palm oil critics, contrast sharply with the view that agroindustrial activity would be a central factor in

bringing about social stability and reductions in the levels of violence and conflict. Rather than a factor that contributes to declining levels of violence, palm oil critics instead insist that the industry more often than not *foments* violence. The following statement glimpses at the tensions that as such exist between contrasting views:

“Some of the businesspeople say that they bring economic stability to a zone and this then contributes to peace. This is very disputable, very, very disputable. At times, for instance when we arrive at a zone they say ‘in this zone conflict-related violence dropped’. Well of course! If I arrive with a paramilitary group and expel a thousand peasants, kill a bunch of people, drive out the guerrilla to another zone, within my zone of palm that is now devoid of inhabitants or where all have taken cover, all of them with fear of paramilitarism, there is less violence because I no longer have to kill as many people as before. Already I killed them, people are afraid, he who speaks knows I will kill him, so I don’t have to continue killing. This is a phenomenon that is not exclusive to palm oil zones. In many zones in the country where paramilitarism arrives, one sees a drop in certain indicators of violence, because, once the area is under control, the need for violence withers” (Gearóid Ó Loingsigh, investigative journalist [46]).

It follows that, on the one hand, palm oil is depicted as a legal, productive alternative that brings social and economic stability to rural zones. Others claim that the palm oil industry is conducive to violence and conflict, or at any rate benefits from violence and conflict by exploiting the opportunities thus opened up for legal industries. Such versions are in accord with Marxist lines of analysis that critique the coercive and violent character of the transition to capitalism and the accumulation of capital (Thomson, 2011; Moore, 2011). The palm oil industry, too, has accordingly been examined in view of the impacts of capitalist models of development and agrarian change on dynamics of conflict and violence in Colombia’s rural zones (e.g. Maher, 2015). In the framework of this research’s focus on the politics of palm oil harm, a more in-depth discussion of such divergent interpretations is warranted.

### **5.2.1 Dispossession and displacement: pacification or “to fish in troubled waters”?**<sup>45</sup>

In Colombia, the transformation of forests and diversified agricultural systems to monocrop oil palm plantations, in addition to being presented as rural and sustainable development, also forms part of ‘alternative development’ programmes geared to crop substitution (e.g. of coca) and strategies of conflict resolution (Grajales, 2013). Within this framework, the growth of the palm oil sector was perhaps strongest pushed for under the two consecutive administrations of Álvaro Uribe (2002-2010), during whose Presidency palm oil came to be embedded in overt, confrontational strategies of ‘pacification’.<sup>46</sup> However, contrary to what

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<sup>45</sup> “*Pescar en río revuelto*”, i.e. taking advantage of, or (indirectly) benefitting from, a given situation.

<sup>46</sup> The design of oil palm monocultures is deemed particularly apt for the exercise of military control over a territory: terrains stripped of unwanted vegetation, rows of oil palm trees planted systematically at 9 meters from each other, traversed by a vast web of roads, smaller paths, and drainage canals.

the term would appear to suggest, several of the interviewed palm oil critics explained that by 'pacification' one should not think of a strategy aimed at reducing the spread and impact of violent conflict. On the contrary, the effect is more likely to draw the targeted territories and populations deeper into situations of conflict. Reflecting on the case of Curvaradó and Jiguamiandó, a member of Justicia y Paz remarked the following in terms of the perceived ends and impacts of 'pacification':

"When speaking of "pacification" this means finishing off the guerrilla, this is the discourse. But those who endure the harms were the civil population. And the levels of harm caused to the guerrilla were minimal, because the guerrilla is mobile but the population is settled in place; the areas from which people were displaced *were their lands*. But the guerrilla on the other hand is mobile, in case of a military problem in one locale they go to another. The people not, the people live in their territory. "Pacification" means to drive out the guerrilla, but in the course of driving out the guerrilla the objective is territorial control, physical as well as social. For this reason people are displaced. After this, palm follows" (member of Justicia y Paz [39], emphasis by respondent).

Thus perceived, where 'pacification' involves agribusiness, the latter functions not only within a security strategy for territorial control but also within a political economy of capitalist development through dispossession. From this point of view, 'pacification' is more accurately understood as a politics of displacement geared towards the implementation of projects of neoliberal development. Those that have been displaced and violently dispossessed in the process insist that these outcomes are not an unfortunate by-product or unintended consequence of conflict. Much to the contrary, the conflict is *used* to displace the people and dispossess them of their means of subsistence and ways of life. In the words of an activist from Afrodes who himself in the late 1990s was forcefully displaced from the Chocó (not palm oil-related), people are deliberately targeted in their territories:

"The worst of all is the way in which the territory is appropriated. They specifically *use* the war. Because we are not displaced as a consequence of the armed conflict, it is not that but quite the opposite; they use the war to displace us. And in this everyone is involved, including the state; through the government on the one hand and the judicial system that doesn't fulfil its true role of protecting the public good on the other hand. Basically, in general terms, this is the problematic of palm, independently of whether what they call 'development' arrives, but which by no means benefits the targeted communities" (Afrodes activist [41], emphasis by respondent).

As noted by Grajales (2011), forced displacement in Colombia is a phenomenon provoked by multiple factors, including military objectives, struggles for territorial control by illegal armed groups, and economic projects. But it is not uncommon that various factors intertwine. As such, what on the face of it might appear to be given in by counter-insurgency and coca

eradication objectives, is at times better accounted for by an “underlying capitalist logic of displacement” (Oslender, 2008: 97); a dynamic pointed out on two other occasions. The first of these took place during a 3-day gathering for the campaign “*Another Pacific (is) Possible*”, meant to share and deliberate over the manifold problems experienced by the inhabitants of the Pacific coast region.<sup>47</sup> On day two, an attendant took the floor and addressed the theme of coca crop eradication. He advanced the argument that the aerial fumigation of coca crops functions also as a means to ‘condition’ the soils that are thus made productive – i.e., suitable only – for agroindustrial projects. The second occasion concerned an interview held with a representative of the ONIC, who articulated the view that the presence of illegal armed actors and the existence of crops for illicit use are instrumentalized towards the depopulation and expropriation of territories. The underlying rationale for this would be that the lands in question are highly valued as potential sites of lucrative business. On the matter of coca eradication he stated:

“There was a time when in addition to the use of glyphosate they spoke of applying organic products. Supposedly they were after eradication, but behind all this is the depopulation of the territories in question as well, so that the next step is to come with all these proposals for the exploitation of all sorts of resources: palm, mining, and others. I am stating a conjecture, because there are no studies of this. But it is *vox populi*. And what the people say that have felt the impact, who are there in the territories, who have been fumigated, who have been assassinated, displaced, what they feel is that with these crops for illicit use the aim is to get rid of the people and then with the design of palm allow them to return, but only as cheap labour power for these agroindustrial displays. There is not so much pacification, totally to the contrary” (ONIC representative [43]).

The presence of irregular armed actors and allegations of illicit crop cultivation on territories that Afro-Colombian and indigenous communities hold collective titles to, furthermore put the legitimate character of ownership and use of these lands at risk. Under such conditions, the respective lands may come to be labelled as “*territorios de dudosa propiedad*”, i.e. territories of questionable ownership (ONIC representative [43]). This may lead to the annulment of the collective title deed (Mingorance et al., 2004: 146).<sup>48</sup> In the situations addressed during this research I did not encounter cases where this already materialized. However, the possibility that at some point such measures are taken adds another layer of concern to the already precarious situation of land tenure and land rights for the communities concerned. In view of this, I would argue that even if in recent years agroindustry expansion in the case of palm oil has become less (overtly) confrontational<sup>49</sup>, antinarcotics and counter-insurgency discourse and practice pose a continued threat to rural communities in the form of state interference,

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<sup>47</sup> “*Campaña Otro Pazífico Posible*” (henceforth COPP [34]).

<sup>48</sup> Article 33 of Decree 2664 of 1994.

<sup>49</sup> See chapter 6.

military intervention, and ultimately, the imposition of capitalist models of development.

In summary, critics speak of a direct relation between the establishment of oil palm, illegal practices, violence, and forced displacement. In addition there are also interpretations that rest on the assumption of a more *indirect* relation between these aspects. The principal causes behind forced displacement and violent dispossession prior to the establishment and expansion of oil palm plantations are thereby ascribed to factors and processes external to the palm oil industry *as such*. What such interpretations are critical of is that, in a later stage, palm oil companies exploit the conditions thus created (Defensoría del Pueblo, 2005).

### **5.2.2 Interpretive denial: externalizing and delegitimizing allegations of harm**

At the other end of the continuum, the defenders of the palm oil industry deny that there is *any* type of systematic or inherent link between forced displacement, violent dispossession, and palm oil. From the corporate and industry perspective, Curvaradó and Jiguamiandó for example, are considered “exceptional, isolated cases” that have been unduly generalized to the industry as a whole and that consequently have come to stigmatize and demonize the palm oil sector (Fedepalma’s Director of Planning and Social Development [1]). There are various ways in which palm oil proponents seek to debunk the alleged link between palm oil, illegality, and violent conflict. It is imperative to delve deeper into these.

In the case of Curvaradó and Jiguamiandó, irregularities in the granting of land titles to palm oil companies are acknowledged. The same holds true with regard to the complicity of the land registering authorities therein. However, it is firmly rejected that the communities in question have been displaced so as to cultivate oil palm or, alternatively, that the palm oil industry has taken advantage of the situation to expand its operations. Instead, the case is explained (away) as an exercise of territorial control in a conflict zone. I quote at length from an interview with a director of Fedepalma, and subsequently reflect on this:

“In the case of Urabá Chocoano, and Curvaradó and Jiguamiandó, in 1995 the guerrilla established several arms and drug trafficking routes between Colombia and Panama, ehh, in this zone, and in this process the guerrilla organized several peasant marches by way of which these communities were expelled towards the populated centres of Apartadó, Carepa, Chigorodó, these zones. These communities were forced by the guerrilla to leave the zone so that they could operate this corridor. In 1997 initiates Operation Genesis, by the Colombian army, hand in hand with the paramilitaries. They cleansed the zone of guerrilla presence; the guerrilla withdrew towards the mountains, and so an exercise of paramilitary territorial control began. And it was at this point that these paramilitaries brought in investors to cultivate palm, to establish cattle ranging, to create licit activities as it were, to exercise territorial control. This is how the palm arrived. In 2002 the paras pulled out of the zone, due to Uribe’s Democratic Security policy, and the communities that up to then had been in the populated centres returned. And they encountered their parcels planted with palm. So the palm ended up being as if these people were expelled in order to

grow palm. But like I say, the construction goes a long way back. There was no palm when these people left and the people were not expelled in order to cultivate palm. So what was the idea coined at the time? That palm could be an alternative. If the palm was already planted, with the paras gone, and these people returning to their parcels, why not keep the productive product? And this is a matter that has led to much tension within the communities; between those that want palm, that are more pro paramilitary, and those who want nothing to do with palm, that are more pro guerrilla. And there is no middle ground or grey area to be found here, this is black or white, of this or that order. No agreement has been reached” (Director of Planning and Social Development at Fedepalma [1]).

Several claims put forward by this industry representative merit to be singled out for further reflection for exemplifying how, through a variety of discursive mechanisms, the prospects of substantive debate over the contestation of palm oil and palm oil harm are foreclosed. One way in which this occurs is via the *externalization* of harm, fully relegating the violence and dispossession to the framework of Colombia’s internal armed conflict, and thus completely disconnecting these occurrences from the subsequent planting of oil palm.<sup>50</sup>

A second tendency that can be observed is that allegations of palm oil related crime and harm are being *delegitimized* or *undermined* by shifting the discussion to one’s position on the political spectrum, and at that, reduced to paramilitary or guerrilla support.<sup>51</sup> Thus it is implied that palm oil critics do not reject palm oil *as such*, but rather that the issue revolves around whether people embrace (or reject) this or that actor in the armed conflict. There is a persistent tendency among industry proponents to view opposition to palm oil – or *any* challenge to established political and economic interests for that matter – as an indicator of guerrilla sympathies, subversive motives, or a sign of guerrilla infiltration. Another lengthy quote by a corporate executive of a palm oil company further exemplifies the logic whereby opposition to palm oil is translated into ‘subversion’ or ascribed to certain political ideologies:

“One cannot ignore the political concept here. Evidently these are zones of guerrilla presence, zones where a certain leftist ideology holds that the company is the enemy. Hence the discourse that “such and such company arrives, and...” Overall, I can tell you that these companies – like the one I work for, like those of the Espinosa family, like Astorga – respect the law. There are others that don’t. It could be that there are others that don’t. But one cannot put the blame on the crop. Because it’s that... well, if you’re involved in palm: this notion that palm is paramilitary business, this is a much heard claim. But that is like saying that wine is Nazi business. Well then, yes, in Urabá there were some paramilitaries that grew palm. What can one do? So palm took on this bad character, but in my view this is a crop that allows people to live a decent life in zones where the land is very bad. But there is a political element at play here. The other political element is that

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<sup>50</sup> It is moreover significant to note that responsibility is attributed almost exclusively to the guerrilla.

<sup>51</sup> This discards the fact that many of the communities affected reject *all kinds* of adverse interference in their territories, no matter the actor or entity involved.

Uribe indeed actively promoted palm. But the reasons that the Uribe government chose palm was that there wasn't anything else. Palm is a crop that can be grown in regions of coca cultivation. So they said: "take out the coca, grow palm". But obviously, with Uribe, for those from the Left this is terrible. So palm took on this bad reputation. The strategy of Uribe was a strategy of... ehh... let's say, the guerrilla is coca, right? The guerrilla is a promoter of coca, they definitely are. So Uribe wanted to fight the coca. The strategy was to get rid of the coca and replace this with something else. I admit that it wasn't very successful. But it was the palm that ended up with a bad name. What happened in Urabá was very, very dreadful, very dreadful, because these *are* paras indeed. Everything indicates that indeed people were displaced at gunpoint and that they killed people and grew palm there. And so Uribe, palm, and paras became one and the same thing. The thing is that people point their energies at a particular sector – before it was the cattle ranchers – and then the whole sector is branded paramilitary. Well, everyone has cattle, that there are paras with cattle, yes, of course" (Corporate manager [8], emphasis by respondent).

By reducing opposition to palm oil to the undercurrents of armed conflict and by ascribing it to political ideology, opposition to palm oil production is delegitimized from the outset. These types of discourse entail that, in effect, allegations of harm are impeded or even ruled out altogether; disqualified well ahead of the discussion. These two discursive strategies – (1) to externalize harm and (2) to delegitimize allegations of harm – give a radically divergent meaning to the claims put forward by palm oil critics. As such they call to mind Stan Cohen's (2001) work on denial. More specifically, it is the notion of interpretative denial that carries relevance, in the sense that interpretations of instances of violence, forced displacement, and dispossession in zones of palm oil production *as somehow related to palm oil* are waved away. The stated crimes and harms are neither acknowledged as caused or provoked by the palm oil industry, nor as in any way subsequently exploited by the latter.

### **5.2.3 The reign of illegality in the Other Colombia**

In addition to the above, a third observation can be made. To reiterate, one way in which corporate executives, industry representatives, and public officials debunk the alleged links between palm oil and dispossession, is by invoking armed conflict, subversion, and territorial dispute. The image that hence was often appealed to in the conducted interviews was one of statelessness, as well as depictions of palm oil production zones as remote spaces lagging behind in social and economic development, where, as cause and consequence, illegality reigns. Both the affected territories, and the violence and dispossession they are connected with, are consigned to an exterior realm that lies beyond the sphere of legality and the order and control of state governed spaces (see Serje, 2007, 2012).

In order to more fully comprehend the legal and illegal dispossession of land and of particular land uses in Colombia, as well as the widespread condoning of such practices, it is

necessary to probe deeper into the imaginaries and ideologies that inscribe the rationale and practices of taking control of these lands. It is important to acknowledge that none of this should be taken as exclusive of a particular economic sector or government administration, as expressed in for instance the following statement:

“This is a sector that has always been bound up with violence, not only in the Chocó. The Chocó is the most aberrant, publicly known example, but paramilitaries have been involved throughout the whole process of palm oil expansion. But it must be said that this is not something peculiar to the palm oil sector. This is something that inheres in Colombia’s oligarchy, in its large agricultural projects, whether extensive cattle ranching, palm, rubber, cacao, or what have you; in whatever agricultural project that you choose to analyse you will find elements of the Colombian oligarchy and you will find paramilitaries. It is important to place the paramilitary violence related to palm oil in a broader context of rural violence aimed at taking control of the lands” (Gearóid Ó Loingsigh, investigative journalist [46]).

Whilst it can be argued that the excessive and overt display of violence in Curvaradó and Jiguamiandó sets the latter somewhat apart from the majority of *less evidently* illegal and antagonistic cases of land use change to oil palm, the dominant narratives and imaginaries that underpin and legitimize such violence are not so exceptional. It is necessary to lay bare what the palm oil project, or any large-scale economic project at that, ultimately represents. In other words, we have to delve into the cultural representations, imagined geographical (and racial) hierarchies, and the political and economic interests that inscribe the dynamics of territorial seizure and control in Colombia. It thereby follows that the notion and discourse of statelessness or ‘absence of the state’ occupies a pivotal role.

Generally, the push for land use change to large-scale industrial activity has its basis in modernization narratives that call for the social and economic development of ‘backward’ frontier regions. These are the marginalized peripheries that, as Serje (2007) notes, are construed as Colombia’s Other. The perception is that in order to improve this condition, what is needed is the type of intervention geared to the implementation of capitalist models of production and criteria of productivity (Grajales, 2013). Agribusiness is one of the principal development pathways that in this way are envisioned to insert these peripheral regions into the global neoliberal order.

Palm oil proponents insist that the crime and violence perpetrated in such regions is disconnected from the capitalist development of these territories. What is more, crime and violence are presented as destabilizing forces that preclude, or interfere with, the regular functioning of institutional structures. Perspectives on the Colombian Pacific thus fit wider tendencies to ascribe the poverty, illegality, and the violence that affect regions targeted for capitalist development to an alleged state absence in these regions (Serje, 2007). Crime and violence are depicted as phenomena restricted to ‘stateless’ spaces. Yet, as Grajales has

stated: crime and violence are often “constitutive of logics of competition, accumulation and economic development, ultimately, elements in the process of state formation” (2011: 774). Two observations in particular counter the notion that a proclaimed institutional void in these spaces is filled by extra-institutional actors and practices external to the regular functioning of the state, and as such deserve mention.

First, the notion is critiqued for the narrow concept of the state thus implied (Serje, 2007). As Ballvé (2012) points out, an extended concept of the state allows one to recognize in the reconfiguration of territorial practices, social relations, and forms of human interaction with the natural environment – whether enabled through legal or illegal processes and actors – the materialization of state structures, forms, and practices (Ballvé, 2012). In the process, the (ambiguous) boundaries between the legal and the illegal are mobilized and exploited by armed, state, and corporate actors alike (Grajales, 2013). Crucially, as stated by Serje:

“The notion of the absence of the state makes this intertwining of the legal and the illegal possible. *Indeed, this popular notion functions as a smoke screen*; it serves to cover up all sorts of intrusive interventions and abuses by state-elites in the mythically lawless lands of Colombia” (Serje, 2007: 39, emphasis added).<sup>52</sup>

Second, it can be argued that both the Colombian state and the agribusiness sector resort to ‘techniques of obfuscation’ (Jamieson & McEvoy, 2005) to ‘other’ the crimes in question. Such ends are served not only by the notion of the absence of the state in these allegedly ungoverned and lawless regions but, as Jamieson & McEvoy argue, also by the fluidity of the relationship between illegal armed groups and the Colombian state. It is unquestionable that illegal armed groups in Colombia are not mere instruments of the political establishment but have a dynamic of their own. As Jamieson & McEvoy (2005: 512) assert, the image that forces are ‘beyond the reach’ of the state “is materially and symbolically convenient in the denial of state crime”. Agribusiness, too, in this sense can absolve itself of responsibility for the crimes and forms of violent dispossession that are committed to its benefit.

### **5.3 Where palm oil and coca compete for territory**

It is important to state clearly that, unrelated (or only remotely related to) the operations of the palm oil industry, communities’ physical, territorial, and cultural integrity and the region’s ecological health are indeed also trampled by a much broader range of activities. During the “*Another Pacific (is) Possible*” meeting (COPP [34]) that took place in Tumaco late 2012, participants emphasized that the human populations and environments of the Pacific coast region are targeted *from all sides*. Reference was made to agribusinesses such as palm oil,

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<sup>52</sup> Ballvé (2012: 611) likewise notes: “Although such accounts [of state absence] are not altogether inaccurate, the problem with them is that they reproduce superficial narratives of statelessness that obscure the mutually reciprocal and necessary relations between the state and paramilitaries”.

sugar cane, and cattle farming; mining (legal and illegal); the contraband of arms, munition, and combustibles; and the narco-business. In addition to this, as should by now be evident, communities endure the impacts of being situated in the midst of armed confrontations and territorial dispute between various illegal armed groups and between the latter and the public armed forces of Colombia. As quoted at the very start of this chapter, the presence and actions of *all* of these groups are rejected.

In view of this convergence of factors, it would be problematic to provide a monolithic account of matters by exclusively addressing the social and environmental harms of palm oil. Notwithstanding the connections that arguably exist between palm oil, violent conflict, and illegality, it is also necessary to recognize that the presence of legal and illegal armed actors has a violent logic, a *raison d'être*, and set of negative impacts of its own – wholly unrelated or only remotely linked to the palm oil industry. These activities, too, have the potential to severely threaten, dislocate, and destroy the lives and livelihoods of human populations and natural environments. Furthermore, they can have serious consequences for legal economic activity in these regions, palm oil included. The managing director of Palmeiras pointed to the risks that his company and employees are exposed to in this regard. Dead threats are frequent, especially for those in the upper echelons of the company. Owners are moreover at the risk of being kidnapped for ransom. As to where such threats come from, he stated:

“One does not know where threats come from. No, and the groups are in constant fight between them and so one does not know who is giving orders. Last week in Cali I was told that currently the zone is controlled by the Bacrim, that it is no longer the FARC. Two months ago we were receiving very serious threats from the FARC. They put a gun against the head of one of our agronomists and told him: Friday we come for you and you will do the work that you are demanding your workers to do. If you are unable to cut the 400 bunches of palm like you demand your workers to cut, you will die and we will leave you buried right there on the spot. I told him to resign, and that if he did I would compensate him, but that he should not risk to be killed, it is not worth it. But his superior has never received such a clear threat; he has received threats that he would be killed for example when the army would cross the river. How do we manage that the army does not cross the river?? But these are the type of threats we are confronted with. When the anti-narcotics brigades were eradicating the coca we were sent the bill: they told us that they had this much money invested in these coca crops, that if we wouldn't pay for the coca eradicated by the anti-narcotics they would blow up our processing plant. The majority of such things we ignore because, let's say that by now we are quite used to these threats... and how some happen and others not. Money we will never give them. This is one of the reasons that we don't live in Colombia. We go to Colombia. We appear and disappear from Colombia without anyone knowing” (Managing director of Palmeiras [7]).

Below, I give an account of the conditions and variety of adverse factors at play in Tumaco that are accused of generating social and environmental harm. Here, the full scope of factors

cannot be addressed (see Corte Constitucional (2014) for an approximation). Instead, I limit the discussion to the principal aspects that emerged from the interviews and conversations in and on Tumaco. A central theme in one way or another touched upon by all participants are the impacts of the coca business. Thereby the emphasis lies varyingly on its cultivation, trade, and aerial fumigation. After the coca, another problem mentioned by the members of affected communities – albeit to a lesser extent – is the environmental impacts of oil spills. A third theme relates to the presence, movement, and actions of illegal armed groups more generally.

### ***5.3.1 Meddling in collective territory: “As if it were some dogs living here”***

From the year 2000 onwards, Tumaco began to experience sharp increases in the levels of armed conflict, significantly related to the displacement of crops for illicit use from the Putumayo region to Nariño, in the framework of Plan Colombia. According to the United Nations Office on Drugs and Crime, Tumaco “continues to remain the municipality with the highest number of coca crops within Colombia” (UNODC, 2014: 17). As commented by a local public official:

“Look, Tumaco at this moment, and this is not a secret to anyone but internationally known, is one of the municipalities where the conflict is most severe, due to the coca and illegal armed groups. When Cordeagropaz was created, one of the things said was that every single hectare cultivated with palm would be one hectare less for coca. What we said at the time, when we were playing with the idea of Cordeagropaz, was how to prevent that the whole territory would come to be penetrated by the spread of coca. If there would have been a stronger politics, not just with palm but with other crops that could offer the zone alternative projects of life, surely coca would not have spread so much” (Local official, mayoral advisor in Tumaco [51]).

Apart from Tumaco’s strategic location, assaults upon the region as a site where palm oil production competes for territory with coca cultivation, processing, and commercialization, are also enabled by the region’s soil characteristics and climate conditions. In the words of a former agronomic director of Palmas de Tumaco: the “unfortunate situation” whereby oil palm and coca thrive in the same edaphoclimatic<sup>53</sup> zone leads to a situation wherein, around the palm, the existence of illicit crops starts to generate problems of violence and insecurity. This, he argued, creates disincentives not only for the development of the palm oil industry but for the very development of the country ([6]). Although the corporate interpretation of the situation diverges radically from that of palm oil critics within the local population, the impacts of the coca business are indeed hard felt in the zone. For many, this comes on top of the social, cultural, and environmental destruction that they accuse the palm oil industry of:

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<sup>53</sup> Edaphology refers to the influence of soil characteristics and conditions on plants and cultivation practices.

“But this, too, the coca, another thing that is perhaps hard for you to imagine... What is going to become of us?? Many people that arrived from other parts of the country are interfering in our territories. They also finished off almost 10, almost 12 hectares of forest. There, others invaded to protect the people who cultivate their illicit crops. This is another major threat we are faced with within our territories. In *all* the collective territories we are affected by these things” (community leader [22]).

Another inhabitant of the Alto Mira y Frontera community council and former member of the junta (the council’s governing body), said the following about the presence of *colonos* and their involvement in coca cultivation: “*We understand that the colonos that arrived to our territories are not well off; they, too, come from conflict zones. There is this understanding. The problem exists in the crop they cultivate here*” ([35]).

The collective territory of the Alto Mira y Frontera community council can be divided into 5 zones (see Appendix III). The majority of people live in zones 1 and 2. The presence of *colonos* and coca cultivation is concentrated in zones 3 to 5. In order to enter the latter zones, in most cases permission is required from the illegal armed groups that control these parts of the territory; members of the community council are generally not excluded from this constraint. Thus, actively hidden from view and access, and in a climate of fear, it is indeed hard for an outsider to comprehend, and for the people themselves to articulate, the impacts and the scale of devastation wrought by the operations revolving around the narco-economy. Practices and conditions as these, which affect communities in their autonomy and territorial integrity, take place in a context of armed conflict and violence that has induced widespread fear in the affected populations and inhibits the authorities of the community councils to denounce (legal advisor to the Alto Mira community council [25]). The movement of armed actors through the zone as well as their presence within Afro-Colombian and indigenous territories instil feelings of anxiety and (dis)stress in the people. To avoid putting their lives at stake, people respond to actual or perceived threats in different ways: “*many remain silent, many do not denounce, many do not denounce but move, others stay, but under the rules imposed on them*” (representative of the Alto Mira y Frontera community council [32]).

Whilst a threat to everyone within the territory, community leaders are especially hard-hit; over the years many of them received death threats, have been displaced, or were assassinated for speaking and acting in defence of their lands and ways of life. But in view of their responsibility in representing and protecting their communities they are also forced to enter into dialogue with armed groups. This means that they run the risk of being accused of involvement with illegal actors by the public authorities, which may consequently delegitimize their struggles and, in addition to this, they risk being signalled as alleged ‘sympathizers’ or ‘allies’ of a given armed group, which may lead to repercussions from rivalling groups (Afro-Colombian activist from Tumaco [23]; Corte Constitucional, 2014: 22). Another participant

explains the necessity of dialogue as follows:

“The armed actors are there, and at no point can you rise up as their enemy because, well, they will kill you. What must be understood is that there in the territory the armed actors are the law. As such, we cannot be their enemies. Rather, what you have to tell them is, ‘listen, as both of us are in the territory, this is my work; respect our work and we will respect yours’. And our work is to orient and work with our communities” (community leader Bajo Mira y Frontera [31]).

Hence, lacking free and safe access to large parts of their lands and faced with impediments to the peaceful enjoyment and culturally specific uses of their lands, the rights that Afro-Colombian and indigenous communities are endowed with in the framework of Constitutional Reform in 1991 and subsequent legal provisions are being seriously undermined. Those interviewed and informally spoken to, denounce their precarious situations and the impunity with which their lives, natural environments, and ways of life are constantly violated. Many feel “*completely unprotected, isolated, and cornered*” (inhabitant of the Bajo Mira y Frontera community council [28]).

It is common to hear that it is often not clear from which actor the violence, threats, and – increasingly – extortions come. Or perhaps it is simply better not to articulate this for fear of repercussions.<sup>54</sup> In recent years practices of extortion have dramatically increased, affecting both the rural and the urban zone. Extortions affect local vendors, small growers, and large companies, and reach from the smallest street seller of phone credits to entire community councils. “*Many people, many campesinos are leaving out of fear because they are being extorted. ‘Ah, you are selling cacao, you must give me this much of the deal’. It is no longer coca but with licit production that this is now happening*” (Social and Business Coordinator of Cordeagropaz [4]).

It is no exaggeration to state that, in addition to severe restrictions on people’s free movement, the region is the centre stage of a horrific display of forced displacements, assassinations, disappearances, extortions, and the persecution of community leaders.<sup>55</sup> It is important to reiterate that not only Afro-Colombian and indigenous communities that live in the collective territories and that are critical of the imposition of agroindustrial models of

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<sup>54</sup> During one of our conversations ([23]), one participant (for the purposes of this anecdote I will refer to him as Carlos) told me how a year before, his brother – who owned a lumber yard – was killed after refusing to continue paying the extortion imposed on him. It was unclear who was behind the killing. A while after, a few men arrived at Carlos’ door, saying they could help Carlos find out who was behind the killing, to which end he would have to come forward with whatever information he had concerning the situation. Carlos has decided to leave the matter untouched and unresolved; having lived the transition of an unencumbered, peaceful Tumaco to its current-day context of violence, and with his ample experience in the Afro-Colombian social movement, Carlos knew that these men were more likely inquiring into how much he actually knew of the situation, and chose not to risk more pain and violence being unleashed upon him and his family.

<sup>55</sup> For an enumeration of *known* cases, see Diócesis de Tumaco (2009, 2011, 2012).

'development' are affected by such violence, intimidation, and restrictions of mobility. There are, for instance, also serious consequences for local small growers, whether of oil palm or other crops. The words of a small grower and leader of Palmasur capture this:

"Look, the illicit is what has deformed, ruined, a whole process of development. Speaking concretely about the Pacific coast of Nariño; this was a peaceful zone. People moved during the day, at night, through any part, through any village [*vereda*]. Today this is no longer possible due to the illicit, the difficulties that come with the illicit, the insecurity, people who in order to control x production do not hesitate to kill this or that person. Today all of us experience difficulties, not just with palm but all agriculturalists, because we are invested in the licit, not in the illicit. When we started dedicating ourselves to cultivate palm it was under these conditions: I have the illicit but the moment I establish the [palm] project I have to eliminate this crop and cultivate palm, or cacao, or plantain. And today we can say that the cultivation of illicit crops in the zone has significantly dropped. But as the zone became a commerce hub [for coca], illegal actors circulate and there are access routes that lead to the rivers, to the lines of communication from where the produce is exported to the world. So, their eagerness to control these borders, these exit and entry points, entails that the agriculturalist becomes caught up in whatever disorder or conflict is generated between one force and another. We are caught up in this, it is detrimental to us. But not only for those involved in oil palm cultivation but in all crops, in all daily activity is the agriculturalist immersed in this. And not only the agriculturalist, but the people from the city. Vendors, many vendors have left Tumaco for this very situation. The prevailing insecurity due to the process of narco-trafficking caused them to leave. And others, well, they go 'on a trip' [*se van de viaje*], to the cemetery, this is the reality. So, we work, fortunately thus far we are still allowed to continue our work. But this, too, is more limited these days; where before we would work until four, today we have to head home already at two to be somewhat safer. But this has been detrimental to us, and it is of considerable detriment to us" (small grower and leader of Palmasur [3]).

Although one can be critical of the exclusive problematization of 'the illicit' by this respondent (an aspect to which I come back shortly), it is undeniable that the impacts of the context of violence and insecurity on the daily lives of the inhabitants of Tumaco are grave. Oslender (2008) in this regard argues that the restrictions on everyday spatial mobility in the 'contexts of terror' generated in the Colombian Pacific coast region, can be imposed either explicitly, "or they may be *implicit* restrictions imposed through fear that advises one not to move around in certain places" (Oslender, 2008: 82). Either way, people narrate how their daily routines are affected, how they try to cope with all this insecurity and violence around them, and how their youth are recruited by the various illegal armed groups that operate in the zone. All of this causes the social fabric of communities to disintegrate, impedes concerted efforts to mobilize against perceived harms and violations of rights, and brings about a breakdown of existing kinship and community relations. For indigenous Awá this moreover reaches beyond intra-municipal and intra-departmental fragmentation and disconnection, as

their social and family relationships extend to Awá communities living across the border in Ecuador (members of UNIPA [20]).

Meanwhile, the environmental harms provoked by coca cultivation and processing are enormous, as are those that derive from the politics of coca eradication. It was already noted that coca cultivation is *one* of the factors of deforestation in the region. As regards the environmental harms caused by the processing of coca leaves, at this moment one of the main concerns expressed by local communities relates to the contamination of streams and rivers as a result of the illegal extraction of oil from oil pipelines that traverse the zone. This oil is either sold or used in coca laboratories. Where oil spills are related to the illegal tapping into pipelines<sup>56</sup>, it has been pointed out that both the valves and clandestine refineries are of a rudimentary character. The spilled or wasted hydrocarbon, every time it rains, washes into the nearest stream and from there on flows into the nearest river (Diócesis de Tumaco, 2012; Salgar Antolínez, 2014). As stated by a local inhabitant:

“Now we have another problem in the Mira River: every day, oil is running downstream because it is not known where this comes from and they [the public authorities] cannot be bothered. This oil is harming our rivers, our ecosystem. And meanwhile they remain passive. And what are we going to do with this, when already the water is contaminated? This water is poisoning us, and yet they are calm, and no recognition. As if it were some dogs living here. This is yet another violation. This harms the environment, the fish, well, many things. Why isn't the government working on this??” (Inhabitant of the Bajo Mira y Frontera community council [28]).

As regards the environmental harms that stem from the politics of coca eradication, people denounce the impacts of the aerial fumigations that have a destructive effect on the region's biodiversity, that are an additional source of contamination of water streams and rivers, and, given that aerial fumigations do not discriminate between crops for illicit use and subsistence crops, severely affect local food security and sovereignty.

### **5.3.2 In sum, the convenient inconvenience of illegality?**

In view of the above, it is undeniable that there are indeed a variety of harms and crimes that are external or only remotely linked to the operations of the palm oil industry. Yet it would be a mistake to end the discussion here and simply conclude that these external factors hold no relevance for the analysis of the politics of palm oil harm, because *discursively* these factors and the attendant harms do find their way into the politics of palm oil harm. As I have argued and demonstrated throughout this chapter, the many factors and complexities that converge, interact, compete, and exist together in zones where the palm oil industry is also present, have crucial implications for constructions of, and the contestation around, harm in these

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<sup>56</sup> Oil spills result also from attacks on pipelines by guerrilla forces (see Salgar Antolínez, 2014).

kinds of contexts. To overturn allegations of palm oil harm, industry proponents frequently appeal precisely to the above-mentioned external factors and complexities. In conversations with proponents of the palm oil industry, attention was often shifted to the negative impacts associated with the narco-business and coca crop eradication, whereby it was either openly argued or indirectly implied that, in comparison, the negative impacts of palm oil shrink into insignificance.<sup>57</sup> In a similar vein, there is a tendency to ascribe the presence of illegal armed groups exclusively to illicit economic activity, sharply differentiating between the “*matrimony between coca and illegal armed groups*” on the one hand, and ‘virtuous’ legal productive activity affected by this matrimony on the other hand (Executive Director at Cordeagropaz, [3]). However, such differentiation belies the history of the violent imposition of palm oil and subsequent industry expansion in Tumaco and is moreover incongruent with allegations of an enduring link between illegal armed actors and legal industry in the region.

“It wasn’t just the illicit crops that brought this violence. It was the palm that first brought the violence. Because when the first palm growers started to arrive there was no coca here. This was when the violence started, because many people resisted, either they sold their lands or they were killed. From this moment the violence arose. Later this is complemented with the theme of illicit crops; this from then on creates a stronger push [for violence]” (Community leader Bajo Mira y Frontera [31]).

Similar claims were expressed during interviews with the UNIPA and Awá members from the La Brava resguardo, as well as by various Afro-Colombian inhabitants of the Alto Mira and Bajo Mira community councils. Lastly, it is worth coming back to what has been postulated in section 5.2.2 vis-à-vis the implications that the presence of illegal actors on collective lands may have in terms of granting legitimacy to state intervention in these territories (see also Flórez López & Millán Echeverría, 2007: 141). To highlight this point I close this section by quoting a corporate executive whose view moreover anticipates the analytical focus of the next chapters: what is the ‘proper’ destiny of these lands?

“The thing these days is that many of these lands are occupied by narco-traffickers that are growing coca there, and the communities are in no position to face up to these narco-traffickers. In my view, communities were given a thing that they cannot handle. What they have been given is a situation wherein those who decide to persecute the narco-traffickers, in order to drive them out of there, will lose their life. So, if palm in one way or another has affected the culture of the zone, the drug trafficking will totally destroy it. [...] The law also stipulates that in the case that one’s lands are cultivated with coca, these lands can be expropriated. So, for this reason I’m telling you that this is madness; they gave these people some lands... in the case of Alto Mira some 27,000 hectares which they cannot touch because these lands are in the hands of the guerrilla and the people will not let

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<sup>57</sup> I come back to such ‘techniques of neutralization’ (Sykes & Matza, 1957) in chapters 6 and 7.

themselves be killed to recover these lands. And even if they recover them, what are they going to do with these lands? That is to say, what is the future of these lands?” (Managing director of Palmeiras [7]).

#### **5.4 Discussion: power, legality, and the contestedness of harm**

In this chapter I addressed the alleged link between the palm oil industry in the Colombian Pacific coast region and the violent dispossession experienced by local Afro-Colombian and indigenous communities in zones of palm oil production. I introduced this discussion through the case of Curvaradó and Jiguamiandó, where violence, coercion, and illegality paved the way for the implementation of palm oil. In the analysis that followed, several observations were made that are worth reiterating here to summarize the main argument of the chapter. The central focus of this chapter was on the existence of a variety of factors and dynamics that are arguably not directly related to the palm oil industry. Crucially, palm oil proponents mobilize and arguably exploit the ‘messy’ reality that thus characterizes the contexts they operate in. Three observations were of key importance in this regard.

First, forced displacement and violent dispossession are externalized to factors that are purportedly unrelated and in fact claimed to be detrimental to the operations and positive potential of the palm oil industry. I would argue that it is precisely the convergence of a myriad of complicating factors and adversities in the addressed context that allows for a thoroughgoing externalization of harm and the affirmation of the virtues of palm oil production in the midst of conflict. Take, for that matter, the response of the Executive Director of Cenipalma, when I asked him whether he considered it acceptable to promote the cultivation of oil palm in a region where a significant part of the population experiences the industry as an imposition that clashes with their cultural and territorial integrity, relations, and practices:

“It is like with a house that has a living room, a kitchen, a bathroom, some vases organized like this, putting little plants there... a wholly diversified arrangement of the house scenery. In my view, Tumaco also reflected this kind of diversified management.<sup>58</sup> And one of the components has been palm, one of the components. And perhaps it has been the component that became what it is today, which is interesting because it generates money, but that is also at the centre of attention. What stands out is turned into something good, something bad, into everything, right? [...] I do think that all these matters of diversity [of local culture] should be fomented. But the absence of this should not be blamed on palm. This is to look for a culprit among hundred suspects. I don’t believe in this. I believe that palm is one more use of the land. And it is a good use. And it should not be blamed for the failures of Tumaco. The failures of Tumaco, ehm, it could be that there is an element of palm at play here; history cannot be denied. But it isn’t palm that is responsible for

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<sup>58</sup> The use of the past tense can be explained by the fact that at this moment the palm oil industry in Tumaco is restarting its operations after nearly all palm was destroyed by a bud rot epidemic, see 7.4.

Tumaco's current condition. I think it is good to protect these minorities, so that they do not lose their culture, so that life does not become even more wretched than it already is for them, but let's not say that everything else has caused this damage. *I would say that to centre on palm, is to miss the forest for the trees.* You are focussing on one tree and not the whole forest that lies behind. The palm is a tree, among the many trees here. And perhaps there is one bad tree that is also a palm. But among the millions of existing trees, there are a great many other bad things" (Executive Director of Cenipalma [5]).

The tendency to conceptualize harm with reference to factors external to the palm oil industry is not limited to the violence and dispossession discussed in this chapter. Instead, as the following two chapters will also point out, it is a practice persistently resorted to so as to debunk and downplay the social and environmental harms associated with palm oil.

In addition to this, allegations of palm oil harm are undermined and/or delegitimized by reference to political ideology and accusations of guerrilla sympathies. This practice of giving a subversive twist to the story extends also to other expressions of opposition to palm oil. Alleged 'third party interference' thereby reduces palm oil critical members within affected communities to the passive pawns of subversive forces rather than active subjects whose conceptualizations, perceptions, and realities of harm ought to be accounted for.

Thirdly, occurrences of crime, violence, and dispossession are exclusively viewed as destabilizing factors that run counter to economic development and institutional structures, and as such are relegated to an exterior realm of illegality; a realm beyond the reach of the state and the legal order rather than entangled with the latter. One sees such strict legal-illegal binaries also reflected in the systematic invocation and problematization of illicit coca crop cultivation. As such, the fundamental matter is framed as enabling a transition from the sphere of illegality into the sphere of legality, which can be achieved through legal productive alternatives. This distracts from the underlying power configurations that are bound up with the access to, use of, and autonomy over the land.

Still, violent dispossession and coercion are but one way in which inequitable power relations are kept in place. In the next chapters I will argue that blunt manifestations of power have their counterpart in more persuasive and nonviolent exercises of power through which alleged social and environmental harms come about and persist. The violent and coercive dimensions of land conflict and land use change, as well as the complex mix of forces and interests that imbue Colombia's contested grounds, thereby constitute the broader frame in which to understand the discussions that as such will be developed. This ultimately leads me to argue that there exists such a *thin line and dynamic interaction* between the illegal and the legal, coercion and consent, and violent and veiled imposition, that an isolated treatment of only one side of each of these binaries is untenable. A focus on the continuum of legal harm, tolerated illegal harm, and non-tolerated illegal harm allows theorizing and comprehending

the full extent of the mechanisms and logics that underpin the social and environmental harms of palm oil; legalistic notions of crime are but one dimension of these harms.

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## **6. PREPARING THE GROUND: DISCOURSES, MECHANISMS, AND IMPACTS**

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In the previous chapter I sketched the broader frame of reference in which to consider the operations of the palm oil industry in the Colombian Pacific coast region and the politics of harm in this context. In this chapter I delve into the practices and mechanisms through which in Tumaco the ground has been and is prepared for palm oil, and the discourses deployed to this end. I draw attention to the fact that these practices, mechanisms, and discourses seek to reconfigure existing social relations, ways of being, and human-environment interactions. Some notions, practices, and relations are thereby naturalized, imposed, and – if need be – coercively enforced (i.e., those that are favourable to dominant social, cultural, political, and economic arrangements), whilst others are debilitated, disqualified, and ruled out (i.e., those that correspond to alternative economic, cultural, and ecological rationalities). My aim is to demonstrate that this occurs not just through violent and coercive imposition but also via the manufacturing of consent and more indirect forms of imposition. The main argument of this chapter as such centres on the notion that for a comprehensive empirical and theoretical understanding of the mechanisms of industry establishment and expansion, analysis must go beyond a sole focus on the violent and coercive dimensions of land use change. The multiple manifestations and complexities whereby biodiverse forests and diversified small-scale agricultural production are – through illegal, quasi-legal, and legal practice – converted into monocultures of oil palm, merit detailed analysis.

### **6.1 The frontier: empty forests, underdevelopment, and illegality**

In the Colombian Pacific region, the opening up of new terrains to capitalist accumulation is significantly driven by private sector investment from the interior of Colombia; i.e., *domestic* external capital. This goes for the palm oil industry, too. Incursions into the region moreover follow a common pattern as to the discourses, cultural constructs, and legal categories deployed, and the political economic processes that these in turn facilitate, legitimate, or are conducive to. Alongside ideological depictions of frontiers as untamed and lawless spaces – the ‘other’ of civilization, order, and legality – the agroindustrial frontier, as frontiers more generally, tends also to be portrayed as devoid of (meaningful) human inhabitation (Hoefle, 2006). Such constructions, with their evident colonial underpinnings, are at the basis of and legitimate incursions into these zones and their incorporation into the modernizing logic of the centre (Serje, 2012). The claim that a political economy framework of analysis (centred on the dynamics of capital accumulation) must be combined with a radical critique of “the cultural construction of the frontier as an ‘other’ space” (Hoefle, 2006: 472) is therefore an important one.

The prevailing image that emerges from the interviews with corporate and industry actors confirms such notions. There is a general view that the palm oil sector arrived to what

were mostly empty forests and underdeveloped regions. Today, due to absence of the State in these remotes places, they are unruly frontier zones where illegality reigns:

“There is no presence of the State in these frontier zones, in these remote zones, for the simple fact that the population grew and concentrated in the Andes, moving outwards very slowly. *Ideally, people would not move towards the frontiers*, in order to be able to conserve the natural resources. But at the same time the lack of State presence on the frontier is what allows illegality to take over, with coca and all that filth” (Executive Director at Cenipalma [5]).

That there is a long history of human existence in these forests is given scant attention. Yet as I will point out below, these forests were never empty. As Hoefle (2006) notes, rather than constituting empty spaces, frontiers are generally linked to the displacement of their original inhabitants and processes of expropriation accompanied by systematic violence informed by a variety of ideologies. As spaces of exception where legality is suspended, these territories form the condition of possibility of the centre; it is *in* the image and *through* the riches of the ‘Other’ Colombia (see chapter 2) that the centre is constituted and supplied with the raw materials that allow for the continuous accumulation of capital and reproduction of existing patterns of consumption (Serje, 2012). The ‘marginality’ and ‘lawlessness’ thus produced and continuously reproduced, reinforce the very idea that it is necessary to bring alternatives to these zones.

### **6.1.1 *Baldíos, forest reserve subtraction, and palm oil concessions***

Under Law 2 of 1959, the entire Pacific coast region was declared a forest reserve. It was only from 1991 onwards that collective and individual titles to the land began to be allocated to the original Afrocolombian and indigenous inhabitants of the region.<sup>59</sup> Until that time, these territories were referred to as *baldíos*; public lands belonging to the Colombian State.

The concept and discourse of the *baldío* fails to recognize these forests as socio-ecological spaces of human and nonhuman presence. As pointed out by Serje (2012), the juridical figure of the *baldío* openly discards the social and cultural history of the lands thus categorized. The term decontextualizes a given land; stripping it of its historical, cultural, and ecological value. Restrepo (2004a), too, asserts that the categorization and treatment of the territories that stretch the Colombian Pacific coast region as *baldíos*, manifests the State’s obliviousness to the populations inhabiting these regions. Presented as empty, unclaimed lands, the authorization of forest reserve subtraction and the granting of concessions for the agroindustrial exploitation of these lands were in no way obstructed.<sup>60</sup>

A representative from the ONIC problematized the way the Colombian Pacific and

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<sup>59</sup> See chapter 4 for an overview of the applicable legal framework.

<sup>60</sup> Article 3 of Law 2 of 1959 establishes the possibility to withdraw areas that are considered suitable for agriculture or livestock from the forest reserve.

the human populations that have historically inhabited the region are thus looked and acted upon. His argument was twofold. First, by drawing these ‘baldíos’ into the forest reserve the idea was to protect the zone. But the protection granted to reserves is of a very particular kind. The objective, he stated, is to *“protect it, but as a reserve, that is, to exploit it later”*. In addition, he said, politics responded to the economic potential of these zones by invisibilizing the native inhabitants of the region. The indigenous peoples and black communities of these regions began to be treated *“as settlers, as new arrivals, as strangers to these territories”* (representative from the ONIC, [43]).

And so, from a distance, concessions for exploitation began to be granted to palm oil companies. Members of the UNIPA pointed out that this was for instance the case with the company Astorga<sup>61</sup>, which in the 1980s was granted authorization by the Incora to establish oil palm plantations on Awá territory. *“Incora at that time was so to say “unaware” that there were indigenous Awá living in these forests. They told the companies, ‘no, that is baldío, go, establish yourself there’”* (members of UNIPA, [20]). It is all the more remarkable (or not) that at the time that Astorga was granted permission to commence its operations on Awá land, Incora was still based in Valle de Cauca, i.e. two departments north of Nariño.

The interviewed public officials, corporate actors, and industry representatives take a legalistic stance towards such concessions for agroindustrial exploitation and processes of deforestation. Emphasis is placed on the legal character of industry establishment and forest reserve subtraction. A professional at Incoder ([49]) insisted that the palm oil companies solicited, and accordingly were granted, the subtraction of these areas from the forest reserve. Regardless of the environmental impacts that thus followed, he reiterates that these areas were legally subtracted, *“through regular channels, through legal channels. Legally permitted, authorized subtraction. The law allows for this.”*

Forest reserve subtraction is thus a phenomenon that stays within the bounds of the law.<sup>62</sup> Thus approached the related social and environmental harms appear to reflect what Passas & Goodwin (2004) refer to as “lawful but awful” industrial activity. Effectively, the legal framework allows for the type of extreme disregard for the natural environment, and the human and nonhuman life dependent on it, via processes of deforestation and subsequent harmful activity (see chapter 7). The natural environment itself as well as the life forms that co-exist with and depend on the environments thus targeted, are seemingly expendable (South, 2008). Below I discuss the conceptualizations of harm that against this background were articulated by palm oil proponents on the one hand, versus the conceptualizations of

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<sup>61</sup> Astorga is a palm oil company owned by the Varela group in Cali (Valle de Cauca).

<sup>62</sup> I refer exclusively to the procedure of taking areas out of the forest reserve here. The questionable practices of land transfer and the land dispossession that are alleged to have taken place are a wholly different matter. This I will discuss in section 6.2.

critics within NGOs as well as local communities that take a critical stance towards palm oil related deforestation on the other.

### **6.1.2 Deforestation and development: a necessary trade-off?**

From the corporate perspective and by industry protagonists more broadly, it is emphasized that the palm oil industry generally operates in regions that are underdeveloped. As such it is considered essential to exploit the productive potential of what are considered as hitherto unproductive and underutilized ecosystems. The responses that accordingly were given to questions about the alleged social and environmental impacts of land use change to oil palm varied little. Without exception, the discussion would sooner or later be steered towards the perceived necessities of the targeted regions and corresponding notions of 'development'. In essence, human and environmental well-being are equated to the capitalist development of these regions.

The prevailing notion is that people cannot live off the forest, much less does the forest allow for the *development* of a people. The forest is viewed as an 'empty' alternative that has to be put to use; which is to say, an appropriate use in keeping with capitalist criteria of productivity, profitability, and competition. From this view, a certain level of deforestation was inevitable in Tumaco. It was for instance not uncommon that during interviews, critical questions on the topic were answered with a hint of impatience, up to being met on one occasion with a sigh, followed by the claim that indeed, "*it took some deforestation and the planting of another tree*" (former agronomic director of Palmas de Tumaco, [6]). Minutes earlier, this same respondent mentioned his confrontations with environmentalists on this matter. Environmentalists, he said, often critique the palm oil industry for having intervened Tumaco's primary forests and for the negative impact of this on the ecological equilibrium of these forests. Such environmental rhetoric is considered wholly inattentive to the needs of surrounding communities: "*how would these live, how would these develop themselves?*"

Corporate and industry representatives insist that poverty alleviation and improved standards of living can only be viably achieved by replacing the forest with agroindustrial projects. Amongst these, it is claimed that palm oil is the only real alternative; in terms of its compatibility with soil and climatic conditions, and for having a guaranteed commerce and a stable price. Thus, according to the Executive Director of Cenipalma a trade-off must be made between the strengthening of local economies and protection of ecosystems. Poverty must be alleviated and the environment must be protected. The view accordingly put forward is that a critical stance towards deforestation is merited, but should not be taken to its extreme. If regions are completely covered in natural forests, where would people derive their food from? Indonesia and Malaysia are invoked as examples:

"Perhaps not everything should have been planted with palm, but neither do I want to take

this to the other extreme and say that this wretched Indonesia destroyed the forest in order to cultivate this filthy palm. What options did it have? Perhaps some of this was necessary because this was an ecosystem of only forest. Indonesia and Malaysia, all of this was forest. And if there are people there, what do they eat? Do we allow that the people die and the monkeys live? I think there is a trade-off to think through here. And in the case of Colombia, palm arrived to regions that had already been subject to intervention” (Executive Director at Cenipalma [5]).

Besides the social necessity to deforest, emphasis is placed on two additional aspects. First, the share of palm oil in the total sum of deforestation in Colombia tends to be moderated. The palm oil industry is neither considered the primary cause of deforestation nor the most alarming one. This is also the case for Tumaco, where forest intervention and destruction are attributed amongst others to the timber industry that operated in the region from the early 1950s to the mid-70s. The point being made is that, effectively, the palm oil industry has “retaken these secondary forests”<sup>63</sup> and “incorporated” them into the productive phase of palm (Social and Business Coordinator of Cordeagropaz [4]).<sup>64</sup> Another factor that is frequently invoked as a major cause of deforestation and of destructive interference in the forest ecosystem is the coca business. It is thereby claimed that the share of palm oil related deforestation is nothing compared to the environmental problems caused by the coca trade. Commenting on this issue, the managing director of Palmeiras noted the following:

“The government allowed that 120,000 hectares were subtracted from the forest reserve of the Tumaco municipality so that these could be cultivated with different crops. This was in the 1970s. Of these 120,000 that were taken out of the reserve, 35,000 were cultivated with oil palm. It thus follows that for these 35,000 they are blaming us for the loss of biodiversity in a municipality that must have something in the order of 250,000 hectares or more. So it was these 35,000 hectares that we deforested that caused this loss of biodiversity? I think that more than 100,000 hectares have been deforested to cultivate coca. But the whole world leaves this topic unaddressed because who raises this issue dies” ([7]).

Second, rather than constituting or being constitutive of environmental harm, the 35,000 hectares that have been deforested to cultivate oil palm are framed as a break on further environmental harm. It is argued that a modest level of deforestation is necessary to prevent more enduring practices of deforestation and environmentally destructive activity. Thus, the establishment of oil palm plantations is held to *alleviate* pressure on surrounding forest

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<sup>63</sup> Secondary forests are forests that have been (significantly) disturbed by activities such as hunting, logging, clearance for agriculture, and so on.

<sup>64</sup> That the operations of the timber industry have had a serious impact on the forest is rarely denied by people within the local population. But even if one accepts that there are indeed cases where the palm oil industry has “retaken secondary forest”, first of all, this does not hold for all palm oil related deforestation. Multiple testimonies state that primary forest has been destroyed. Second, for palm oil the ‘cleansing’ of a territory is *total*, which means that serious, additional harm is generated.

ecosystems by providing people with a viable economic alternative. In fact, were there no such alternatives available then the level of deforestation would arguably be much higher. It is not uncommon that the 'lack of alternatives' argument on this point combines with critiques of 'local culture', reducing deforestation to a cultural trait that inevitably materializes if other options are absent. *"The culture of the coast in my view continues doing the same: where there is no palm, within forests with no control you will normally encounter a lot of deforestation"* (former agronomic director of Palmas de Tumaco [6]). According to another corporate executive:

"One has to get rid of this ideology of the noble savage. No, for me, from my point of view, the key problem is that there are people who have no food, who have no work. When one doesn't have work, what does one do? Well, for instance indiscriminate hunting; we prohibited hunting on our premises, but our workers don't leave anything, nothing. They would see a rat: hunted. They would see a monkey: hunted. Because this is the culture of our peasantry. You know, this image that people have, well you noticed already that I am not a Marxist, but this Marxist view of the poor peasant, the peasant who takes care of everything... The peasant doesn't look after a thing, because he is hungry! Every living thing he sees he kills and eats. This is how things work. Slash and burn cultivation: the poor peasant. It so happens that people need to eat and the wheels of the economy must spin" (Manager at Palmar del Llano [8]).

It is strongly emphasized that people *will* intervene destructively in their environments when there are no viable economic alternatives in place. The notion that deforestation is not an acceptable practice *unless* there are appropriate reasons to do so, suggests a parallel with Sykes & Matza's (1957) work on techniques of neutralization. The techniques appealed to in the addressed context are the denial of responsibility ('to cut a few trees is nothing like the true deforestation engaged in by other actors and industries') and the denial of injury ('this is in fact necessary to prevent greater, i.e. "real", harm'). Not to forget that virtuous legal production is once again contrasted with the destructive impact of illegal practice. Reference to deforestation aimed at clearing land for coca cultivation stands out in this regard.

But the historical and structural roots of the precarious conditions experienced by affected communities are in no way truly perceived or accounted for. On the whole, targeted populations and regions are presented as "marginal" rather than *marginalized*. In the same vein, people are depicted as "lacking" rather than *deprived of* the social and ecological conditions upon which they have constructed their livelihoods.

### **6.1.3 Deforest to develop?? "Before there was no misery"**

The proponents of agroindustrial palm oil production advocate a 'development pathway' that rests on a notion of underdevelopment. This condition of underdevelopment is ascribed to the inability to autonomously create viable economic alternatives or exploit available options.

From such patterns of thought it is unthinkable that there are models of production and subsistence that do not adhere to the capitalist criteria of productivity, profitability, and competition principally pushed for. However, when such notions *are* allowed for, rather than a minimal infraction to prevent greater social and environmental harm and a necessary stage on the path towards social and economic progress, deforestation takes on a wholly different character. From such a perspective, deforestation is perceived as a harmful practice in itself:

“These forests were our subsistence. There was food; there was no misery back then, right? *There was no misery*. People lived content, earning very little, economic resources were scarce indeed. But there in the forest people had their whole diet” (community leader Alto Mira y Frontera [22], emphasis by respondent).

The responsibility of the palm oil industry is moreover argued to extend much further than its proponents are willing to admit. Restrepo (2004b) has pointed out that 60% of the oil palm cultivated in Tumaco was planted at the expense of primary forest. From the interviews I carried out locally, a similar image emerged. The corresponding conceptualizations of harm centre on various dimensions.

To begin with, deforestation destroys natural habitats. This harms individual animal species and animal populations by displacing them, directly killing them, or depriving them of the conditions to live and hence causing their death. I was told by a community leader that for instance along the Mira River, “*the few animals that could save themselves fled, they left the zone. They... how to say? ...emigration called upon them, too. The few remaining animals also emigrated from the region*” ([22]). A similar observation was made by an Afro-Colombian activist who lives in the urban area of Tumaco but who has long been involved in local struggles for the defence of land and culture: “*We saw the animals crossing the river, fleeing from the forest*” ([23]). Palm destroyed and could not sustain the species diversity that existed in the region. An Awá member of the UNIPA stated: “*The landscape and natural ecosystem were completely destroyed. Besides, what exists in palm? A monoculture, a single species, what lives in these palms? Rats. [Directs himself to one of his fellows:] one finds many rats in these plantations, right?*” ([20]).

In view of the high levels of endemic plant and animal species diversity in the *Chocó Biogeográfico* (Delgado et al., 2007: 183-187), processes of deforestation inevitably provoke animal death and suffering. This is not to argue that oil palm plantations are always devoid of animal life. A fieldwork trip to an oil palm plantation in Altamira (department of Casanare, in the eastern plains of Colombia [53]), can substantiate this.<sup>65</sup> There, photo material as well as on site animal traces (footprints, faeces, etc.), suggested a reasonable species diversity of

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<sup>65</sup> On this field trip I was allowed to join a group of biologists from the Andes University and Fundación Panthera. Panthera works amongst others with camera traps to research the levels of biodiversity in and around palm oil plantations that may interfere with important wild life habitats and corridors.

birds, reptiles, and mammals existing around and within the plantation. However, it is worth emphasizing that this oil palm plantation of roughly 4000 hectares finds itself embedded in an area of approximately 10,000 hectares of seasonally flooded savannahs and swamps (including the Moriche palm ecosystem).<sup>66</sup> This embeddedness in the broader landscape forms a protection buffer that to a significant extent preserves the necessary conditions to



6.1 Jaguarundi within oil palm plantation, Altomira, Casanare (courtesy of Panthera)

sustain animal life. However, the group of biologists emphasized that, should the company at some point decide to drain the surrounding lands in order to cultivate these with oil palm as well, which will likely happen, the situation would change – i.e. deteriorate – dramatically.

Another dimension of harm concerns the local ecosystems and ecological processes that have been disrupted. This can be addressed from a focus on the intrinsic worth of these ecosystems and environments or, alternatively, with a view on the consequent harms thus caused to humans. That the physical transformation and the degradation of a territory bring about severe consequences for local ways of relating to and interacting with these territories emerged as a central aspect from this research. Local communities for instance emphasized the impact of deforestation on hunting activities. To ‘replace one tree by another’, as tends to be argued from the industry perspective, in fact seriously affects local communities: *“One hectare of palm versus a hectare of native forest; an ecosystem where I hunt, where I fish, where I live, where I breathe tranquillity... I don’t know how to argue that this is ecological”* (Awá member of UNIPA [20]). Small growers, too, acknowledged the extent to which oil palm had displaced the fauna that was part of people’s subsistence. *“In terms of this it is a disaster. Here, people went out at night to hunt. Not anymore, these days there is nothing to hunt”* (oil palm small grower [15]).

In addition, I was explained, as trees are being cut down, so are the myths that are bound up with the forest. Deforestation dislocates the ways in which people relate to their environments. Beyond the centrality of plant and animal species to people’s dietary patterns (i.e. in terms of food sovereignty), these plants and animals are also central to the exercise of traditional medicine, ceremonies, and inscribe the landscapes with meaning and a sense of belonging. With the imposition of oil palm, these ways of relating to the forest are being abruptly disarticulated (Afro-Colombian from Guapi [47]).

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<sup>66</sup> It is moreover important to stress that Colombia’s plains in no way resemble the tropical forest ecosystems of the Pacific coast region. This is a wholly different ecoregion, with its own particularities.

## **6.2 Pushing the agroindustrial frontier**

In the previous section I addressed some of the cultural constructs, discourses, and legal categories resorted to in order to legitimate land conversion to oil palm plantations and the deforestation that thus took place. But more than deforestation has taken place to prepare the ground for palm oil. Capitalist development of this region of the Colombian Pacific also required the corporate sector to amass the lands necessary to establish and expand their operations. Over time, this has been pursued through different means and mechanisms of land transfer and land use change. In this section and in the next I address how this ranges from overt violence, direct as well as more indirect coercion, to more persuasive and non-violent strategies and practices. The case of Jiguamiandó and Curvaradó in the department of Chocó, presented in the previous chapter, is a major example of the violent mechanisms of land dispossession that the Colombian palm oil industry has been associated with. What is important to note is that, in the Chocó, these processes took place after 1993, hence after Law 70 was promulgated, on the basis of which (rural) Afro-Colombian communities started to organize to solicit collective titles to their lands. In view of this, a member of Justicia y Paz explained the land grab in the Chocó as follows:

“The situation, as they frame it, is that these extensive areas of land allocated to respective communities by the state are unproductive, hence these areas have to be made productive. The people are depicted as in no way susceptible to being persuaded into putting their lands to productive use in the industrial way pressed for; thus it is deemed necessary to resort to paramilitary groups to dispossess people, evict them from their lands. Since, allegedly, the people themselves are incapable of doing so, these lands must be *made* to produce” ([39], emphasis by respondent).

If we move three departments down to the municipality of Tumaco, the same logic of “the need” to make the lands produce applies. Yet the situation in Tumaco is somewhat different. In Tumaco, oil palm was first established in 1959, albeit on a very small scale. It was from the 1970s and, increasingly so, from the 1980s onwards that the industry started to expand exponentially. Hence during most of the industry expansion in Tumaco, legal recognition and protection of Afro-Colombian and indigenous communities did not yet exist as it does today. Both the absence and the subsequent introduction of the respective legal provisions are reflected in the particular mechanisms and dynamics through which land transfer and land use change occurred (and occurs).

### **6.2.1 Quasi-legal land transfers and industry expansion**

From the companies’ point of view, the establishment and expansion of oil palm plantations in Tumaco have always proceeded through legal means. But the allegations that permeate the views and testimonies put forward in interviews with local activists, leaders, members,

and representatives of affected communities cast serious doubt on such claims. Regarding the initial stages of industry development (1960 to the early 1980s), the image that emerges is that of a set of land transactions that *on the face of it* appeared to be legal. However, it is claimed that in a significant number of cases the land transfers in question were negotiated or enforced in a context of intimidation, misleading practices, and implicit or explicit threats.<sup>67</sup> A variety of mechanisms were specifically mentioned.

First, there are denunciations that companies have illegally taken the forest support systems. In these cases, agreement was reached on the transfer of a number of hectares corresponding to a family production unit, or to a part thereof. It was pointed out to me that family production units are a basic reflection of the species diversity of the forest and interact with the forest they border with. The forest as such constitutes a support system that forms an integral part of traditional models of subsistence and production. The companies, on top of the hectares agreed upon, appropriated this forest support system; in other words, they as if they bought the 'front' and then took the natural 'backyard'. Incompatible with palm, these forests not only lost their social, ecological, and cultural value but ceased to exist entirely.

Another complaint refers to corporate practices that left people no other choice but to sell their lands. In these cases people had no intention to cede their lands but were in effect forced to do so, as palm oil companies started buying up (or appropriating) bordering plots of land. As a result, little by little people ended up being encircled by the company. Regardless of their reluctance or unwillingness to sell, with access increasingly prohibited or blocked, in the long run there was practically no other option than to sell. A related strategy or practice that enabled industry expansion is the alleged unleashing of company horses and buffalo. This ruined the soils, subsistence and commercial crops of families and individuals bordering with oil palm plantations. This way, too, it is claimed that people were forced to sell or were simply driven off their lands, so as to expand the palm oil project.

Lands have also been bought against excessively low prices. Hence, not only did the land come to be treated as a commodity in a region where this was still largely alien to local culture, but on top of this, and especially in the early stages, the monetary value attached to the land in no way corresponded to reality. Legal though this may be, these are practices that are very questionable, if not deceitful. Yet a different interpretation was put forward by Cordeagropaz's Social and Business Coordinator ([4]). He stated that first of all, people did not have an accurate notion of the monetary value of their lands. Local inhabitant at that time, he explained, considered that they had plenty of land. The effect of this was that they underrated the value of their lands. Land was sold at 500,000 Colombian pesos a hectare,

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<sup>67</sup> See also Hoffmann (2007: 191) who, based on local testimonies, states that after an initial phase of bona fide land deals – even if against exploitative prices – the use of threats and coercion gradually started to assume a more prominent place in the expansion of the palm oil industry in Tumaco.

which meant that the land was practically given away, he acknowledged. Yet, he added, it is also the case that in view of Tumaco's deficient infrastructure the land in fact was not worth all that much:

“One has to put the land in its context; the value and the concept of land change a lot from place to place. Lately the value of land has increased, now the land along the main road has reached a worth of 5 or 6 million pesos per hectare. The value has increased. But in my view the value of the land has also increased precisely due to the palm. To have a half-abandoned field covered in some vestiges of crops and weeds is worth nothing. But today, to have land along the main road *has value*” ([4]).

Thus perceived it is only the *exchange* value of land that counts. That said, it is important not to idealize the relation that Afro-Colombian, indigenous, and peasant societies hold to their land and natural environments, or treat them as passive bystanders in processes of land use change. Economic motives were not wholly absent from the minds of local inhabitants. Both the lived reality of socioeconomic hardship and the lure of money that gradually began to assume a more central place in local culture must be taken account of in this regard. But at the same time this must be placed in critical perspective. The economic model that arrived to the Colombian Pacific was forced upon the region in disregard of local forms of production and values ascribed to the land. In the process, many locals were misled and at times rather perversely pressured into selling their lands. On the face of it, this may well appear to have constituted legal practice, but is at best questionable and more often treads the illegal.

### **6.2.2 “*Me vende o le compro a la viuda*”: violence, force, and illegal land acquisition<sup>68</sup>**

In addition to the above, direct force and threats by private armed actors have also been used to ‘compel’ people to sell their lands (see also, Corte Constitucional, 2009b: 26). In the previous chapter I mentioned that palm oil critics claim that it was the palm oil industry that triggered the first wave of violence and forced displacement in Tumaco. However, against denunciations voiced by palm oil critics that the majority of lands occupied by the palm oil sector were illegally appropriated, other locals uphold that most lands were legally obtained by the companies. It is worthwhile elaborating briefly on the extent of internal dispute within the local population on this point by drawing on Hoffmann's reflections (2007) on the matter. As Hoffmann explains, divergent explanations of the situation often coincide with dissimilar experiences of daily reality. People whose lives and daily routines are closely entangled with the palm oil industry, who border with the oil palm plantations and have grown absolutely dependent on the industry's economic and social infrastructure, are in no position to take a stance in radical opposition to the sector. At the opposite end are the critics of agroindustrial

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<sup>68</sup> “Either you sell to me or I will buy from your widow” is an often heard expression in Colombia, referring to paramilitary involvement in the forced dispossession of land.

incursions into the region; the community leaders, local activists, and the ethnic-territorial organizations that represent or support the dispossessed in their struggles (2007: 194-195). That indeed pressure was exerted over communal lands so as to consolidate nuclei of palm oil production, and that such processes may have been accompanied by violence, force, and assassinations, was at least cautiously acknowledged by one local official:

“Within this process [of the first phase of industry expansion], from what is being told, some rather unorthodox practices took place. And perhaps pressure was exerted over these lands in order to consolidate the productive nuclei of these companies, but personally I wouldn’t be able to provide strong evidence to say what did or did not occur exactly. What is certain is that indeed some force was used and, at some point in the 1990s, I recall, there were even the deaths of several leaders of the Process of the Black Communities. Who was responsible for these killings, I couldn’t say either, but fact is that it did occur. And as a consequence, one way or another, amongst certain sectors the crop is met with a level of aversion” (mayoral advisor in Tumaco [51]).

Most of the palm oil related violence, forced displacement, and cases of illegal taking of land is claimed to have taken place in the 1980s and 1990s. However, the analysis of the history of land transfer and land use change in Tumaco is somewhat thwarted by the fact that much remains unclear, disputed, and covered in silence. That up until the 1990s much of what took place in the region could pass largely unacknowledged, unnoticed, and/or uncared-for, is no doubt also tied to the colonial and racist undercurrents that pervade dominant attitudes towards the Pacific region.<sup>69</sup> But the climate of fear that has people in its grips is a crucial factor, too, and explains people’s reluctance to denounce, dig up, and ask for the clarification of past and present crimes and harms. A widespread fear to publicly denounce is a recurrent theme in the interviews I carried out in Tumaco; a situation that moreover led some people to convey a sense of being effectively *locked into* a context of social and environmental crime and harm. From a critical analogy between palm oil and coca, I was told:

“The question asked by the companies is what do we prefer, for there to be coca or palm? Between coca and palm the only difference is that one is illegal and the other legal. The problems are the same. Out of principle I never cultivated coca. Ethically, and for the value I attach to life, I don’t cultivate coca and I never will. It is a business that is overly criminal. Like in its moment the palm oil business was; a criminal business. People have never been willing to say that the first assassinations, the first assassins, had to do with the oil palm business. This, people have not been willing to narrate. That to the people they said, ‘either you sell me your land or I will buy it from your widow, or your heirs’.<sup>70</sup> Many people were killed for this. Why haven’t the people been willing to narrate these stories? Because

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<sup>69</sup> See chapter 2.4.2.

<sup>70</sup> Whether or not this precise expression was used in Tumaco is not the point. What is important is what the phrase *symbolizes*, which is the collective memory of processes of violent dispossession of land and ways of life.

the person that speaks pays with his life” (Afro-Colombian community leader [21]).

Awá resistance to an encroaching palm oil industry, too, has been accompanied by threats, forced displacements, and ‘disappearances’. For indigenous Awá in Tumaco, the processes that accompanied the expansion of the agroindustrial frontier constituted the first frontal clash that gave rise to the need to organize in defence of people’s lands, livelihoods, and culture. Lands were bought, obtained through misleading practices whereby people signed away their land without knowing, or simply taken. *“He who had an ID was left with one, only one hectare. If not, everything was taken; if people did not have an ID, no land was left. In case they did, one hectare around the house was left. Based on a terrible lie, for several kilos of rice, some sardines, mackerel, all of this land was invaded, all of it”* (Awá members, resguardo La Brava [38]). In response to the environmental destruction, violence, and land dispossession at the hands of *“the abuse that is palm”*, from the early 1980s onwards, Awá communities began to demand recognition of their existence as an indigenous people and their presence in these forests (Awá person [20]). This eventually culminated in the creation of the UNIPA in 1990.

Community leaders are especially hard-hit by the violent repression of dissent and of ‘obstacles’ to development. Although an element of guerrilla violence is certainly not absent, such violence and threats are claimed to be mostly carried out by paramilitary groups, with complicity (by commission or omission) of Colombia’s public armed forces.<sup>71</sup> Colombia’s Constitutional reform in 1991 and the corresponding expansion of the legal framework in subsequent years provided the instruments, institutional basis, and symbolic support for communities to ‘revisit’ the dispossessions suffered up to that point. Communities thus began to mobilize in order to reclaim illegally appropriated lands; to question proclaimed property limits of the palm oil companies; to halt ongoing land dispossession; and recuperate traditional subsistence and production models. Consequent struggles have been, and are, violently repressed. In this respect, the assassinations of Francisco Hurtado and Yolanda Cerón are engraved on people’s memories, as are the deaths of other community leaders assassinated in the process of the defence, titling, and recuperation of collective lands (see, e.g. VerdadAbierta.com, 2014b). Francisco Hurtado, an Afro-Colombian community leader and outspoken critic of the palm oil sector, was assassinated in 1997. In 2001, Sister Yolanda Cerón was assassinated by paramilitaries – if one accepts the paramilitary and official version, allegedly for sympathizing and collaborating with the guerrilla. Critics of this

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<sup>71</sup> The analysis of the role of governments and power elites in the violent repression of oppositional forces and in facilitating or initiating land grab can draw on, as well as add further insights to, existing criminological work on state crime (e.g. Green & Ward, 2004; Kauzlarich et al., 2003). It is beyond the scope of this study to do so.

version claim that Yolanda was silenced for accusing Colombia's public forces of complicity in the violence and coercion carried out by paramilitaries; for her active role in organizing Afro-Colombian communities in the collective titling of their lands; for denouncing palm oil related land dispossession; and for accusing the local palm oil sector of financing paramilitary groups (VerdadAbierta.com, 2014a). Regarding paramilitary backing of the industry, I was told that *"we always suspected this but we never made inquiries from this angle. But we sure did suspect it. Here we have a principle that says, we would say: where there are paras, there is palm"* (legal advisor to the Alto Mira community council [25]). But not just paras, he adds: *"Going to Candelillas, or Imbilí, one runs into camps of the public forces. There is always at least a backing there, and, if not a backing, a symbolic message: don't interfere"*.

### **6.3 Industry expansion through the incorporation of small growers**

The mechanisms that I addressed so far in terms of the ways in which the ground has been prepared for palm oil production all carried a more or less manifest element of imposition. The consequent conversion of forests and agricultural land is perceived as harmful by many of those that were affected in the process. However, land use change to oil palm cultivation is not unanimously rejected by small-scale agriculturalists within the local population. Neither do all mechanisms of industry expansion rely on imposition, coercion, and force.

The incorporation of small growers in order to realize industry expansion is gaining currency in zones of palm oil production in Colombia. That this is also the case in Tumaco became evident to me within hours after I first arrived to this municipality, as I explained in the introductory chapter. An interview with the Executive Director of Cordeagropaz that very same afternoon was, during later visits, complemented with interviews with leaders of small grower associations, Palmasur, and Cordeagropaz's Social and Business Coordinator. In addition a number of *recorridos* were arranged; accompanied field trips during which I visited the plantations of individual small growers of oil palm, held informal conversations with them, and moreover attended several small grower reunions.

The promotion of small grower involvement in the palm oil industry sits comfortably with Colombia's push for agricultural modernization and adheres to developmental rhetoric along the same lines. According to Cordeagropaz's Social and Business Coordinator ([4]), one of the main issues in Tumaco is that it lacks *"strong, serious, and well-organized productive activities"*. Wholly unnecessary, he argued, given that people have the land and access to the financial means (i.e. credit systems) to *"become economically interesting"*. The corporatization and industrialization of agriculture is presented as an inevitable step towards stamping out the perceived unproductivity and inefficiency of small-scale, traditional models of agriculture. As this Coordinator stated:

“I can have 50 hectares of land but not have the means to cultivate them. To cultivate them well. And what I produce does not have an accepted market. And I have 50 hectares. I remain worshipping the land, it becomes a sacred element, I sanctify the land, idealise it”.

Hence it is argued that serious productive activity is needed in the countryside. That way, people can stay on the land but work with “enhanced knowledge”, geared towards products with a guaranteed commerce. “*Or do we stay on the land just to regress?*” he said, hinting at the collective territories where communities continue to resist agroindustrial projects (Social and Business Coordinator of Cordeagropaz [4]).

Mondragón Báez (2002) emphasizes that global economic integration has globalized the agricultural problem, too. The pressures on peasant, indigenous, and Afro-Colombian economies have further intensified now that producers must compete not just in the national context but in an aggressive, highly competitive global market economy. This means that only a limited set of agricultural crops are constructed as ‘productive alternatives’, which are moreover made subject to agroindustrial models of production. One of the alternatives thus pushed for is palm oil.

Tumaco’s rural population stands divided when it comes to the rejection versus the support of palm oil as a productive alternative for the region. Critics insist that industry expansion through small grower involvement is yet another strategy to force a neoliberal logic of capitalist development onto territories where resistance to such models persists. According to the Executive Director of Cordeagropaz, 2500 families have gradually moved into the cultivation of oil palm ([3]). What drives small agriculturalists to opt for the cultivation of oil palm, to express pride in their achievements as *empresarios* of oil palm, and to significantly tone down the alleged harms of palm oil production?<sup>72</sup>

### **6.3.1 Strategic Alliances: undermining the figure of the collective territories?**

In chapter 4, I provided a brief outline of Colombia’s constitutional and legal framework in terms of the formal recognition of cultural and ethnic diversity, instituted in the early 1990s. One of the outcomes of this expanded legal framework has been the allocation of collective land titles to Afro-Colombian and indigenous communities. This set limits on the expansion of corporate private property. Oil palm plantations in Tumaco equally faced such restrictions. Confronted with these restrictions, the dynamics of industry expansion began to take on a different character. The legal advisor to the Alto Mira and Frontera community council stated the following on the new dimension of land conflict and struggle these dynamics implied:

“The companies, in view of the fact that they could not enter due to opposition by community leaders, began to use a new strategy, that of forming alliances with the peasants. They sidestepped the leadership, the Junta of the community council, and went

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<sup>72</sup> Whether these projects are economically and environmentally viable will be discussed in chapter 7.

directly to the base, to the community. Telling them how palm oil was the best option. And in a region like ours they managed to sell this idea. A region like ours, the Pacific with its high levels of poverty, whatever shiny little mirror they hold up to the people<sup>73</sup> will always have an effect, a huge effect. So this is how the second impetus to the conflict was set in motion; by creating alliances, associations on the margins of the community council. The company no longer fights with the community council, but works its interests through the associations of small growers so that the latter oblige the community council to opt for palm” ([25]).

Critics argue that without consulting the entire community council, and instead entering into direct dialogue and alliance with a select number of individuals or small grower associations within the collective territories, the palm oil sector has violated the right to prior consultation. The requirement of prior consultation of indigenous and Afro-Colombian communities has its basis in Colombia’s political constitution of 1991 and the parallel ratification of Convention 169 of the International Labour Organization (Comunicaciones Aliadas, 2011). As previously mentioned, the principle of prior consultation establishes that communities must be informed and consulted prior to the implementation or undertaking of any project or activity which may affect them in their territorial and cultural integrity and autonomy. It can be argued that to side-step the community’s governing body vulnerates the principle of prior consultation and the dynamics of collective decision-making.

Many inhabitants of the collective territories and community leaders expressed their concern and frustration with the contempt that such practices display for the type of projects envisioned by the communities *themselves* (i.e., what, how, and for whom to produce). They deplore that the corporate sector, the Colombian State, and international cooperation arrive with fully elaborated projects and production models that are not in accord with the cultural, economic, and ecological rationale of the majority of people. People are not against carrying out on their territories any type of commercial activity that would serve the market economy. As stated by an Afro-Colombian community leader ([37]): *“Projects can be brought, can be undertaken, but these projects should spring from the communities”*. But more often than not, rather than involving communities in the design and implementation of projects, ‘ready-made’ models are imposed. There is a one way traffic dynamic to all this. *“You cultivate palm or you cultivate nothing. Or else the government does not give you the resources”* ([37]).

Industry expansion through alliance building with small growers is claimed to exploit

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<sup>73</sup> The expression used by this respondent – *“cualquier espejito que le brillen a la gente”* – in essence accuses the palm oil industry of misleading or deceiving people into cultivating oil palm by creating the illusion that this is their way out of poverty. The origins of the expression can be traced back to the time of the colonization of the Americas and refers to the deception of indigenous peoples by Spanish conquistadores. Surprised to see their own reflection in the mirrors brought to them by the Spanish, indigenous people thought that the mirrors were valuable goods. As such they were deceived into exchanging gold against (worthless) mirrors. (I want to thank David Rodríguez Goyes for pointing out the historical content of this expression).

and exacerbate internal division within the community. Regarding the role of Cordeagropaz in these processes, local Afro-Colombian activists and community leaders have drawn a parallel with colonial times and the history of slavery on more than one occasion, arguing for instance that *“palm is an industrial strategy that receives money so that the black person subjugates its black brother. These are strategies that seek to divide the people in order to break the organization and achieve the local imposition of these types of projects”* ([33]). By the same token, the director of Cordeagropaz is held to indoctrinate local agriculturalists. Besides being a puppet of powerful industry players, he is accused of solely pursuing his own interests. *“He stopped being my brother”*, stated one community leader ([33]).

It is clear that palm oil is a source of tension within the local population. This is no different in Guapi where I was informed about another strategy used to foment the cultivation of oil palm by small growers. Again by way of exploiting internal divide, municipal officials are alleged to have corrupted the autonomous and democratic process whereby every three years the governing body of a community council is changed. In the case of the community council of Guapi Abajo such interference led to the instalment of a new Junta that changed the internal regulations of the community council in order to pave the way for palm oil production (representative of COCOCAUCA [29]).<sup>74</sup>

To reiterate, palm oil critics perceive the promotion of small grower involvement in the cultivation of oil palm as yet another strategy to bring about the capitalist development of Afro-Colombian and indigenous territory. They reject the type of ‘productive alternatives’ pushed for by the neoliberal dictates of development and capitalist criteria of productivity. In this, they differ markedly from small growers of oil palm. It is crucial to delve deeper into the process by which small growers opt for palm oil, and the corresponding play of power in the politics of palm oil harm.

### **6.3.2 Closing the gap: incorporating the small grower**

“I don’t think that I have to live my life the way my parents or grandparents did. Those were different times, different conditions. Perhaps when my father lived, when my grandfather lived, first of all the crisis that we have today did not exist, crisis in every sense of the word. The globalization that we live today did not exist, there was not so much of this market competition that exists today. I would say that probably my grandfather lived a calm life, because he had his subsistence absolutely guaranteed. But perhaps he never imagined that the world would become so globalized and come to demand such extreme preparation in every sense of the word; personally, commercially, culturally, politically... and that he who was prepared would fare better. Perhaps my grandfather never... well, he died without knowing this. And so did my own father even. But we are a different generation. With us globalization makes its appearance, the neoliberal opening, free trade agreements. With

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<sup>74</sup> So far, primarily due to logistic problems, small growers in Guapi have managed to cultivate no more than 500 hectares of oil palm.

us, other symptoms of life appear. When I was young we had fish close by, shellfish, very close. I would go and grab them, and it cost me nothing. Today this doesn't exist anymore. So from this point of view, today, already from when I was born, the necessity of education changed; today one has to attend primary school, go to college, go to university, and perhaps a very select number of privileged persons in our country will have the honour to be doctors as you are going to be. But one should consider these things a challenge in life. But this also requires having the means to finance all these wishes, so that all such desires can become reality" (Small grower [11]).

Contrary to their palm oil critical counterparts, small growers manifest an acceptance of the productivist discourse that is centred on progress through agroindustrial development and that naturalizes the neoliberal (re)configuration of social relations and human interaction with the natural environment. Most small growers are aware of the forces that are at play in the context of global economic integration. They consider participation in the competitive market economy that they are drawn into as the best response to their situation. In explaining their decision to opt for palm, most of the small growers I interviewed started off by pointing out the precarious conditions lived by rural populations. The provision of basic services such as sewerage, electricity, water supplies, roads, and schools is largely absent. As mentioned in chapter 4, what for most of us are taken for granted aspects of life, in Tumaco many people struggle for on a daily basis. To gain sufficient income to sustain one's family, to send one's children to school, to have access to medical services, and so on, none of these are given facts. Small growers thus state that it is crucial to create the conditions in the rural zone that enable people to stay on their lands, cultivate the land, and live a dignified life. If not, they argue, people will become involved in illicit activity and/or leave the rural zone to "become an obstacle to the city":

"The important thing is that we do not neglect the countryside. If we do, trust me, we will go down a path... truly towards tragedy. If the government does not help the rural to cultivate licit crops, what will happen?" (Small grower [10]).

Echoing the agroindustrial developmentalist discourse (see chapter 3), small growers, too, argue that the rural zone has to be made productive, "*hay que ponerlo a producir*". But what does it mean to put the land to 'productive use', and what crops and type of production models fit the corresponding view of productivity? Under current economic arrangements not all crops lend themselves to being 'cash crops'. Small growers are aware and often critical of this, yet decide to go along with the dictates of the underlying economic structure. They see this as the only viable way out of socioeconomic hardship.

"Palm, this is a necessity. This we are certain of and we want to continue working the land in this way. Also with other products, exactly, but the paths we have followed in life have taught us that one cannot undertake economic activities that do not have a guaranteed

commerce. For this reason we stake on palm. Palm already has a guaranteed commerce, other products don't" (Small grower [10]).

As such, when small growers of oil palm stress that palm is their only alternative, they do not refer to restrictions related to local soil conditions. On the contrary, people insist that the soil is "very strong" and "apt for a diversity of crops". Any crop takes root, they explain, but many "lack utility". When cultivating oil palm, people know that the companies will buy their fruits. This guarantees them a regular income. In contrast, traditional production models and the type of crops that are more in accord with local culture and the territorial vocation of the zone are not considered feasible in terms of long-term improvements in the conditions of life. To mention but a few, the borjón fruit and *chontaduro* (peach palm), both native to the zone, as well as coconut, plantain, and papaya, are mentioned as suitable crops for subsistence but "doomed to fail" as commercial products.

The conceptualizations of harm articulated by small growers in this regard diverged from those put forward by palm oil critics. Palm oil critics problematize the social, cultural, and environmental impacts of the agroindustrial production model of palm oil. They reject capitalist criteria of productivity and competition. Small growers of oil palm significantly tone down these harms. Instead, they tend to emphasize the socioeconomic marginalization they have historically been subjected to. During a small grower reunion, one of the small growers put the matter as follows:

"What has happened? The campesino has been forgotten by the nation. With products such as rice, cacao, and cassava this precariousness could not be overcome. And so palm arrived and showed a better quality of life. Later the coca arrived and also showed a better quality of life. *[Some people laugh]*. No, serious! It is like this! If the State does not give me the opportunities, one has to think of other ways out. We need to live in dignity; before this was not possible" (Small grower [15]).

As a crop and sector in which they have found the means to overcome this marginalization, small growers emphasize the *virtues* of palm. Critics within NGOs and the local population claim that these small growers are misled by a discourse that has "planted the idea of palm" in their minds; they were sold the idea that they will become successful and equal business partners of the large companies and are argued to have internalized this notion. A member of Grupo Semillas for instance stated that those who decided to get into this "*were sold the idea of becoming entrepreneurs, to become I don't know what. [...] There is a discourse that buys them*" ([40]). This notion, of a 'discourse that buys', is not wholly accurate in my view. It is my contention that a more accurate understanding of small grower involvement in palm starts from a Gramscian focus on the operation of power and a *material reading of ideology*.

The origins of the small grower of oil palm in Tumaco go back some 40 to 50 years.

The first small growers were locals that worked in the corporate oil palm plantations. Others had their own lands in areas surrounding the companies. Some were both plantation worker and small holder. As such, they observed the arrival and gradual expansion of the palm oil industry from close by. Copying (on their own initiative) the example of the corporate project, they started to collect seeds to grow their own oil palms. They did so on a very small scale and in a non-technified way. Gradually, more people followed in their footsteps. What one derives from this is that the small grower experience in Tumaco is largely constructed upon *lived practice*; growing involvement of the local agriculturalists in the cultivation of oil palm has been significantly shaped by positive first-hand, direct and indirect encounters with the activity. It was only towards the late 1990s that the companies, together with local authorities and public institutions, began to actively promote small grower involvement in the palm oil business. It is at this point that a discourse of palm oil as the only viable legal and productive alternative starts to assume a more prominent place, seeking to convince people that it is in their best interest to opt for palm.

Rather than sheer imposition, industry expansion through small grower involvement suggests that capital is willing (but also forced) to make concessions towards the interests and aspirations of local subjects. With the creation of Cordeagropaz, Palmasur, and the organization of small growers into associations, the palm oil sector and the Colombian state increasingly arrived at compromises with small growers. This is manifest mostly in financial and technical support of small grower projects.<sup>75</sup> In addition, the negotiation power of small growers has somewhat improved, which results in less exploitative prices being paid for their oil palm fruits. At the same time, these processes of negotiation, concession-making, and compromise discipline the peasantry into an entrepreneurial mind-set. Only when organized into associations, and with projects that abide by certain technical and productive criteria, do small growers have access to the loans necessary to commence their projects.

The stated objective of the Strategic Alliances is to close the social and technological gap between large companies and the small producer of palm. This means that there is a push towards more technologically advanced, capital and energy intensive models of agricultural production; the 'right' way to grow palm corresponds with a particular set of technical, productive, and associative criteria. The creation of Cordeagropaz thereby functions as a bridge between the agroindustrial bloc and the small grower. Organized in this way, in the words of the Director of Planning and Social Development at Fedepalma ([1]) *"the palm oil business is an inclusive business, a business that benefits both parties: the anchor company and the communities when they are organized. Palm is a win-win enterprise for all"*. Along similar lines, the Executive Director of Cordeagropaz ([2]) stated

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<sup>75</sup> Financial support includes for instance small grower access to Incentives for Rural Capitalization programmes, which means that 40% of the loan will eventually be cancelled.

that the small growers they attend to say that “*one of the things they appreciate of this whole endeavour – that of working organized – is that when they sit down with the private companies, they do so on the basis of a one-on-one relationship. At the table are two businessmen, one bigger than the other, but they sit down to talk and negotiate as equals*”.

Thus organized, industry expansion through Strategic Alliances is drawing more and more territories into the neoliberal capitalist restructuring of agriculture. These processes call attention to the fact that power is not exclusively exercised by reliance on coercive means, violence, and direct imposition, but works also through persuasion, compromise, and the accommodation of subaltern demands and aspirations. If effective, this naturalizes the agroindustrial development pathway and corresponding set of social and socioecological relations. In the process, this neutralizes *some* of the contestation around palm oil – *some*, not all. That is, palm oil critics reject the notion that Tumaco’s populations and environments benefit from the capitalist development of their territories. In the next section I elaborate on the conceptions of the land that are at the basis of such divergence.

## **6.4 Conceptions of the land**

Something insisted on by nearly all of the palm oil critics within the affected communities and their activist and NGO allies, is that models of industrial palm oil production clash with the biodiversity and the territorial and cultural vocation of the Pacific. Such radical opposition in relation to the organization of the productive sphere is reflected in conflicting conceptions of the land. After having addressed these conceptions, I link the discussion to the formalization of land ownership that was enabled by the expansion of Colombia’s legal order regarding the recognition and protection of ethnic and cultural diversity. Although the consequent legal provisions and constitutional safeguards have been important to halt and in some cases reverse processes of land dispossession, I will point out that there is also a downside to this.

### **6.4.1 The commodification of land and consumerist path to development**

In the first section of this chapter I drew attention to the classification of the territories of the Colombian Pacific as *baldíos*. Palm oil companies uphold a notion of having invested in lands that were previously devoid of (meaningful) usage and claim to have put these lands to productive use. As a corollary, a former baldío can only *become* something the moment it is allocated as collective, individual, or corporate private property. Thus, land is treated as a mere commodity. This contrasts sharply with a relational view of land wherein the history of human presence and the ecological value of a territory assume central importance. The at times deep connection to the land that is felt by Afro-Colombian and indigenous communities is intricately interwoven with the human history and the ecologies of these natural spaces.

An activist from Afrodes touched upon this when reflecting on how the history of

colonialism, the slave trade, and the struggle for liberation shaped Afro-Colombian culture and communities' relation to the land. As he points out, when erstwhile enslaved Africans spread out over the Colombian Pacific, they had to endure adverse climatic and natural conditions. *"They had to struggle against everything that comes with tropical humid forests full of plagues, viruses, and a great many things. These were inhospitable places, and they had to adjust their ways of life to these conditions and vice versa"* ([41]). Amongst other factors, this created strong ties to the territory. From this point of view, these territories are more appropriately referred to as socionatural spaces; spaces where (human) ways of being are constructed upon the characteristics of an environment and where, in the process, an environment comes to bear the imprints of particular ways of being. Deforestation, the loss of land and of traditional means of subsistence, and an increased dependence on capitalist models of production and market economies, alter the local landscape physically, socially, and symbolically. With this, the economic, social, and cultural realities constructed upon those landscapes change also.

As such, the land is not exclusively valued for its monetary value.<sup>76</sup> A thing that runs through the perspectives articulated by palm oil critics within the local population of Tumaco is the notion of autonomy with which the land is so strongly associated. To quote from an interview with an Afro-Colombian community leader:

"In the conception of wellbeing and wealth that arrived to the Pacific from the beginning of the previous century, people are poor because they lack these and these things. I was born and raised along a river, and I tell you this: I lacked a laptop and the internet, for the rest there was nothing I lacked, I had everything, but this I lacked. Not that lacking these things hurt me all that much, because the most fundamental I had; I had affect, food, uncontaminated water, the recreation one wished for, clean air, clean food. I did not need to go the cinema, no, because the stories my grandparents told me *were* like a movie. So this wealth that comes from the culture, the territory, the ancestry, from the legacy of the past, this is what made us rich; we did not lack these things. With this emerged palm as a large-scale economic project and forced us to change this whole concept. That I have some land and they tell me: 'your land is not productive. Come, I can make it produce and give you work'. The people sold their land and became labourers, receiving a monthly pay that was much less than what they previously got out of their plot of land. Now one has a wage, now one can buy a fridge, a television, but this person ceased to have land. In other words, one stops being free in the productive sphere, one is no longer autonomous" (Afro-Colombian community leader [21]).

In being without land, *or without effective control over how the land is used*, one stops being free in the sphere of production, which is interwoven with many other spheres of community

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<sup>76</sup> Considerations of the economic value of land are obviously not absent, and indeed are gaining in importance. But overall, there is a notion that the economic value of land should be geared towards the community and not towards individual, private gain.

and family life. This means that the felt impacts far exceed the individual level. To cede or lose control over the land in a sense entails that control over one's life is ceded or lost. It is experienced as a loss of autonomy that impedes individuals and entire communities to give direction to their own projects of life. The loss of autonomy is as such a recurrent theme. During a visit to the rural zone, a member of the Alto Mira and Frontera community council explained that with palm, it is the company that is in charge of a person, of a community. It is the company that determines over people's life; the people are no longer in control of their own lives ([36]).

It is claimed that the presence and growing influence of the palm oil industry in the heart of Afro-Colombian and indigenous territories – through large plantations and small grower involvement – has displaced the sense of community and the collective dynamics bound up with traditional systems of production to a significant degree. Many critics ascribe the rupture of the social fabric of their communities, disintegration of families, and reduced levels of solidarity and collective efficacy to these types of transition. Two Afro-Colombian women of the local branch of the PCN for instance lamented the loss of cultural forms such as the *minga*; the collective work action, whereby the people go from finca to finca and work united. They explained, “*before, we produced for us, for the community; a production centred on sharing. It was considered offensive to sell a crop to another person, it would be a gift. Nature is life; from nature we eat, we share. Palm brutally changed this*” ([27]). Industrial projects such as palm oil are experienced as forms of outside interference that disregard local culture and fragment communities. Moreover, it is emphasized that these are ongoing and systematic processes rather than isolated incidents. The consequent dispossession is detrimental to people's practices and sense of collectivity.

An ONIC representative likewise brought up the topic of the *minga* and explained that what can take one family up to an entire month of work, together these communities manage to do in no more than two hours. This leaves time for people to sit down with each other, to have some *chicha*<sup>77</sup> and talk for a while, simply talk! However, with the proletarianization of the rural population, he added, this type of relation is disappearing:

“Our black and indigenous communities are being converted into rural proletariat. They become workers, subordinates, people enslaved from 6 to 6. When people from the interior of the country arrive to a reunion like this and see forests, they say that the issue is that ‘these blacks and Indians are lazy’. When for instance they arrive to the sea and see that the fishermen are playing domino at 10 in the morning, ‘well of course these people do not progress, look, playing!’ But they never ask this man at what hour he left to go fishing. This man left at 2 a.m. in the morning. With these monocultural schemes this type of relation

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<sup>77</sup> A traditional (fermented or non-fermented) drink produced on the basis of corn, other cereals, or fruits.

disappears. And this has a very strong impact. With this, another notion of development starts to reign; the notion of consumerism as development” (ONIC representative [43]).

Hence, for many rural populations land is bound up with a whole set of social relations and practices, cultural forms, existential meaning and value. Such notions are wholly absent from conceptions of the land that treat the land as a commodity, a physical location and object.

#### **6.4.2 The formalization of land. Bringing order into chaos?**

It is crucial to connect the dots between the foregoing and the constitutional safeguards that were instituted in 1991. To reiterate it once more: Colombia has a progressive constitution, extensive jurisprudence, and an array of mechanisms of legal protection in the domain of ethnic and cultural diversity. This framework seems to open up the legal and political space to challenge and in due course overcome hegemonic notions and practices of legality that exclude from meaningful debate and the ambit of juridical and political action those types of harm that disproportionately affect Afro-Colombian and indigenous communities. One would expect the social and environmental harms associated with the palm oil industry to be a major case in point. But as the analysis here and in the next chapter demonstrates, many of these harms persist. Several matters require critical examination in this regard. My focus in this section is on the collective titling of land. This is not to say that I deny the importance of collective land titles, all to the contrary. I merely wish to interrogate the fact that the social and environmental harms that affected communities denounce persist regardless.

An Afrodes activist, displaced for his involvement in the materialization of Law 70, stated the following on the titling of land: *“Collective titling was necessary not because we grant any importance to a title per se, but because from a legal point of view one needs a document so that the property form can be respected. We lived without titles all our life”* ([41]). To halt ongoing processes of land dispossession, land titles were a necessity. As such, the rights and legal provisions to which indigenous and Afro-Colombian communities have recourse are important instruments in their cultural and political struggles. Yet it is also the case that the mobilization of law as the site from which to challenge the relations and practices that vulnerate these communities’ cultural and territorial integrity, comes with some important restrictions. *Ownership* and *property limits* by far dominate the discussion. Largely absent, on the other hand, is substantive debate on deeply divergent conceptions of land, ways of being and productive activity, and the questionable character of past processes of land transfer and dispossession.

Several (ongoing) conflicts can substantiate these claims. Amongst these, the conflict between the Alto Mira y Frontera community council and palm oil company Palmeiras stands out. The conflict involves 800 hectares of land that Palmeiras planted with oil palm in 1997. Incoder initially excluded this area from the collective title granted to Alto Mira y Frontera in

2005. However, the Office of the Inspector General intervened in favour of the community, stating that Palmeiras' presence on these lands was illegal and that the company had acted in bad faith by establishing oil palm *after* Law 70 took effect in 1993. Thus, in 2006 Incoder reversed its 2005 decision and included the land in the collective title. Palmeiras appealed, and the case is now before the Administrative Tribunal of Cundinamarca. To this day, the lands have not been returned to the community (Defensoría del Pueblo, 2010).

Palmeiras' Managing Director on the other hand claims that the community of Alto Mira never laid claim to the lands in question. Neither did the community challenge Incoder's initial decision to allocate these lands to Palmeiras and exclude them from the collective title ([7]). This dispute, he claimed, "*has been invented by the Inspector General from behind a desk in Bogotá*". In his view, the conflict that ensued reflects a more frequent pattern of community leaders saying things they do not believe themselves but simply have been told to say. In other words, it is arguably not the community itself from whom the articulated denunciations emerge. Purportedly, public accusations and legal actions against companies in this zone are often pushed for by 'external forces', NGOs included.<sup>78</sup>

Another case in point involves longstanding conflict over the property limits between the Bajo Mira y Frontera community council and the premises of Palmas de Tumaco. Since 1998 the company is alleged to have been illegally expanding its operations beyond its own property limits (JPCCERT, 2012). Followed by a change in the corporate management team, in 2008 the community council decided to (re-)enter into dialogue with the company in order to halt the alleged, and ongoing, processes of corporate expansion onto collective territory (community leader Bajo Mira y Frontera [31]). Four years on, at the time of this research, technical and legal procedures had still not definitely clarified and established the disputed property boundaries, although in 2011 Incoder ruled in favour of the company.<sup>79</sup> To prevent that more families are forcefully displaced and dispossessed in the process – houses and fincas have been bulldozed – the community has demanded that precautionary measures are taken (JPCCERT, 2012).

At stake for the companies are their economic interests. Palmeiras for instance, is no longer primarily concerned with retrieving the disputed lands as such, considered unlikely. Instead, the main objective these days is to seek compensation from the government for the economic investments that were made through the infrastructure developed on the lands (Managing Director of Palmeiras [7]). For the affected communities on the other hand, these

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<sup>78</sup> Such arguments seek to undermine the legitimacy of respective denunciations. See also chapter 5, where I made similar observations.

<sup>79</sup> This decision is vehemently opposed by the interviewed community leader, due to an alleged lack of transparency on the part of Incoder and allegations of a fraudulent interplay between Incoder and the company: "*They staged this from Bogotá. The field visit they carried out was a simulation; to get some coordinates to simulate. This was already fixed*" ([31]).

conflicts reflect a broader struggle in defence of their very lives, ways of being, and territorial and cultural integrity. But the legal, technical, and procedural criteria that apply, hardly allow for substantive debate. What dominates the discussion is the property form *as such*. And, ultimately, the situation is reduced to one decisive factor: time. That is, does this specific dispute have its origins before or after 1993? This logic is perhaps clearest articulated in an interview with the Director of Sustainable Development at Fedepalma. Starting his argument by spelling out that all of the territories in question were *baldíos* until at some point they were allocated as private property to one of the palm oil companies or this or that Afro-Colombian or indigenous community or individual, he then stated:

“The whole matter rests on the moment these situations took place, in order to determine what rights apply. Better said, if palm is planted on collective lands it depends on whether the occupant of this piece of land has acted in good or bad faith. If things occurred before the whole process of collective titling commenced, then one has acted in good faith. If the activities took place after this date, knowing that this concerned a collective territory that had been titled as such, well then one has acted in bad faith and none of the investments that were made will be acknowledged” ([1]).

A temporal criterion is decisive in ascribing this or that status to a land. Too often this means that the complexities of cultural and political struggle are reduced to juridical understandings of space. This facilitates a shift from true dialogue on the messy history of land transfers and industry expansion and divergent conceptions of land, development, and ways of being, to the ‘orderly’ realm of property rights. It is not uncommon that the legal-illegal binary gets mobilized on top of this to further legitimize the need for the ‘appropriate’ development of variously allocated lands. Hence the industry representative from Fedepalma continued:

“Now what is the fundamental problem for a palm producer who established palm over a collective territory? That these days he is evicted, branded as of bad faith, thus having to retreat and losing his investment. But what will happen with this territory? Who will occupy it? For what purposes will it be used from this moment on? If this territory comes under the control of coca producers, then what is the point of getting rid of these persons who have established legal projects, licit activity, as opposed to what will happen now?” ([1]).

## **6.5 Discussion: power, legality, and the contestedness of harm**

In this chapter I analysed how in Tumaco the ground has been and is being prepared for palm oil production. It follows that the dynamics and mechanisms of industry establishment and expansion are wide-ranging; from the legal to the illegal and from outright violence and coercion through to more subtle mechanisms of power and indirect forms of imposition. I started by pointing out that it is crucial to be attentive to the cultural constructs, legal categories, and discourses deployed, mobilized, and exploited in these contexts. In Tumaco for instance, agroindustrial expansion was significantly aided by: (i) the classification of the

lands of the Colombian Pacific as *tierra baldía*; (ii) the depiction of both the region and its populations as marginal and underdeveloped; (iii) depictions of the frontier as ungoverned spaces where illegality reigns; and (iv) the consequent authorized forest reserve subtraction. The conceptualizations of harms that emerge from the industry proponents' point of view as such do not problematize the deforestation and the subsequent land conversion *as such*. Instead, the notion that prevails is that *some* deforestation and 'serious investment' in the lands was essential in order to prevent greater social and environmental harm. Affected communities and palm oil critical NGOs on the other hand conceptualize deforestation as an environmental harm in itself; problematic for the serious social, cultural, ecological, and nonhuman impacts that are thereby generated. Whether or not this deforestation was largely legal makes little difference in the light of the harm caused to humans, nonhuman species, and ecosystems.

Regarding the dispossession of land, since the mid-1990s, processes of land transfer and land use change have taken on a different character. Certainly, corporate expansion onto collective territory is alleged to be ongoing. But overall, the illegal taking of land, forced sale through intimidation and threats, and violent dispossession and assassinations are no longer the primary means of agroindustry expansion in Tumaco. Partly in response to the collective titling of Afro-Colombian and indigenous land, the palm oil industry has been forced to find other ways to expand its operations. And so, in violation of the legal principle of prior consultation and against the spirit of the figure of the collectivity, Strategic Alliances with small growers of oil palm have enabled the agroindustrial production model and related criteria of productivity to expand over collective territory. Critics within affected communities argue that this impedes their exercise of cultural, territorial, and economic autonomy, as in effect, decisions regarding what, how, and for whom to produce are externally imposed. As a corollary, alternative ways of being, conceptions of the land, and local models of subsistence and production are disqualified and debilitated.

Within green criminology, in critique of constructions (and corresponding practices) of nature as external, different, and inferior to 'the human', attention is drawn to the connection between nature and humanity, emphasizing that our social, cultural, and biological being is intrinsically bound up with the natural world (South, 2008). Consistent with such notions, beyond criminological concern with the dispossession of land *qua land*, it is also important to scrutinize the physical transformation of a territory in terms of the dispossession of particular ways of *using* the land, relating to the land, and interacting with the environment. In view of this, it is necessary to critically reflect on the extent to which Colombia's constitutional and legal framework is able to effectively challenge the unequal power relations conducive to such dispossession. For one thing, as I argued in this chapter, paradoxically, the allocation of land rights and corresponding legal procedures in the framework of Law 70 have further

displaced the history of dubious land transfers and dispossession from current debate. It is as if the years 1991 and 1993 have assumed such enormous weight that the harms and crimes of a questionable past have faded into the background. Yet the social and environmental harms experienced today are to a significant extent a legacy of these past processes. This is one way in which the thin line and dynamic interaction between the legal and the illegal manifests itself, something I come back to in the concluding chapter.

In the next chapter the analysis will be centred on the harms in the phase of palm oil cultivation and production. There, I will also critically interrogate the seeming paradox that in a country that presents itself as pluri-ethnic and multicultural, an array of crimes and harms persist almost uninterrupted and maintain large parts of Colombia's indigenous and Afro-Colombian in extremely precarious conditions.

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## 7. REAPING THE FRUITS OF PALM OIL CULTIVATION AND PRODUCTION

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“People that work palm demolish the being that God has created – nature. Large drainages, they don’t care, harming whatever, from where all these riches that God has given us spring, from where all the fruits spring. Because the only thing they want is palm”  
(Community member of Bajo Mira y Frontera [28]).

In official discourse the oil palm is praised as a ‘social and ecological crop’ (Fedepalma, 2006). But who actually reaps the fruits of palm oil production? Is palm oil production really all that ecological? And according to what, and whose, criteria? These are some of the main questions that I address in this chapter. Throughout the chapter I will show that corporate and industry constructions of the proclaimed social and ecological character of palm oil are incompatible with the socioecological, cultural, and economic realities adhered to by palm oil critics within the local population. In Tumaco, the bud rot epidemic has moreover forcefully revealed that the agroindustrial model of palm oil production is also incompatible with the biophysical properties and ecological dynamics of local ecosystems. When the incidence of the bud rot disease spiralled out of control, it killed nearly all oil palm in Tumaco. This, as I will argue by drawing on the accounts of affected local palm oil critics and small growers, has brought yet another round of social and environmental harm upon the region.

Regardless of the forging of some social and environmental compromises, throughout this chapter I will demonstrate that ultimately, the political and economic arrangements and entrenched power asymmetries that underpin palm oil harm are left intact. Whatever concessions *are* made, remain deeply embedded in existing power configurations, attitudes to nature, and productive relations. I will argue that this applies also to the recognition of cultural and ethnic diversity. Constitutional reform in Colombia and subsequent expansion of the legal framework created a political climate that at least in theory should be more open to alternative conceptions of development, being, land uses, and interactions with the natural environment. Yet in spite of these reforms, hegemonic notions and practices of legality are kept in place. As a result, a whole variety of social and environmental harm persists, and it is increasingly difficult for communities to withstand pressures to put their lands ‘to productive use’ in accord with neoliberal dictates of development and capitalist criteria of productivity.

### 7.1 Local versus industrial models of agricultural production

The perspectives of the various actors that have a stake in the politics of palm oil harm are permeated by different constructions of ‘green’, the criminological implications of which have been spelled out by Lynch & Stretesky (2003), addressed in chapter 2. Below, by reflecting on local models of production and subsistence on the one hand and comparing these to the agroindustrial production model implemented by the palm oil industry on the other, I analyse the conceptualizations and practices of harm linked to such land use and land use change

and accordingly challenge corporate and industry constructions of green. A critical reading of section 7.1 (and section 7.4 further on in this chapter) strongly resonates with the concept of ‘metabolic rift’ that was introduced in chapter 2.

### **7.1.1 Local, traditional models of production: “Mira el trabajo que hace ese árbol”**

The ways in which the inhabitants of the Colombian Pacific over time have come to utilize and relate to their territories is intrinsically bound up with the region’s rich biodiversity and ecology. That is to say: soil characteristics, vegetation cover, species diversity, hydrology, and climate conditions have fed into and shaped local ways of life, means of subsistence, transport systems, housing, cultural artifacts, and so on. The ways populations appropriate, sustain, and interact with the biophysical properties of their environments, therefore reflect a strong human-environment relational aspect. Subsistence and production in the Colombian Pacific have traditionally been built on a cultural logic of multi-optionality; combining hunting, fishing, gathering, forest harvesting, and non-industrial forms of agriculture. Palm oil has disrupted the natural and cultural dynamic of the land, and with that the dynamic interplay between these (ONIC representative [43]).

In Tumaco, it is the arrival of the palm oil industry that is claimed to have given the first impetus to the transition to a different logic of agricultural production in the region. The agricultural system that until then prevailed and that is now under increasing pressure is the model of integral farming. In this model a variety of traditional crops<sup>80</sup> exist interspersed with natural vegetation. Ideally not all arable land is thereby under constant production. Allowing the soil to lay fallow enables nutrients to be replenished. This would of course be unthinkable in the agroindustrial model of production, which is organized around the capitalist imperative to leave no area ‘unproductive’. Furthermore, for palm oil production, areas must be totally cleansed of other vegetation and crops: “*To grow one hectare of palm you have to strip a full hectare of forest*” (community leader, Bajo Mira y Frontera [31]).

Neither the cultivation of a single crop (monocropping), nor the use of agrochemicals is part of traditional systems of production. Decomposing underbrush, fallen leaves, and amongst others the shells of the cacao fruit serve as fertilizers. In addition to these, *tierra de hormiga* – the soil of anthills – is used as a natural fertilizer (e.g. [28, 41]). This way, the soil and the ecosystem maintain their natural dynamic. Hence, an Afro-Colombian community leader stated:

“The territory should be preserved, protect the life and native fauna, protect all this biodiversity that gives the land its dynamic; that allows it to produce. To say that the most important thing is that people grow palm and that the economy recuperates is a vision that doesn’t respect nature, doesn’t respect the natural environment, it doesn’t respect a thing,

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<sup>80</sup> Including but not by any means limited to: coconut, borojó, cacao, cassava (*yuca*), and plantain.

only money for the sake of money. An agroindustrial project, promoted by the Colombian State, versus an ancestral agroforestry project, promoted by the communities... there is this confrontation; an economy of scale versus an artisanal economy so to say. But one that guarantees people their life in their territory, their cultural life, in inverted commas: their “dignified poverty” ([21]).

Impediments to enact local ways of being, social relations, and economic models assumed centrality in the diverse conceptualizations of palm oil harm put forward in this regard. Again, this is not to argue that agroindustrial models of production and the integration of local rural economies into the (global) market economy are necessarily perceived as harmful and accordingly rejected by all, something well-illustrated in the previous chapter. Furthermore, traditional systems of production and local cultural forms and practices more broadly, are not static phenomena. Regardless, this does not take away the fact that, as an Afro-Colombian investigator, himself from Gaupi (Cauca), stated:

“The cultural aspect is very important: the traditions and values, in the way of producing, in what is produced. Palm oil would significantly change this because it just isn’t the same as a campesino producing his *papa china*, his *ñame*<sup>81</sup>, his corn... the way of producing, the relations, practices, the lived experiences that feed into the elaboration of songs, poems. With palm, as a worker of a palm company, these conditions are very limited, very hard. It completely changes one’s life. I think this is something irreversible; to revert or go back is very difficult” ([47]).

The clash between different models of production – and the particular social relations and cultural frameworks these are respectively bound up with – is perceived as a dislocating imposition. This is not limited to palm oil. There is, for instance, also growing pressure on people to cultivate grafted cacao (*cacao injerto*) rather than the local, traditional variant of cacao. A local inhabitant of the Bajo Mira y Frontera community council told me that he will neither cultivate palm, nor grafted cacao, which he claims is finishing off the native cacao variant in the region ([28]). “*What I agree with is to work culturally with my ideas and that they let me work that way in peace*”, without loans, without credits. Leading me through his finca of cacao (see below, picture 7.1) interspersed with a variety of tree species, he pointed at the ground cover of fallen leaves and fruit shells over which we walked, forming a natural layer of vegetation fertilizing the soil: “*Mira el trabajo que hace ese árbol*” [“*look at the work that this tree does*”]. In sharp contrast, the bordering plot (see below, picture 7.2) consists of abandoned rows of dead palm – an open, desolated site that in no way resembles the density and ‘work in action’ of the plant diversity and vegetation cover of traditional models of production.

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<sup>81</sup> *Papa china* is a type of potato; *ñame* is known as yam, a root crop.



7.1 Entering a diversified, non-industrial finca of cacao (photo by author)



7.2 Bordering plot (to the right) of dead oil palm (photo by author)

### **7.1.2 The agroindustrial monoculture and the threshold of harm**

With the exception of some small-scale agriculturalists that grow a few palms amongst a broader variety of commercial and subsistence crops, palm oil production generally has its basis in agroindustrial models of orderly rows of a single species: the monoculture. Although there are crop-specific issues due to which oil palm does not easily lend itself to cultivation in a diversified farming system, it is above all the large-scale industrial monoculture and the insertion into (global) capitalist social relations that are fiercely opposed by palm oil critics.<sup>82</sup>

Echoing the discourse advanced by Fedepalma, the corporate executives interviewed for this research all argued that, in one way or another, an oil palm plantation equates to a forest. In order for an oil palm to produce well – I was explained – it must have 40 functional leaves which together consist of some 500 to 700 leaflets; each of these contributes to the process of photosynthesis through which carbon dioxide is stored. And so *“you have a tree that will always have 40 functional leaves. And this tree is cultivated in this place for some 25, 30 years. As such, in fact, it is a forest landscape. Well then, that it does not have the same connotations as a tree that is without harvesting, yes, but it really is a tree”* (former agronomic director of Palmas de Tumaco [6]). And around this ‘forest’ several economic, environmental, and cultural benefits are produced. Or so the argument goes.

However, critics argue that vast plantations of a single tree species not even remotely resemble the socionatural spaces constituted by the highly diverse forests of the Colombian Pacific (see section 6.1.3). In addition, the environmental exigencies of the monoculture model of production are high. When local ecosystems and soils are impaired to the extent that they lose their natural dynamic this generates a number of harmful consequences. It is

<sup>82</sup> The extent to which oil palm can be grown in diversified systems is questionable. Even those that claim it can, acknowledge that *in the long run* diversification cannot be maintained. E.g., I was told by a small grower that in an initial phase palm can coexist with other crops. But only if one accepts that the oil palm is the number one crop and that, in the end, only the palm will remain. Because when the oil palm matures it will eliminate the other crops (small grower [3]). This is so for reasons of space (i.e. the roots of the oil palm spread horizontally), water demands, and restricted sunlight coming through.

important to note that the soils of the Colombian Pacific are relatively poor in nutrients, as a result of the region's climatic, geographical, and ecological features. This means that the circulation of organic matter is absolutely vital to retain the nutrient flow and ecosystem resiliency: *"In poor soils, the richness is in the accumulation of organic matter, the circulation of matter in the forest"* (ONIC representative [43]). When ecosystems are deprived of these conditions, the use of external inputs – fertilizers and pest control – becomes a necessity. In fact, in corporate and industry discourse, oil palm is *praised* as a crop that can be cultivated 'even in the poor soils of the Colombian Pacific where all other crops have failed'. All it takes is some water and fertilizer, to paraphrase a corporate executive ([8]). The use of external inputs is naturalized rather than problematized; it is a taken-for-granted necessity. Instead it is the susceptibility of monocultures to diseases, and the economic damage *these diseases* may produce, that are framed as a risk to be managed.

Unquestioned acceptance of the monoculture model of production is reflected also in the fact that no environmental permit is required for the oil palm plantation itself. Only for the processing plant (where the oil is extracted from the fruits), and for the construction of roads, is an environmental licence required. In these domains, a coordinator at Corponariño pointed out, the palm oil companies in Tumaco have all "environmentally legalized" themselves. This process of legalization has its basis in Law 99 of 1993.<sup>83</sup> Asked for the environmental impacts of the plantation *as such*, the answer that is called upon without exception is that *all* agroindustrial activity necessarily produces a number of consequences. In this regard, palm is simply "one more crop". Yet it is argued that these consequences can be successfully managed and minimized. *"What is important within plantations in terms of management is to develop strategies to impact less. It is not that there are no impacts. There will always be an impact on the environment, right?"* (former agronomic director of Palmas de Tumaco, [6]). Within green criminology, White (2011: 68) makes a useful distinction between unintentional and non-intentional harm that has relevance here, as the negative effects of the monoculture model of production correspond to this latter category, meaning that these effects are known yet accepted as forms of 'collateral damage'.

The conceptualizations of harm put forward by its critics in contrast rest on a wholly different stance towards the persistent and systemic harm that is an inherent consequence of the monoculture model of palm oil production. To begin with, palm oil's negative effects on soil moisture and nutrient cycling are problematized:

"To be honest, for a peasant, poor, as the people in our zones are, to grow palm is no guarantee whatsoever. Why? Because palm oil has some major consequences: First of all it is a crop that demands large quantities of nutrients and water. Where you sow palm, if it

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<sup>83</sup> Recall that the palm oil industry has had a presence in Tumaco since 1959.

is on soft terrain, the soils will dry and become hard like a rock. The palm absorbs all the water and nutrients from the soil, leaving the soil poor; you can no longer grow stuff other than palm” (community leader Bajo Mira y Frontera [31]).

Claims and concerns that palm would leave the soil arid and sterile are confirmed by other palm oil critics (within the local population and NGOs working the theme) yet are wholly discarded on corporate and industry accounts. A more ambiguous image emerges from the small growers. On the one hand, one small grower – with 15 years of experience – told me that he grows cacao, plantain, balsa, and cedar on lands previously cultivated in palm, and thus countered: *“the theory exists that where one cultivates palm nothing else prospers. But for me, and this can be proven, this is a great lie”* (small grower [17]). On the other hand, there are also more concerned small growers: *“Palm was designed genetically to have a high productivity, but with the use of high volumes of [chemical] fertilizers. And we are aware that not all of this is assimilated by the palm. Part of it also evaporates, part of it ionizes and goes to the land, and the land becomes unproductive”* (small grower, [11]).

As regards accusations relating to the contamination of soils, groundwater, rivers and water streams due to the application of agrochemicals within plantations, corporate actors and industry representatives emphasize that there is a significant shift underway towards the use of organic control. The Managing Director of Palmeiras ([7]) stated that he is trying to fully switch to organic pest control and that the use of agrochemicals is very limited these days. Moreover, he stressed that for those situations in which the use of agrochemicals is still necessary, this is authorized. Hence the problem is not so much ascribed to the products themselves, as their inadequate, non-technical application. *“The theme of agrochemicals doesn’t worry me, that is, we use glyphosate, which isn’t a very dangerous product, well it is the same that is being used to control coca but we use it very specifically, and it isn’t a product that is prohibited”*.

Provided that legal products are applied in minimum and authorized quantities, and treatment is targeted, such use is deemed “correct” and “non-injurious” (coordinator at Corponariño [50]). Thus, from a legalistic and technicist reading, the problem is located at the individual and case-specific level rather than the systemic need for chemical substances. A much used fertilizer, Urea, is as such not considered problematic so long as the person who applies the product is trained to do so, observes the technical instructions, and does not use the product in excessive doses. It is argued that even glyphosate, *if regulated*, can be used in a safe and adequate manner. In a characteristic move, the use of glyphosate as well as agrochemicals more broadly in oil palm plantations is held against the social and environmental destruction caused by the use of glyphosate in the aerial fumigation of coca:

“If applied in line with the doses indicated, at the right moment and the right crop, there are

no major impacts. But when applied with planes, as the Ministry of Defense does to eradicate the coca, well... These planes simply have the coordinates, so that close to the crops the latch is opened, and since this happens at a high speed the latch opens *before* the crops, and is closed after passing. Before there are oil palm crops, plantain, cacao, and forest. And after, too, there are crops, forest, rivers, pasture. These crops are affected, the forests are affected, and the river, too, is affected. This application is anti-technical, inadequate. This is a problem we have here as a consequence of the coca eradication programme. But what to do, this is government policy that nobody can go against. This is the most serious problem there is, because this is killing licit crops, this is affecting the forest, the rivers, everything. And the same glyphosate is applied to the palm to clear the area around the palm, but because this is done manually, it is a technical application of the chemical. This is an aspect to be taken account of. What is more harmful? The glyphosate applied to coca, or the glyphosate applied to palm? Analysis and conclusion” (Coordinator at Corponariño [50]).

A first thing to note is that, again, recourse is sought to techniques of neutralization (Sykes & Matza, 1957). But also, there is a severe mismatch between the legal formalism adhered to by industry proponents and the reality of harm brought upon affected ecosystems, animal species, as well as on the human populations that crucially depend on access to healthy environments for their daily existence. The criteria and thresholds on which the ‘authorized, technical use of minimum quantities of legal chemical substances’ rest, are rather arbitrary and off target in this regard. For communities that lack access to potable water for their water consumption, clean rivers and water streams are of vital importance. Yet the handed down criteria and thresholds are oblivious to such local conditions and patterns of subsistence. Furthermore, if one considers the vast extensions of plantations, the use of so-called ‘minimum’ quantities of agrochemicals in *relative* terms obscures the fact that with thousands of hectares cultivated in palm, absolute figures are not so minimal.

The abundant rainfall in the Pacific also enters the equation here. According to the corporate executives and industry representatives spoken to, this rainfall bestows the region with a ‘natural irrigation system’. Corponariño advances this position, too: *“Because it rains continually here, this, too, favoured Tumaco as an attractive zone for the palm oil industry. Tumaco has some advantages. One of these is that there are no dry summer periods here. So, the palm... if you visit the companies, there is not one company with an irrigation system. There is natural irrigation”* (Coordinator at Corponariño [50]). As such, the notion is drawn upon to refute accusations that palm oil plantations place undue pressure on water sources. Against this, critics argue that the abundant rain pouring down onto plantations washes run-off from agriculture products into the region’s rivers and groundwater. Hence, a representative from the ONIC ([43]) pointed to the “madness” of establishing monocultures and use a chemical fertilizer like Urea in regions such as the Pacific where it rains all days. The rainfall exacerbates the ecological and social consequences associated with the use of

agrochemicals. Furthermore, in riparian and humid zones drainage channels must be put in place in order to prevent the palms from rotting, negatively impacting on fish populations, swamp ecology, and biodiversity more generally (member of Justicia y Paz [39]).

Together, these factors entail that the palm oil industry generates immense impacts for the affected environments, plant and animal species, and human populations. If one adds to this the centrality of the river in the everyday lives of communities inhabiting the Pacific coast region, the situation becomes more alarming still. *“The water is fundamental. Every facet of life revolves around the water, revolves around the river. As such, impacts that one way or another concern the water, impact directly on local culture”* (member of Justicia y Paz [39]). These are regions where rivers are a means of transport, a source of subsistence, spaces of recreation, where houses are constructed on and nearby the riverbanks; where the river – in short – has social, cultural, and symbolic value (Oslender, 2008).

But rivers and landscapes are affected not only by the establishment of plantations and the agricultural products used to uphold the productivity of the monoculture model of production. In terms of water and soil pollution, another significant dimension of palm oil harm is alleged to inhere in the process whereby the oil is extracted from the palm fruits. Run-off from the extraction process is claimed to have caused massive environmental harm, affecting local water sources, plant and animal life, subsistence systems, and inflicting serious harm on human health:

“The run-offs of the companies that ended up in the river... the fish also died. Water streams dried up. This all constituted a grave problem for the community. There was no entity of control that would look after this and exercise control. On the contrary, companies were granted permission. That is to say, they cultivated palm and afterwards received permission. And so the misery began, this was when the families living in the zone began to experience misery” (community leader Alto Mira y Frontera [22]).

Today, treatment installations for the solid and liquid residues of the extraction process are in order and – in theory at least – regulatory entities exercise oversight over the processing plants. Yet in the initial stages of industry establishment and expansion through to the early 1990s, no such regulatory framework existed. The consequent contamination is claimed to have led to ecological degradation of water sources and soil, the decline of species diversity, loss of cattle, and to have negatively impacted on agriculture. In addition it has generated illnesses and health consequences, as people bath in polluted rivers and consume the water and contaminated fish, as well as the affected crops.

To an extent, the regional environmental authority Corponariño admits past problems of palm oil related contamination, stating that before Law 99 of 1993 companies *“discharged directly into the Mira River, the Caunapí River, and were contaminating”*. But, *“with Law 99, a process of legalization and coordination between Corponariño and the companies started,*

*and they were given a deadline in order to start implementing the different [treatment] systems. Little by little the companies complied, until in the end they were all operating legally” ([50]).* That indeed improvements have been made in this part of the production chain cannot be denied. At the same time, this cannot undo the enormous harm brought about in the past. It moreover leaves untouched both persistent enforcement issues and the excessive demands placed on water sources during the phase of palm oil extraction. A quote from a corporate executive confirms this:

“It has its risks. I am not going to say that it doesn’t. A palm oil processing plant of the size of Palmas de Tumaco is the equivalent of a city of 200,000 inhabitants in organic waste water. Because everything you process, you process with water. This is as if all the waste of a city washes into the river. It can occur that if there is no adequate treatment of the waters, this heavily contaminates the waters. This is a product of the oil palm. These days the environmental authorities are very strict in this, and I would tell you that practically all the extraction plants have their treatment facilities of residual waters. But in a country where the law is not applied either, it is very well possible that companies have the ponds yet do not maintain them well, and that the water is being contaminated. This is perhaps a complaint that could be valid. An extraction plant that has its water treatment facilities and that abides by the norms, the norms here are very strict” (corporate executive [8]).

But whereas some of the environmental risks that inhere in the palm oil industry are being acknowledged, the most fundamental points of contention are sidestepped and/or altogether dismissed. Where possible, compromises are forged.

### **7.1.3 Capital’s compromise with nature: accommodating environmental needs**

“The development planners of this country are only interested in economic criteria. They couldn’t care less about environmental criteria, about social criteria, and about the culture of the peoples. What matters to them is profit. And when they enter a territory and cultivate 10,000 hectares of palm, what they are doing is keeping the record of how much they spent, when the palm starts to produce, the profit rate and how long it will last, and what the problems are that must be solved in order for the profits not to drop, in order for the productivity to be augmented, to be maintained... for them, sustainability means steady or rising profit during the production cycle of the crop (ONIC representative [43]).

Although I agree with the essence of this statement – i.e., that environmental, social, and cultural considerations are subordinate to the powerful economic and political interests tied to industrial, capitalist development – it also misses part of the complexity that is at work in the politics of palm oil harm. In the previous chapter I elaborated on the notion that capital is willing, and forced, to make concessions towards the interests and aspirations of local subjects. This argument extends to the ‘natural’ realm. That is to say, capital must also forge *environmental* compromises. On the one hand this entails accommodating the

environmental concerns of local populations, workers, and NGOs. But capital is also forced to meet the ‘needs’ of local ecosystems and ecological processes.<sup>84</sup> In the words of a corporate executive:

“These are perennial crops that one cannot afford to rob their ecosystem. The ecosystem must be maintained. I think this obliges us to yield to the very environment, to not attack it, trying to regenerate the biodiversity. For example, at this moment all borders of the plantation lots have plants that we call *arvenses* from the scientific point of view, which are plants that host predatory insects and that control other plagues” ([9]).

By the same token, the use of a fungus, *Beauveria bassiana*, is mentioned as a biological insecticide to control plagues.

The need to be more attentive to environmental aspects was brought up by corporate executives, industry representatives, and public officials with a favourable attitude to palm oil alike. *Not* to intervene less, or radically alter or rethink the ways we act upon nature, but to improve the techniques through which we are able to *manage* the environmental component in what are perceived to be more sustainable ways. Reference was for instance also made to the need to design more technically advanced drainage systems in order to prevent water scarcity in the future (Social and Business Coordinator of Cordeagropaz [4]).

Thus, the palm oil industry has been forced to adopt – and has embraced *on its own terms* – ‘good’ environmental and agricultural practice. In no particular order, this is driven by rationales to: (i) preserve the natural conditions of production; (ii) reduce, manage, or contain resistance from local subjects and NGOs; (iii) meet export requirements, and; (iv) conform to global conventions and current sustainable development discourse. Especially the last two points have found expression in Fedepalma’s “ample exercise” ([1]) at Colombia’s national interpretation of the principles and criteria of the RSPO, the Roundtable on Sustainable Palm Oil.<sup>85</sup> The process is considered crucial as a guide to improve the social and environmental sustainability of the sector. This, in turn, should place the Colombian palm oil industry in a better position to gain access to market niches that demand compliance with high social and environmental standards (Fedepalma, 2011: 13). “*Ultimately, this has an impact on the market, which is to say: the companies that aren’t certified would come to be barred from the market*” (Director of Planning and Social Development at Fedepalma [1]). “*This is the focus that Fedepalma is currently engaging, promoting this type of initiatives so that the companies realize this: that if they don’t join in on this, the market will close its doors. And not only the export market*” (ibid.). As such, there are strong economic incentives to engage in efforts that

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<sup>84</sup> In section 7.4 I expand on what is perhaps the most evident and alarming example of what happens when nature is appropriated and transformed without taking account of local ecology and ecosystem dynamics: the bud rot epidemic.

<sup>85</sup> The RSPO is a global network of palm oil companies, retailers, industry representative bodies, and other industry players across the supply chain, as well as, to a lesser extent, NGOs.

make the Colombian palm oil industry (appear) more sustainable.

That processes of RSPO certification carry a strong hint of 'green washing' is undeniable. Green washing (Lynch & Stretesky, 2003; Brisman & South, 2014: 86) is an important topic for green criminological analysis. In short, it refers to a corporate strategy to ease environmental unrest and convince concerned consumers, NGOs, and local people of the environmentally friendly character of corporate practice. But this should not lead us to discard the possibility that such standards also have the potential to push for (minimal to modest) improvements in production practices, albeit within an unchallenged agroindustrial capitalist model of production. Important for the discussion here is that, rather than a crude instrumentalism, we see that in the environmental domain, too, more hegemonic, negotiated relationships are entered into. To reiterate what I argued in the previous chapter, this serves to take the sting out of the contestation around palm oil harm and gradually naturalizes a given constellation of social relations and human ways of interacting with the environment. But I also noted that there are segments within the local population that do *not* accept the type of social, economic, and human-environment relations that are thus sought to be naturalized. Such contention requires elaboration.

## **7.2 “Our dreams are being destroyed” versus “They are not led to dream”**

Significant parts of the local population strongly oppose the development narrative adhered to by industry proponents. They argue that palm oil may well be a source of development for corporations, some workers, and some public officials. However:

“[Palm oil] is not a source of development for the community, nor for the country. Because a country that devastates territories, a country that displaces persons, a country or a State that displaces, that forces people to change their cultural forms of making beneficent use of the land and comply with international or corporate recipes instead, to me, that is not development” (Representative of the Alto Mira y Frontera community council [32]).

The sections that follow will address the conceptualizations of palm oil harm correspondingly put forward. As a starting point for the discussion I sketch the situation lived by indigenous Awá of the La Brava and Peña La Alegría resguardos in Tumaco (see Appendix V). To this I should add that their situation has close parallels with the harms experienced and articulated by Afro-Colombian inhabitants of the Alto and Bajo Mira y Frontera community councils.

### ***7.2.1 Encircled by palm: restricted mobility and routine social practice***

The inhabitants of La Brava and Peña La Alegría, within the span of a few decades have seen themselves being confined to ever more restricted areas. Before, the region could be peacefully traversed. Awá families lived dispersed and sometimes at considerable distances from each other. However, initially provoked by the invasion of the palm oil industry in the

1980s, different resguardos are now increasingly isolated and disconnected ([20, 38]). In order to reach the resguardos of La Brava and Peña La Alegría, first one has to cross the river Caunapí by ferry. Having crossed the river, the route then leads through the oil palm plantation of Astorga (occupying a terrain comprised of some 4000 hectares). This takes about 30 minutes, *if* one travels by motorbike. Both the ferry and the road are privately owned by Astorga. Movement is thus restricted and effectively controlled by the company;



7.3 Road leading through the Astorga palm oil plantation that must be traversed in order to reach La Brava (photo by author)

to use the company's infrastructure one needs permission and is bounded by the time limits set by the company (members of UNIPA [20] and La Brava [38]).

These limitations on movement, access, and exit as it were confine communities in their territories. Territories have moreover been drastically reduced in size. In 2000 and 2010, respectively, La Brava and Peña La Alegría obtained collective titles to what *remains* of Awá ancestral land. Peña La Alegría is thereby completely encircled by oil palm. As members of La Brava put it, the people there live in “*a resguardo that is enslaved by the company Astorga*” ([38]). In a radically altered landscape – stripped of the natural ecosystem that forms the basis of Awá traditional systems of subsistence, cultural and spiritual forms (see Bisbicús et al., 2010) – Peña La Alegría has grown wholly dependent on the palm oil company. Around the lands that the communities of La Brava and Peña La Alegría were able to hold on to, deforestation has taken place on a massive scale. This has converted biodiverse forests into monocultures of oil palm (see pictures 7.4 and 7.5 on the next page). An ONIC worker unequivocally referred to such practice as criminal:

“To establish a monoculture of African palm in these territories is a crime! Because it displaces a fundamental activity for the communities in terms of their food security and sovereignty. What is the first thing that happens in an enclave economy? Dependence; what arrives is a state of total dependence of the people on imported foods” ([43]).

Hunting activities have diminished to a minimum due to the loss of fauna. As a consequence of the contamination of rivers and water streams this goes for fishing, too, which is ascribed to the chemical run-off from palm plantations but also to coca-related problems – referring to coca cultivation, laboratories, as well as indiscriminate aerial fumigations presumably meant to eradicate the coca (e.g. Corte Constitucional, 2009a: 156-157).



7.4 Resguardo Peña La Alegría (photo by author)



7.5 Facing the opposite direction: oil palm as far as the eye can see (photo by author)

But also *within* collective territories environmental degradation places severe limitations on subsistence and cultural practices. This, it must be added, is not so much the direct result of palm oil operations but mostly related to coca-related activity and attendant oil spills (see chapter 5). *“We have contamination caused by the fumigation, contamination caused by the maintenance and agrochemicals needed by the palm growers in the zone of the Awá, but apart from the contamination from the [chemical] inputs used for the coca crops, the spraying, apart from this comes the contamination from the oil that is spilled... I don’t know how the Awá manage to survive in the territory. And how the forest and woodland endure”* (UNIPA member [20]).

All of these factors moreover place extreme pressure on water sources, not only in terms of contamination but also due to water streams running dry. In this regard, Peña La Alegría is especially hard-hit: *“Peña La Alegría suffers greatly from water; it doesn’t have water. It has a small part from where water springs when it rains, but if it doesn’t rain the people remain without water. They have to ask the municipality for help, to bring them water by tank”* (UNIPA member [20]). In addition to heightened exposure to diseases, perversely, these water shortages bring about the need to be supplied with water in a region that stands out for its vast river network. I already pointed out the vital importance of rivers in regions as the Colombian Pacific. Water is a literal means of subsistence (i.e. as a liquid to consume and a ‘basket’ of fish, etc.) but also infuses culturally specific *ways of subsistence*. Both the liquid itself and the landscapes through which it flows carry cultural, spiritual, and symbolical meaning and are central to whole ways of being. Waterways moreover *connect* communities as a means of transport and provide them with the necessary materials to set up projects.

On the part of affected communities there is no lack of vision regarding the type of productive, cultural, and environmental initiatives that could improve their life projects and local environmental conditions. What *is* lacking, are the economic resources and essential infrastructure (over land and over water) to autonomously enrol activities that are in accord

with local culture and territorial vocation (members of La Brava [38]). Hence, under the experienced conditions, traditional means of subsistence – hunting, fishing, food gathering, and agriculture – are thwarted or even completely disabled, *within* as well as *outside* the legal title. Communities are left with little other choice but to subsist by cutting the remaining commercial woods:

“Here basically, large trees, the streams practically dried up, timber species there are none anymore. Here, people subsist from day to day by finishing the few woods [*palitos*], balsas that still remain because there simply is no other way.<sup>86</sup> In view of the surge in crops for illicit use at one point, there was only fumigation and forced eradication. People no longer eat the few animals that remain. There simply has not passed much time, 10 years and this will simply be a myth of everything that existed for example some 20 years ago. Things are running very fast in terms of finishing off all this biodiversity and the very diversity of people’s customs. This is the most, let’s say: it is as if practically annihilating... this is practically a project of annihilation of the thinking of a people and all the riches that exist here. Of the environmental, the natural, the cosmological, the spiritual, all of this basically” (Awá member [38]).

Collective land titles and cultural rights notwithstanding, prevailing power asymmetries are left intact; the experienced context of social and economic marginalization does not allow for the effective exercise of the formally granted autonomy. Communities are being restricted in their mobility and the enactment of their ways of being and social routines; by Escobar (2008: 63-64) referred to as *emplacement*. Although land tenure formalization may have been partially – very partially – successful at halting the dispossession of land *qua land*, dispossession of the social, cultural, and productive *uses* of land is ongoing. But for industry proponents this is not dispossession but a benign and inevitable transition towards more ‘efficient’ and ‘lucrative’ ways of using and relating to the land. Hence, what for some is felt like a push towards acculturation is by others explained as the success story of the transformative power of palm oil. The next sections deal with each of these two positions.

### **7.2.2 Agroindustry and the push toward acculturation**

In the perspective of corporate actors and industry proponents more broadly, the inhabitants of Colombia’s Pacific coast (and rural zones in general) lack an entrepreneurial mentality driven by motives of accumulation. This, they claim, is needed to progress both socially and economically. I was for instance told that:

“Fishing, logging, mining, these are given to me by nature. I don’t grow fish, I don’t grow wood, I don’t grow gold. These have been the three predominant vocations in the Pacific. And people thought that neither the fish, nor the wood, not the mining would ever face

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<sup>86</sup> This contrasts sharply with the corporate version of ‘coastal culture’ as prone to deforestation (see chapter 6).

depletion. In the economic rationality of a fisher the question is: why would I accumulate if tomorrow I go out, fish, eat, and sell? The same occurs with wood; I cut the wood for the house, the rest I sell. The same with gold. So, people were never producers, they have always been extractors. Let's wrap them up with a mentality of accumulation, a capitalist mentality: accumulate in order to grow and enrich ourselves. This rationality isn't there in the mind of a miner. If you look at these three, surrounded by all this wealth, these are the poorest sectors of the Pacific!" (Cordeagropaz's Social and Business Coordinator [4]).

Yet this obsession with accumulation is not, and has never been, the organizing principle of indigenous and Afrodescendant culture. To this very day, the drive 'to accumulate' is by many perceived as a socially, culturally, and ecologically disarticulating and destructive logic. Various times during the interviews it was emphasized that Afrocolombian culture has never been a culture of accumulation but one of living life by the day. *"Before we lived with the tide, life and production responded to the phases of the moon. When I was little, we woke up to live the day, to resolve the problems of that day, not of the following week"* (Afro-Colombian activist [23]). Similarly, another person ([21]) stated: *"Our people... The thing is that ours is not a culture of accumulating. 'I have today'. For me, to accumulate is not my principle of life. For me, life of the people of the Pacific revolves around pleasure, permanent pleasure, joy [alegría], to be content, to share"*.

It is certainly the case that there are segments within the local population that hold a positive conception of the type of agroindustrial capitalist development that has arrived to the region and is fast transforming it. But critics perceive this as a negative imposition instead. They argue that the 'development' that has arrived to the Colombian Pacific is neither of the type envisioned by the people, nor something they can benefit from. In the words of an Afro-Colombian woman: *"The development that has arrived is not for us, it is for others. We, in the environments where we live, are unprepared for this kind of global development"* ([30]). Those who benefit are the ones that have studied, that have prepared themselves, and that *"have come to implement ideals that weigh down on, rather than potentially support, our knowledges"*.

As such, palm oil is perceived as a 'strategy of acculturation' ([23]), imposing a model of development that negates local proposals for autonomously conceived projects. This is not to say that all change is necessarily objected to. *"Of course with time all things evolve and change, but, I mean, naturally or in keeping with the dynamic of a people, of the territory, but not when the granting of concessions make this into such an abrupt experience for everyone"* ([47]). The type of agroindustrial capitalist development of these territories comes with the imposition of ways of being, living, and thinking that deny the projects of life envisioned by communities themselves. What has arrived to the region is 'neither sustainable nor true development' (community leader, Alto Mira y Frontera [37]). It does little

to improve the deplorable socioeconomic and environmental conditions experienced in the region and in fact has very much *exacerbated* these conditions. But in a perverse twist, this situation is more likely to be ascribed to the lack of the people themselves:

“For 20 years there has been talk of changing an attitude because a people like the black community – a people of the seas, rivers, and water streams – is living in bad conditions; bad health, bad alimentation, bad education. But to this very moment this same people continues to resist, but without having received a minimum from the State. That is to say, a minimal investment by the State so that this situation could change. But they sure spent money, a lot! And they say: ‘We have invested a significant amount of money in the black classes’. But how did they invest this money? In projects that weren’t designed with us. And this denigrates a working class, because to all likelihood we will be parasites or lazy... It turns out that the illusion of investment is indeed upheld by the State, but to us the money does not arrive” (community leader, Alto Mira y Frontera [37]).

Within the local population, many claim that the money that is supposedly invested in the communities is misappropriated or spent primarily at the institutional level and on (technical) intervention by second-level organizations. In any case no such resources arrive to the base. The types of projects that do arrive are often not built up *from* and *with* the communities. And as a consequence of lacking the resources to autonomously materialize their own projects, communities have grown so dependent on external aid that a level of passivity is taking hold. In view of this I was told:

“We are being distracted in the productive theme and they are, so to say, anesthetizing us in our social struggles. I’m not saying not to get involved in these productive projects but let’s not lose sight of the fundamental issue. This is impeding us to decide over our future. *Lay down* the terms, not receive them. The cooperation is constructing in the Pacific a society that is distinct to the one we have pursued here. A development project is a community project. But this development project bears no resemblance whatsoever to whom we are. I don’t see anything here, or only very minor things that strengthen our identity, our thinking, and that capacitate us to our own benefit. To be other is impossible. And all the more so when it comes to culture; to want this culture of ours to be of a different type is impossible. Do you know where this leads to? It generates conflict. It generates a conflict that they don’t want to read. These monocultures generate this type of conflict: wanting to make of us a culture that we are not” (Afro-Colombian community leader [21]).

### **7.2.3 The transformative power of palm and the law as “obstacle to development”**

A wholly different version emerges from the corporate and industry perspective. Rather than a driver of cultural annihilation, the palm oil industry is depicted as a key driver of social and economic progress, all the while being respectful of cultural diversity. Palm oil, it is argued, in fact allows for a strengthened social fabric in rural zones in that it provides people with the productive means to organize, and thus hold on to, their lives in the countryside. Regarding

palm oil's alleged potential in social, cultural, and economic terms, the Managing Director of Palmeiras stated:

"I lived fascinated by the case of Tumaco. Well Fedepalma has created a new federation slogan called "The transformative power of palm", and 15 days ago when I was in Bogotá I told Jens Mesa<sup>87</sup> how spectacular it appears to me because we already witnessed what palm is capable of. Palm is capable of developing a people. We have seen it in Indonesia and Malaysia, where it has done exactly the same. Personally I don't understand why we have so many enemies, because we have enemies all over the place. Some NGOs think that we are the worst crop in the world. I don't know why. I don't know what caused them to think this, because I think we have the best crop in the world" ([7]).

Yet it is claimed that the full potential of the industry cannot be materialized under current conditions, in which an allegedly far-reaching legal framework has a paralyzing effect on the development of industrial activity. Certainly, Colombia's enormous wealth in cultural and ethnic diversity warrants respect and protection, but it is insisted that both for the sake of the communities themselves and in the national interest, respect for the cultural difference of indigenous and Afro-Colombian groups must be combined with efforts to convince these communities of the need to participate in a competitive market economy. Collectively held lands must be made (more) productive and competitive. *"Because, look, overall these populations are lacking, but nobody makes them realize that they are lacking because they live according to their own culture, according to their standard. Hence they are not led to dream"* (former corporate executive [6]).<sup>88</sup> Increased productivity is viewed as an absolute must, but the terrains that lend themselves to such productive ends are often 'the theatre of this type of social conflict'. But the likelihood of invasion, and above all economic invasion, it is argued, is reduced when one is competitive:

"It's not that I'm saying that I'm OK with invasion, I *don't* agree that these people are culturally violated. Of course not, right? But the thing is that we must think in production. In many cases some resguardos have regained lands – I know this from examples of cattle breeders here in Nariño – and so they told the rancher, who had something, let's say, in the order of 2,000 hectares: "No, this is our land". They fully invoke the legal question. Well this rancher is a big producer, and as an outcome of legal circumstance he gets expelled. These lands went from vast production to not producing anything. Having these lands, well then let us instruct the man who lives there, the indigenous communities, to produce well, to be competitive, because we need to think in this. In this globalized world, facing the 21<sup>st</sup> century, we cannot be thinking as 200 years ago. [...] Here in Colombia, for sure you have noticed, there are many discussions in terms of respect for ethnic groups. Well, splendid.

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<sup>87</sup> Jens Mesa Dishington is the Executive President of Fedepalma.

<sup>88</sup> Compare this to the view that *"with the arrival of the oil palm, all of our dreams are being destroyed, because they implant the notion in people's mind that the only product to be able to subsist is palm"* (Afro-Colombian community leader, Alto Mira y Frontera [22]).

But let's look at it from a realistic point of view: the world is globalized. And if the world is globalized, then we must think in some very specific products" (former agronomic director of Palmas de Tumaco [6]).

Hence, the commercial products that Colombian agroindustrial production must be geared to are those products that are competitive in the global market. And purportedly, many of these products *cannot but* be grown on the lands historically inhabited by Colombia's ethnicities and that are now being (re)claimed by these communities. "*It is essential to rethink this model; to respect ethnic groups so that they may become productive.*" This, it is argued, "*is not invading them in their cultural being. No. It's teaching them to work more competitively*" (former agronomic director of Palmas de Tumaco [6]). There is a patronizing insistence that communities must be taught how to improve their conditions of life by adapting to the spirit of contemporary times. But corporate executives and industry representatives more in general, complain that their efforts to contribute to the social and economic development of marginal zones are blocked by Colombia's legal and institutional framework vis-à-vis land tenure and cultural rights. Cordeagropaz's Social and Business Director ([4]) for that matter insisted that without the proper instruments to give *useful* substance to Law 70, communities are no more than contemplating the land. Fedepalma's Director of Planning and Social Development ([1]) likened Law 70 to a "straitjacket"; an obstacle to development that has generated zones where industries are unable to undertake activities to the benefit of socially and economically disadvantaged communities. And, to quote more at length from another corporate executive:

"I think this has been detrimental for the Pacific. There is a very complex ideological notion to this. The black communities have enormous extensions of land, *unexploited*, they don't exploit these lands. The Pacific is a zone that could thrive economically; it has very good economic potential because of its ports into the Pacific. I'm not saying this for the sake of palm oil. It may as well be other crops. But the black communities do not allow any type of activity other than cultivating subsistence crops [*pancoger*]. What are the consequences? The Pacific has been condemned to economic failure. No company can go there to do a single thing for the black community. One cannot buy lands, one cannot establish anything. So they are doomed. From an ecological point of view it is perhaps very interesting. The *micos* [little monkeys] there will live forever, and all that, but the people will continue in absolute poverty, in absolute poverty. The thing is, these romantic visions, things are more complex. If you don't act someone else will. In the Pacific there is gold. The government does not grant a licence to anyone to extract this gold. So who will exploit it? Illegal actors, the paramilitaries... And this *does* end up killing people. By the same token, if you condemn the Pacific by not allowing any palm oil company to operate there, what do they grow? Coca. And this generates violence" (corporate executive [8]).

Likewise, the Managing Director of Palmeiras ([7]) warned that "*Tumaco will remain stuck in the 20<sup>th</sup> century for a long time ahead until the laws change and communities are enabled to*

*do something different [with the land]*". In his opinion, what communities see as a political achievement has in effect condemned them to indefinite poverty.

The "mistaken notion of food security" ([6]) is targeted along the same lines. When local subjects denounce the palm oil industry for the threat it poses to people's food security and sovereignty<sup>89</sup>, they engage in such critiques from particular socioeconomic, ecological, and cultural realities. Theirs is a *contextualized* critique that points out the social, economic, ecological, and cultural significance of local models of production and the crucial importance of having access to healthy environments. Against this stand the disembodied claims from industry proponents that: (i) palm oil is a source of food, i.e. it is used to elaborate food products; (ii) the palm oil industry attends equally to both the food and biofuels market; (iii) oil palm cultivation does not displace subsistence crops, and; (iv) generally, in regions as Tumaco, malnourishment stems from bad eating habits rather than from agroindustrial activity (e.g. [1, 5, 6]). In fact, it is claimed that the palm oil industry has the potential to *enhance* food security by capacitating regions to produce a given crop that is competitive at the domestic and global market:

"Food security is not about having everything that goes into one's plate available right there and then; food security implies that regions are capacitated to produce a set of specific crops that lend themselves for export. And with this, I buy what is missing from my plate so that I can complement my daily calories. This is what food security means. Food security is not about having five thousand poor agriculturalists with one hectare cultivating cassava and all that, this is nonsense. These are the lies that people are being fed in Latin America. Latin America has to be serious about this, because food security implies that a population is able to purchase the complements to their daily diet. [...] People have been lied to with stories that food security means that one holds a piece of land containing everything needed to eat. Okay, and purchasing capacity, and progress, and the economic aspect, and social projection? In this sense at times the concept is wrongly interpreted. It is very well possible that these 5000 hectares do not allow for 5000 producers of 1 hectare, but neither does the producer of 1 hectare have food security, nonsense. Food security in these zones is achieved through a variety of products that are central to the international market and with agriculturalists organized accordingly in producers associations; something in which Colombia and Nariño especially are lacking. This is the only way one manages to be competitive. For me, food security is to be competitive" (former agronomic director of Palmas de Tumaco [6]).

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<sup>89</sup> Both terms are drawn upon in the local context, but the critique thereby called upon and articulated corresponds by and large to the food *sovereignty* concept. Although subject to debate – see Jansen (2014) for a critical review of the food sovereignty framework – 'food security' requires that people have access to or the means to purchase sufficient food. When food security is threatened, proposed solutions tend to be framed in terms of capitalist criteria of heightened productivity and free-market competition. 'Food sovereignty' requires that people are able to exercise autonomy in meeting their dietary needs, and that they have access to and are able to produce the foods that fit their (cultural) dietary patterns. As such, from the point of view of food sovereignty the target of critique is the agroindustrial model of production and neoliberal capitalist relations and practices.

In sum, whereas some cultural expressions are accepted, there is outright dismissiveness of cultural difference when this manifests itself in the productive sphere. It follows that in the encounter between neoliberal dictates of development and productivity with alternative ways of being, the acceptance of cultural and ethnic diversity does not extend to so-perceived 'backward' elements, or overly radical demands, that correspond to nonconformist ways of using and relating to the land. In the discussion section I expand on these dynamics by drawing upon the notion of 'neoliberal multiculturalism' (Hale, 2002).

### **7.3 The economic and environmental viability of small-scale cultivation**

From the discussion thus far, it follows that, for its critics, palm oil is not a viable project.<sup>90</sup> But I already pointed out that the contestedness of palm oil harm is not merely played out in a bilateral discussion between large industry players on the one hand and palm oil critics on the other. The integration of more and more small growers into the structures of the (global) palm oil business adds another dimension to the politics of palm oil harm. Here, I return once more to this dimension. I thereby address both the situation as it is experienced by the small grower as such, and the tensions that exist within the local population of Tumaco as regards the contestation of palm oil harm.

#### **7.3.1 Small grower aspirations, gains, and predicaments**

In chapter 6 I argued that small growers of oil palm tend to accept the productivist discourse that normalizes a capitalist development pathway organized around a select number of cash crops deemed economically interesting. This does not mean that small growers of oil palm deny that there is some social and environmental harm bound up with this kind of economic activity. However, on the whole, they argue that the positive social and economic impacts of palm outweigh its (minor) environmental impact. On the benefits of palm a small grower said:

“Let me assure you that those of us here who are oil palm cultivators know its favourable impacts. It is a product that creates prospects. I cultivated 12 hectares in this project. I was harvesting 20 tons of fruit every 20 days. This allowed for a good entry into sustaining one’s family; one experienced that this was a way to educate our children and at the same time live communally in the countryside” (small grower [10]).

This was equally stressed by another small grower ([19]) with reference to what she refers to as “the first cycle of palm” – which lasted until the outbreak of the bud rot epidemic. During the years in which the sector flourished, the people lived well, she claims. “*Believe me, we had a calm economy*”. In fact, the standard of living in zones of small grower cultivation of

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<sup>90</sup> Although even palm oil’s strongest critics do not deny that its cultivation is *economically* lucrative. Palm oil is for instance described as “a mine” in terms of its economic gains (inhabitant of Alto Mira y Frontera [35]) and in view of the employment it generates has given a boost to the local economy (community leader [21]). But this has come at huge environmental, social, and cultural costs, which by far exceed the economic gains and cast a dark shadow over the activity.

palm was repeatedly claimed to be much higher than in zones to which the activity has not arrived. This is perceived as a faithful reflection of palm oil's beneficial impact and confirms that *"from the economic point of view, palm continues to be a great alternative"* ([11]).

Whilst not downright discarding the economic viability of palm oil for small growers, it should be emphasized that the oil palm is a capital intensive, slow-maturing crop; costly to be established, maintained, and processed. The crop is moreover part of an industry that is deeply embedded in the global economy and as such is heavily subject to (global) political economy forces. Such structures and conditions do not realistically allow for small grower autonomy or equality of terms, let alone a small grower controlled process, something that they do frame as a core objective for the near future. In Guapi for instance, I was told: *"What we want is a community project, avoiding that the corporations or large players enter. This also requires having processed products, not just the raw material"* ([13]). Many small growers expressed to be intent on enhancing their position as independent producers.

Thus, small growers insist for instance on the importance to, eventually, collectively own their proper extraction plant. However, in addition to the costs of the processing plant as such, for a processing plant to be economically viable, it is necessary to have a minimum of 3000 hectares of oil palm in production. From the time of establishing the plantation until the moment it starts to produce, one hectare of oil palm is claimed to cost up to 12,000,000 Colombian pesos. The loans obtained by small growers are based on 7,800,000 Colombian pesos<sup>91</sup> per hectare (small grower [12]). This means that small growers are often unable to apply the required amount of fertilizers on the basis of which plantations would start to produce after 2 to 3 years. As a consequence, their oil palms tend to mature much slower, taking up to 5 or 6 years in some cases (small growers [12, 18]).

In addition, to obtain credits, small growers are required to organize themselves into associations. Even if the debt of each individual is known, ultimately, the responsibility falls on the association as a whole, and so the question arises whether all will work the same way to return the money ([19,10]). The consequent economic pressure of being indebted is acutely felt:

"When the credit is in one's own name it is rather straightforward to say: I owe the bank 6 million and I will have to work hard for these 6 million. But when working collectively, well one sees this sum reaching 430 million and believe me, this is frightening" ([19]).<sup>92</sup>

For such reasons, various NGOs deem the incorporation of small growers into the palm oil

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<sup>91</sup> The mentioned sums correspond to more or less 4200 and 2750 euros, respectively. Considering that the minimum wage in Colombia (in 2014) was set at 616,000 Colombian pesos – i.e. 217 euros – it is obvious that the loans that small growers have to assume are dizzying to say the least.

<sup>92</sup> This is arguably an effective way to compel individual associates to discipline each other into 'good, responsible entrepreneurs' that deviate as little as possible from the productivity standard on which loans are based.

industry problematic. In their view, indebted small growers are locked into inequitable social and economic relationships which leave them highly exposed to the uncertainties bound up with both the industry itself and such things as adverse weather conditions.<sup>93</sup> Most of all, the way the industry is organized is claimed to turn small growers into mere suppliers of raw materials, effectively handing control of their lands over to the corporation that controls the production process, the commercialization, and the added value in the production chain:

“It is almost as if not even the crop itself belongs to the people. The only thing the people do is handing over their land and labour power. I mean, where do you get the resources to grow palm? To make drainages, which you constantly have to make; to buy seedlings that are expensive; to buy fungicides, weed control? There are huge costs involved. And in addition, as a ‘peasant’ farmer, you are going to wait the 5 years it takes to get the first harvest of this crop?” (member of Justicia y Paz [39]).

As this NGO worker said, in itself palm oil is not necessarily a bad thing. The problem is that under current economic arrangements there are no other – more beneficent – ways to relate to its production: *“The production chain is totally controlled. And the worst link in the chain, the one that suffers most, is the impoverished small grower that enters into this business”* (ibid.). Many small growers are aware of the power imbalances that they are subjected to in trying to subsist by cultivating oil palm. But at least with this crop, small growers say, people *have* where to sell their fruits. Palm oil allows them to obtain a regular income where other crops fall short. *“In this sense one feels very insecure to practice other types of agriculture. One ends up with palm because they [the companies] will buy your fruit”* ([19]).

Yet small growers also insist that over the years their power of negotiation has improved, something that has resulted in less exploitative practices: *“I think that before we were organized into associations, the large corporations abused the small grower. Taking advantage, because they bought the fruit at the price they felt like”* ([11]). Hence, gradually, organized small growers were able to negotiate better prices. In 2006 they gained insight into the process whereby the price per ton of fruit was being established. And so:

“Having figured this out, we sat down with them and said: ‘Look, we know how the price is being set and you are not paying us a fair price. Start paying us a just price’. And so we began to negotiate. And we were more or less about to arrive at an agreement. Because the truth is that we didn’t reach that point. We never really reached the point of agreement. Because whilst we were in this process, the downward spiral set in, the palm started to die due to the disease” (ibid.)

The near future will have to demonstrate to what extent small growers can further advance in the process of negotiating a just price for their fruits. This could add to the economic viability

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<sup>93</sup> E.g., Colombia is notorious for its heavy rainfalls in the winter season, which has led to floods and landslides in which small growers have lost everything (member of Grupo Semillas [40]).

of the small grower project, even if leaving unchallenged its place in an inherently unjust and environmentally unsustainable economic system.

In terms of *environmental* viability, even though environmental considerations are not definitive of small grower conceptualizations of harm, concerns were raised, in particular in relation to the use of agrochemicals. I already touched upon the fact that small growers have stated the need to lower the use of agrochemicals in view of the fear that their lands may become unproductive. But dependence on agrochemicals is also problematized for the difficulties it generates to small growers that wish to practice a more integral farming model. A shift towards a more sustainable model of production – that allows the people to work organically and have a diversified finca with subsistence crops and animals – is argued to be crucial for the small grower. *“Perhaps from the industry perspective they think that this is a waste of time. But this is very important because there [in the finca] is where the food is, it is life”* (small grower [19]). But in the end, even if somewhat critical of the use of agrochemicals for palm oil production, small growers, too, tend to qualify such use by making reference to the glyphosate used for the eradication of coca:

“The indiscriminate use of agrochemicals is not exclusively palm related. Here for instance, many agrochemicals have been used for other activities, including illicit ones. For instance, for the past 10, 12, 15 years we have been indiscriminately fumigated with the famous glyphosate. And this is contaminating as well. Studies have found that the aerial fumigation of one hectare, whether licit or illicit – here they are fumigating more our licit production than illicit – for fumigating one hectare, 6 gallons of glyphosate are needed. 6 gallons! In the past 10 years 400,000 hectares have been fumigated in our region. If we assume that for fumigating one hectare 6 gallons of glyphosate are needed, we are talking of 2,400,000 gallons of glyphosate. I say, this has to cause some impacts; impacts that we didn’t cause. They have brought this upon us, imposed it on us, poured it out over us. So why... This should also be subjected to scrutiny, rather than saying this or that of palm. At least one can observe that the palm is showing clear, concrete, real, and tangible results” ([11]).

Small growers recognize that there are problems with palm oil but above all emphasize the social and economic gains to be had in the midst of the many difficulties people in the region are confronted with (small grower reunion [16]).

### **7.3.2 Opting for oil palm in the midst of opposition**

It is worthwhile to elaborate on the tensions bound up with the simultaneous support versus rejection of palm oil. To repeat, palm oil is opposed for the alleged damage it does to: (i) the territory, the latter’s biophysical conditions and socioecological dynamics, and the life forms dependent on it; (ii) the social fabric of communities, and; (iii) communities’ physical and cultural existence in the environments on which they have constructed their livelihoods and ways of being. But leaders of small growers associations express frustration with the “bitter

enemies” of palm within some of the collective territories. In response to accusations that with palm oil communities come to be led by dynamics that are exclusively individual and that revolve around corporate rather than community needs, a small grower ([11]) countered:

“The argument that palm oil would disarticulate in my opinion lacks substance. I think quite the opposite. Look, our associations, of small producers, today we know each other better, today we act as a family; the members of the associations and our families know each other. I am so proud when I go to the *vereda* [rural settlement] where I have my parcel and greet the members of the family. It gives me such pride that for instance when I’m ill, someone here [from the urban centre of Tumaco] sends a car to take me to the doctor; this is brotherhood, this is solidarity, this is to have a sense of collaboration, of belonging, to be as brothers amongst each other. And it is our organization that allows for this, this is the level we have reached. So one wonders, is this disarticulating?”

To reiterate, small growers hold a different concept of the problems they experience and thus construct, and accept, other ways of overcoming these. They seek the answers to their hardships in the solutions provided by the very social, cultural, political, and economic arrangements they are increasingly subjected to. In contrast, critics view the social and economic promise of palm oil as “an illusion” that sooner than later will disintegrate communities ([42]). After being all too easily deceived by the smooth talk of development, there is no way back because of the imprint this is alleged to leave on one’s mind. *“Really, people do not even know how to write and yet we will be rich in 4 years, in 3 years...”* (former community leader, Bajo Mira y Frontera [30]).

The resulting tensions manifest themselves strongest in conflict between the juntas of community councils and the leadership of small growers associations. There are cases where juntas have actively sought to slow down the cultivation of palm on collective lands. They argue that they must do so, in order to protect people from disaster and to comply with internal regulations that set limits on the permitted extension of monocultures ([31]). Generally though, in view of the socioeconomic necessities in the collective territories, juntas do not take a resolute stance that utterly forbids people to grow palm:

“We cannot tell people “don’t cultivate this crop” when we have nothing to offer them instead. But if we had more productive projects on offer in accord with the socioeconomic conditions, politics and culture of the people, we would. But for now, let’s say, we leave them free to choose the crop available to them for their subsistence. This is to survive; this is not even to live well, but to survive” (community leader, Alto Mira y Frontera [37]).

But ultimately, they see the palm oil industry as part and parcel, and one more manifestation, of a more fundamental set of problems and entrenched power dynamics. To elaborate on this point I draw on, and quote from, an interview with a government official in Tumaco (also past president of Palmasur [51]). On request, he shared his thoughts on the persistent local

opposition to palm oil and the internal divide this creates within communities.

First of all, he suggested that “historical referents” may have generated a certain level of aversion against palm, in terms of the force and violence that may have been carried out in the first phases of industry establishment and expansion. The emergence of producer associations, almost all of which are organized around palm, was brought up as a second – possible – source of conflict. These associations, he contemplated, might be perceived as threatening the autonomy of the juntas of collective territories:

“When confronted with producer associations that gain a certain degree of autonomy, a certain degree of power, normally these governing bodies are no longer, let’s say, that autonomous anymore; they will have to negotiate or enter into dialogue with these associations. Who knows, this could also generate a degree of conflict perhaps.”

A third source that could possibly lend itself to conflict – admitting that there are legitimate reasons for such concern – is the risk that the monoculture poses to food security:

“So, perhaps one of the rejections may also be, and this goes not only for palm but for any product, that if we work monocultures, well then logically we have a serious problem in terms of food security and autonomy in the territory. But if anything has done serious damage in terms of the food of the region, it has been coca. And here we do have several studies to show. Before the coca arrived we had sufficient food production – for the local market, perhaps not to commercialize and all that because there was no organized process, but local markets were supplied. Then the coca arrived, and the illusion of money, and people abandoned their subsistence crops. When the coca was finished, hunger prevailed; territories with hunger. And because the aerial spraying – the fumigation – does not discriminate, it is the worst thing we can have. It kills everything. Even more, it does more damage to the subsistence crops than to the actual coca. [...] If anything has done damage to the food security issue it is coca. And monocultures, of whatever type, as well. And for this reason the advice is that we do not depend on monocultures. That we diversify” (Mayoral advisor and former president of Palmasur [51]).

To sum up, industry and official discourse seeks the explanations for opposition to palm oil in: (i) past occurrences of violence; (ii) power struggles within different segments of the local population, and; (iii) fears that food security is at risk. Whilst there is certainly an element of truth to these claims, they are also at most surface level interpretations of the situation. Each of the three explanations found in official and industry discourse is a response to a more complex and disavowed reality that also lends itself to a more critical reading. To begin with, forced and violent dispossession in the initial or preparatory stages of palm oil production should be placed in their broader historical frame of reference. Rather than exceptional and isolated outbursts of violence, the excesses of – amongst others – the palm oil industry, are the prolongation of a historical continuum of the dispossession and subjugation experienced by Colombia’s indigenous and Afrodescendant populations. Second, conflict between small

growers associations and the juntas of community councils reflects an *entrenched* issue: the figure of the collectivity is being persistently undermined and the actual reach of cultural and collective land rights falls short of full recognition of cultural and ethnic diversity. Lastly, the argument about the potential risk of monocultures to food security – acknowledged, then toned down, and finally displaced by the coca theme – misses the point that what is at stake is food *sovereignty*. This leads back to the crucial issue that notwithstanding the rhetoric of the need to diversify: (i) communities lack the economic resources to diversify their means of subsistence in accord with existing social and cultural relations and practices; (ii) that ecological conditions often no longer allow for this, and; (iii) that broader economic structures actively impede such options. Before I take this up in more detail in the discussion section, there is one last phenomenon to address: the bud rot epidemic. Both the occurrence of this epidemic and the way it has been handled, exemplify once more the thus far discussed dimensions of the play of power in the politics of palm oil harm.

#### **7.4 The bud rot epidemic: the materiality of nature<sup>94</sup>**

For a comprehensive understanding of the multiple relations and processes that shape the play of power in the politics of palm oil harm, analysis must explicitly factor in ecological and biophysical conditions. Nature is often thought of and treated as a passive acted-upon space that can be mastered and used instrumentally to our likings. But, as Scott has noted (1998: 7, 19-22), human organization and the materiality of nature intervene with ‘ideal’ visions of the management, manipulation, and control of socioecological conditions. As Castree (2003) and Sneddon (2007) point out, the materiality of nature matters significantly in shaping and influencing processes of capital accumulation and related social and environmental conflict. To draw on the work of Tsing (2005), global processes and the top-down implementation of capitalist models of production do not meet the local without alteration or resistance. Of key importance here is that in the friction of encounter between global designs and local realities, natural conditions, too, play a central part.

The bud rot epidemic that destroyed close to all of Tumaco’s oil palm is a manifest and alarming example of the role played by the materiality of nature. When the bud rot epidemic in Tumaco spiralled out of control it assumed such proportions that the industry as a whole was halted. This shows how paradoxical harm can backfire and become a problem *to* the very industry that is conducive to such harm in the first place. Both bud rot as such, and the ways it has been dealt with, have brought about another round of environmental and social harm. But beyond its immediate bearing, it is also the case that the controversy and the discourses and practices surrounding the phenomenon exemplify once more, and with particular force, the thus far detailed and theorized play of power in the politics of palm oil

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<sup>94</sup> The bud is the growing point of the oil palm, located at the top of its trunk.

harm. For this reason, too, it is instructive to delve deeper into the matter.

#### **7.4.1 When the palm oil boom takes an ‘unexpected’ turn**

Starting to take on serious proportions from 2005 onwards and reaching its height between 2008 and 2009, the bud rot epidemic in Tumaco culminated in the death of some 35,000 hectares of oil palm, leaving few oil palms alive. There exists no absolute agreement on what precisely causes the problem, but several factors are common to the explanations put forward during interviews at the corporate ([9]) and industry ([5]) levels as well as a public meeting organized around the issue ([54]). There are strong



7.6 Pudrición de Cogollo, i.e. bud rot (photo by author)

indications that in the first phase abiotic conditions<sup>95</sup> play a decisive role. Hence, Tumaco’s high humidity and extended periods of cloudy weather, disturbances in soil nutrients, and the vast, monoculture model of production heightened the vulnerability of the *Eleais guineensis* to biotic pathogens like the *Rhynchophorus palmarum* (the South American palm weevil) and *Phytophthora palmivora* (a fungus). In some regions of Colombia – especially Tumaco and the Magdalena Medio – the incidence of bud rot has assumed epidemic proportions. Vis-à-vis uncontrollable outbreaks of bud rot, I was told:

“What is the case with Tumaco? It is a very humid zone. Bud rot is produced by a complex of fungi and humidity favours the action of fungi, making them more violent. This then combined with the presence of a plague, called *Rhynchophorus palmarum*, an insect. And this aggravated the situation. In the Llanos the disease manifested itself in the 1990s, but in the Llanos there is a period of summer that lasts some four months and this breaks the cycle of the fungi and allows the plant to recuperate. So in the Llanos, although the disease occurs, plants recover. At this moment in the Magdalena Medio the disease is strongly present and, due to climatic changes, 2010 and 2011 in particular were extremely humid and this made that the disease was very strong. At this moment 45,000 hectares of the palm over there are dead, and estimates are that an additional 25,000 will die this year. And...ehh, well if nothing is done then the 100,000 hectares cultivated in the zone will die. In the Atlantic coast the situation is similar to the Llanos, large periods of summer, as a result the cycle of diseases is shortened, and so the disease is not that severe” (corporate executive [9]).

When I asked whether one could therefore argue that these zones are actually not apt for palm, the answer was that these are zones referred to as ‘marginal’. I.e., the north of Latin America, the argument goes, has very high levels of biodiversity. This is extremely beneficial

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<sup>95</sup> These conditions are influenced by the interplay between climate factors, soil properties, agronomic practice, and the genetic properties of a crop.

for various reasons but at the same time makes crops more susceptible to diseases to which there is still no cure.

It is safe to conclude that this 'susceptibility to diseases' materialized and provoked a grave socioeconomic crisis that is felt to this day. When conducting my fieldwork in Tumaco small growers expressed that people suffered from serious subsistence problems:

"The situation is critical. Perhaps he who is working, the companies or what have you, don't realize, but those who live this situation first-hand know. In my zone nobody would pass the day without eating because we had food security. Today there are people who if they have breakfast won't have lunch, because there is no way. We have barely begun to contemplate how to deal with this. If things go well we will be sowing palm by the end of next year, if things go well, some, not all" (small grower [10]).

How are these harms conceptualized from the perspectives of the different actors involved? That is to say, wherein lies the harm: in the preparatory stages and production practices leading up to the epidemic; in the epidemic itself; or in the way the epidemic has been dealt with? Palm oil proponents (government officials, corporations, industry representatives, and small growers) tend to view the bud rot epidemic as an "incidental thing", an unfortunate and unforeseen occurrence; a "phenomenon beyond anyone's expectation". Bud rot is something that happened *to* the palm oil industry, not *because*. It moreover changes nothing about the necessity to establish productive projects like palm oil. As this industry representative put it:

"For being the most viable crop, it became one of the... almost the only alternative. The other options were highly unviable. So that when palm fails, Tumaco fails. But again, if it weren't for palm, Tumaco would have been an endless failure. There was no other alternative" (Executive Director of Cenipalma [5]).

Especially from the corporate and industry perspective, the concern lies with managing the incidence of diseases under current conditions instead of shifting towards production models more in accord with the biophysical properties of local ecosystems and climate conditions. And even if the risks associated with the monoculture model of production are recognized, exposure to destructive outbreaks of diseases is primarily attributed to the sole dependence on a *single crossbreed* of a given crop. The focus lies on enhancing varietal resistance and creating more genetic diversity of oil palm species within the monocrop model (e.g. [5,7,9]).

Conceptualizations of harm by palm oil critics on the other hand, revolve around the factors that were conducive to the onset of the bud rot epidemic all along; i.e., production in vast monocultures and the deterioration of natural barriers and ecosystem resiliency. It does not come as a surprise that the devastation was highest in zones where deforestation had been most extensive and plantations were most industrialized and vast (community leader [31]). Hence, palm oil critics locate the problem in the mismatch between one-size-fits-all

agroindustry production models and regionally specific climate and ecological conditions. Leaders knew, and warned their people, that one day this would hit the zone ([22]). There are also people within the local population that think of the epidemic as a curse, something of supernatural origin, to revenge the death of the people that have been assassinated in the process of defending the land ([25]). Others see it more in terms of nature striking back; “*nature is so good that when man does not want to obey her, she strikes back*” (inhabitant of Bajo Mira y Frontera, [28]). Either way, the bud rot epidemic was inevitable.

#### **7.4.2 Eradicating the infected palms: a new round of harm**

In 2011, the ICA (Colombian Agricultural Institute) declared the municipality of Tumaco in a phytosanitary emergency and ordered all oil palm growers to eradicate their infected palms (ICA, 2011). Various methods can be deployed to this end: manually with conventional, non-mechanized tools; manually with a chainsaw; mechanically with an excavator; or through the injection of a toxic, chemical substance called MSMA (commonly referred to as Master). The use of MSMA – *monosodium methanearsonate*, an arsenic-containing herbicide – is a highly controversial matter. For being the cheapest option this is also the most prevalent method, especially when it comes to the eradication of the plantations of small growers. This leads critics to stress that the method rests on an economic-reductionist calculation from which environmental considerations are absent (Afro-Colombian community leader [21]). Critique revolves both around the harms alleged to inhere in the use of MSMA and its application without prior consultation of the communities of potentially affected territories.

As is the case with agrochemicals more generally, the use of MSMA is legitimized by stating that the product is legally permitted in Colombia. Provided that the product is applied technically and in keeping with the appropriate dose its use is deemed safe.<sup>96</sup> Regarding the fact that in some countries limits have been placed on the product’s use, it was stated:

“The product contains a toxic element. They found out that this element accumulates in the environment with certain types of use. So they stopped allowing its use. In Colombia the particular use that was given to MSMA is to inject it in the stem of the palm, in a dose that kills and dries the palm and the product decomposes, and nothing more than that. In other words, it is a controlled use of the product; it is not a product being sprayed onto the environment, nor is it, ehh, carried on planes, poured out with planes that could kill animals, could kill people. This is an injection in the stem, the trunk of the palm, but not in a dose that you would call crazy. A calculated dose with the effect that the palm dries out and keeps other plagues from alimentering themselves with this decomposing material” (Executive Director of Cenipalma [5]).

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<sup>96</sup> One of the small growers ([11]) that strongly upheld the need to eradicate the palm also noted that the total amount of MSMA used is cause for concern. Considering that the dose injected per palm is 100 cm<sup>3</sup>, that there are on average 130 palms planted per hectare, and some 16,000 hectares of affected palm (large corporations excluded), this means that total use far exceeds 200,000 litres.

For rural communities, on the other hand, once more the issue arises that no matter how ‘calculated’ and ‘controlled’ the application of legal substances might be, it nonetheless puts at risk the crucial need of having access to healthy environments:

“They are pouring this onto the lands of the least protected. And one of the principal consequences... we are cultivating cacao, cane, chili, chiyangua, all that is related to daily subsistence, *pancoger*. For the big companies it is palm oil only, which moreover they do not consume. But for us, the little we produce we have to consume, this is how we subsist” (community leader, Alto Mira y Frontera [37]).

The use of Master to eradicate the palms is claimed to have damaged soils, flora, fauna, and water sources, and to have brought adverse health impacts upon the inhabitants of affected zones. Various persons are said to have shown symptoms of poisoning (nausea, vomiting, and diarrhoea) and there are even allegations that a young child died due to Master-related intoxication. In addition, cows and horses have died (testimonies given during public reunion [54]; community leaders [22, 31]). Although none of these incidents have been corroborated with certainty there is still the critical issue that no prior consultation whatsoever has taken place regarding the chosen method of eradication. On this ground, representatives from Alto Mira y Frontera and Bajo Mira y Frontera submitted a *tutela* action in order to seek a halt to the use of MSMA for the eradication of the infected palms and to demand the observance of communities’ territorial autonomy and integrity and corresponding right to prior consultation. On November 20, 2012, the Court ruled in favour of the communities, considering that their collective and territorial rights had been infringed.

For the ICA, as well as the Ministry of Agriculture (El Espectador, 2013), the declared phytosanitary emergency takes precedence over the right to prior consultation. In contrast, the Ombudsman (intervention during public reunion [54]), insisted on the responsibility of the Colombian State to monitor – from the moment of design through to implementation and subsequent phases – any megaproject that affects, or has the potential to affect, Afro-Colombian or indigenous communities and territory: “*And, please, don’t tell me that the palm is not a megaproject. We are dealing here with a national megaproject that, in this case, impacts on the communities of the collective territories of Alto Mira y Frontera and Bajo Mira y Frontera*” (Ombudsman [54]). Hence a first thing to note, he argued, is that palm oil is not a project of the community; palm oil *arrived* to Tumaco and did so at different junctures. Second, small growers were approached *individually*. This occurred both in the different phases of oil palm establishment and in the process of eradication. In none of these situations has the principle of prior consultation of the community *as a collective* been observed. Hence, beyond the immediate risks posed to the territory and the life dependent on it, the eradication polemic is also a powerful reminder of the true reach of the recognition

of cultural and ethnic diversity and the power asymmetries that are left intact regardless.

Lastly, once more the recurrent tendency in official, corporate, and industry discourse to translate opposition into subversion applies. *“Now, for instance, there is this controversy around the eradication of palm. This thing is fabricated”* (corporate executive [9]). Opposition to the palm oil industry is passed off as unmerited, the outcome of manipulation by forces that do not want Tumaco to progress, that have a stake in achieving that communities are pitted against legal business. One corporate executive stated that normally when someone is ill, either this person is given something to cure the disease or isolated so that others are no longer being exposed to the disease. But, with arguments that elude him, the process of eradication is blocked. *“This disturbs me. I try to work, which has been difficult. For us it has been really difficult because we operate in a zone close to the sea, and this is not in everyone’s interest. And I don’t think it is the natives that do not like this, but other people instead”* (ibid. [9]). It is claimed that the discourse of opposition does not come from the communities themselves. *“Palm became the enemy of the friends of coca in Tumaco. And all the bad stuff is blamed on the palm”* (Executive Director of Cenipalma [5]). In view of this assertion and similar comments made earlier, I asked whether he thought that opposition to the eradication process came from the enemies of palm, i.e. from the actors involved in the coca business. The answer was clear:

“Yes. Without proof, what I make of such a frontal attack by peasants, perhaps even from one day to the other, or weird arguments that are not proper to their culture... [Author: *What do you mean?*] Well this claim that... this MSMA is destroying the environment. They have always used herbicides. They have.<sup>97</sup> And now they come with these arguments. Where are these claims based on? This sounds more like informed. What is going on behind all this? Because this only happens in Tumaco...” (ibid [5]).

Crucially, as I have stated earlier, such discourses delegitimize the contestation of palm oil harm and corresponding challenges to hegemonic notions and practices of legality.

#### **7.4.3 Reactivating the economy, or reactivating the palm oil time bomb?**

But conflict is not limited to the eradication process. As a consequence of the bud rot epidemic, thousands of families in Tumaco lost their livelihoods. It was not uncommon that people depended exclusively on palm oil as their source of subsistence. And so, after the bud rot, most people were left with nothing but dead palm and high debts. Unable to pay off the loans by which they had financed their palm oil projects, small grower debts were bought off by the FONSA, which refinances the debt of small growers that have suffered losses due to climate-related problems, phytosanitary or public order issues, and that consequently face

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<sup>97</sup> This comment is at odds with what I was told by virtually all palm oil critical community members, namely that Afro-Colombian culture is *not* a culture of agrochemicals (inhabitant of Alto Mira [36]).

financial distress.<sup>98</sup> This allows small growers to solicit new loans and start their palm oil projects anew. But the renovation of oil palm plantations is a contested matter as well, mired in difficulties for many small growers. On the one hand small growers express that they want to renovate their palm, so as to regain their livelihoods. Yet the overwhelming majority of small growers I spoke with expressed a level of ambiguity towards the renovation of their palm. Indebtedness – and *accumulating* debt in particular – is what drives this fear most. Whilst doubly (if not threefold) indebted, small growers will generally have to pay off their multiple loans with fewer hectares than before. The reason for this is that new projects may not exceed 9 hectares, a measure that should ensure that people dedicate at least part of their lands to subsistence crops for direct consumption.<sup>99</sup> But there are also small growers that, even if they have the land, this time round do not reach 9 hectares. This is so because they either do not have sufficient financial resources (recall that credits fall short) or because they are afraid that tragedy will hit again, and very often it is a combination of both. If we take a closer look at the renovation process, such fear is not without reason.

Renovation consists in replacing monocultures of *Eleais guineensis* (African palm) with monocultures of an interspecific hybrid called OxG; a crossbreed between *Eleais guineensis* and *Eleais oleifera* (American palm). The hybrid should be more resistant to the bud rot disease. It thereby resembles what Levidow & Paul (2011) refer to as a techno-fix. A techno-fix seeks to fix sustainability problems through technological innovation, and as such “performs, facilitates, and naturalizes a specific development pathway” (Levidow & Paul, 2011: 31). An ONIC member expressed this as follows:

“But look, look at the logic of these people! What will happen? A hybrid is not going to respond to all of the problems. The wonder of the hybrid: once again a monoculture, and once again an explosion of fungi, bacteria, and insects” (ONIC member [43]).

In view of the continued dependence on external input of nutrients, weed and pest control, the same risks and harms will repeat themselves, he cautioned. And indeed, small growers indicate that new cases of bud rot are in fact affecting the hybrid (e.g. [12, 19]). Sometimes this refers to the loss of a few trees, sometimes to the loss of several hectares. What results is the feeling that one cultivates with risk. In fact, an agronomic expert ([6]) stated that there are still many uncertainties as to how the hybrid in Tumaco will behave, which effectively makes the zone a laboratory. What is certain is that the hybrid is more demanding in labour

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<sup>98</sup> Small growers are given a seven year grace period during which no payments have to be made.

<sup>99</sup> In a remarkable twist to the story, from the industry perspective on various occasions it was stated that the bud rot epidemic has convinced small growers of the importance to diversify their crops, i.e. *they learned from their past mistakes* (e.g. [5]). Thus, the exclusive cultivation of oil palm in the past is framed as a deliberate and free choice of the individual small grower. This depoliticizes a context of marginalization, lack of options other than palm, and the force of ideology.

and also in terms of external inputs has higher production costs than the guineensis.<sup>100</sup> This is primarily so because the crop must be manually pollinated, which adds to the difficulties already experienced by small growers. As one small grower explained:

“Okay, how do I buy the pollinizer? The thing is that one kilo costs 162,000 pesos,<sup>101</sup> and for so many hectares... one does not have all these hectares, but they don't sell this according to need or per gram. [...] And how should one store the pollinizer? So they say it is necessary to keep this in a refrigerator, and people are still a long way from having this. This is very difficult to manage. This is the part that terrifies me most in the new palm programme. Labour and costs, these 2 things are very worrying” ([19]).

All in all, one senses an air of apprehension when talking to small growers of oil palm about their experiences and their expectations for the future. *“Already for a long time, and for much more time to come, one feels vulnerable”* (statement during small grower reunion [15]). But for those who have become disillusioned with palm it is difficult to obtain a loan for anything other than palm. A community leader gave the example of a 60 year old inhabitant of the Bajo Mira y Frontera community council, indebted for 50 million pesos:

“He said: ‘I went to Cordeagropaz to solicit a loan to cultivate cacao or another thing and they told me no, but that they *would* have given it to me if it was for palm’. So we told him: ‘You are 60 years old, already indebted for 50 million plus interest. Now they are going to give you another loan of 50 million pesos to start cultivating anew, knowing that these palms will die. With your age, you are not going to be able to pay this loan, which basically makes you irresponsible in that you will leave your children behind with a disaster’. And he said: ‘I am aware of this, but I don't have any other way out’” (community leader, [31]).

These aspects combined, provoke distress in those segments of the population that already experienced palm oil as a threat to their cultural, physical, and territorial integrity. With this new episode of palm oil production, they claim, misery will start all over again (community leader [22]). Others hold a more optimistic view of palm, but are concerned nonetheless. *“If we cultivate we have a problem, if not, we have more problems”* (small grower [10]). And so, what is promoted as a ‘social and ecological crop’ has locked local subjects into a situation that is characterized as highly uncertain, chaotic and worrisome.

## **7.5 Discussion: power, systems of legality, and the contestedness of harm**

In this chapter I have pointed out that different ways of being, of relating to the environment, and of organizing the productive sphere, correspond to different constructions of ‘green’ and conceptualizations of harm. In particular the legal formalism, economic-reductionism, and technicist rationality generally adhered to by corporate actors and industry representatives

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<sup>100</sup> Also, the hybrid takes at least 1.5 years extra before it starts to produce (corporate executive [7]). For indebted small growers, this is yet another difficulty to deal with.

<sup>101</sup> Roughly 55 euro.

are irreconcilable with the ways of being of affected populations and the socioeconomic and environmental conditions they face. Neither is the ecological reality of complex ecosystems accommodated to the extent that we can speak of a 'social and ecological crop' (Fedepalma, 2006) or beneficent palm oil production model.

Since the Constitutional change in 1991, the image that is sought to be upheld is that a space for dialogue between different conceptions of life, development, and ways of being has been opened up. In reality, a whole variety of legal and illegal harms continues to go unquestioned. As stated by an inhabitant of the Bajo Mira y Frontera community council, "*we have all these years of living here, and they are coming at us as if we were some meddlers [sapos]*" ([28]). The word *sapo* (literally: toad) has a derogatory meaning here, in the sense of 'meddling'. The feeling that this person seeks to convey is that it is the very *inhabitants* of the zone that are treated by external actors (government, corporate, armed) as intruders, or meddlers. That is, as meddling in political and economic affairs that they should not interfere with; i.e. with more lucrative and productive uses of the lands that these communities have long inhabited and constructed their livelihoods on. The grim reality is that communities are not able to truly exercise the cultural, territorial, and economic autonomy they were granted.

In view of these dynamics, I would argue that Colombia's expanded legal framework should be examined in the context of what Charles Hale (2002) refers to as 'neoliberal multiculturalism'. This entails that a limited degree of cultural recognition is paralleled by the foreclosure of more radical demands that are geared towards meaningful reconfiguration of prevailing social, cultural, political and economic conditions and relations. In this context, the legal and political framework does not, and in fact, does not *seek* to fundamentally challenge hegemonic social, cultural, political and economic configurations. As I have argued over the course of chapters 5 to 7, significant social transformation is pre-empted not solely through violent means and the coercive imposition of business as usual, but also through (i) more subtle mechanisms of power, and (ii) the indirect imposition of neoliberal dictates of development and productivity. The first refers to the partial accommodation of the needs and interests of local subjects (i.e. small-scale agriculturalists) as well as the environment. The second point refers to the *veiled* imposition of agroindustrial production models geared to (globally) competitive cash crops on inhabitants of Afro-Colombian and indigenous collective territories. Allow me to elaborate on this second point.

There is a vast discrepancy between the proclaimed recognition of ethnic and cultural diversity and the material infrastructure that is essential to give meaningful expression to the granted cultural, territorial, and economic autonomy.<sup>102</sup> Consequently, indigenous and Afro-Colombian communities are increasingly forced to leave their lands so as to search for other

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<sup>102</sup> This material infrastructure encompasses economic resources as well as ecological conditions.

ways to subsist, or are pushed to accept the very productive projects they so vehemently oppose. If not accompanied by serious (re)distributive politics and a more socioecological attitude towards the environment, the effect of Colombia's expanded legal order and its (on the face of it) encompassing political framework, is to insert communities much more effectively into capitalist relations of production.

As such it can be argued that we are dealing not merely with the denial of rights but with a far more complicated process of the simultaneous affirmation and exclusion of cultural difference. The recognition of the cultural diversity, land rights, and territorial integrity of rural communities is precarious and qualified. Increasingly, there is a *de facto* state-corporate control over how these lands are used and related to. Hence, to draw on Borrás & Franco (2012), we ought to look beyond the 'bundle of rights' and focus on the 'bundle of powers'. Rights, whether human or environmental, constitute a terrain *traversed* by the operation of power rather than a terrain that lends itself for the radical challenging of power. Criminology should thus not uncritically celebrate the implementation of new forms of rights. As I have demonstrated, a criminological perspective informed by a broader notion of harm allows for a more comprehensive understanding and theorization of the mechanisms and relations of power that are at play in the context of palm oil production. These mechanisms, I argued, go from violent coercion to more subtle mechanisms and veiled forms of imposition that are, however, not necessarily less perverse in their outcomes.

In the concluding chapter, I will reflect more extensively on Hale's (2002) concept of 'neoliberal multiculturalism' and consider the harms and the dynamics of palm oil harm that I have discussed up to this point in the light of the concept of 'cultural genocide' (Short, 2010; Huseman & Short, 2012). Although the latter may sound controversial, it is my contention that the concept has relevance for the types of harm and the processes here addressed.

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## 8. CONCLUSION

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I started this thesis by stating that while in official and industry discourse palm oil is depicted as a source of progress and prosperity, for many inhabitants of Colombia's zones of palm oil production the industry epitomizes imposition, destruction, and dispossession. Some of the impacts associated with palm oil fit the most conventional definitions and understandings of crime. However, many of the social and environmental harms perceived and experienced in the context of palm oil production do not fit legalistic definitions of crime. In order to advance a criminologically relevant, critical engagement with harm, this study examined the play of power in the politics of harm in the context of palm oil production in Colombia's Pacific coast region. In this chapter I draw up the conclusions of this research, and demonstrate that this *is* indeed a theoretically and politically valid and indispensable criminological endeavour. As stated in section 1.4, I thereby introduce some additional concepts to aid the discussion and that, as critical afterthoughts, serve to stimulate further debate on the fundamental matters dealt with. But first, let me start this conclusion by going all the way back to the title page and address the very first question this thesis posed: To miss the forest for the trees?

Are we missing the forest for the trees? There are multiple ways of approaching, explaining, and answering this question. The first and most obvious leads back to the use of this expression by the Executive Director of Cenipalma, who claimed that "*to centre on palm is to miss the forest for the trees*", addressed in the discussion section of chapter 5. Seeking to absolve the palm oil industry of blame for the adverse conditions suffered by a large share of Tumaco's rural communities, he insisted that the critics of palm oil are missing the forest of problems that lies behind this one tree (palm) that is mistakenly at the centre of attention. From the analysis presented over the preceding chapters it follows that this claim is arguably as unsustainable as the palm oil industry itself.

However, there *are* ways in which the criminological analysis of the palm oil industry *could* miss the forest for the trees. For one thing, although it is at all times important to be attentive to local dynamics and particularities, it is necessary to place these local realities in their broader cultural and political economy framework. It is perfectly legitimate to focus on one region, one country, and one industry. But this region, country, and industry do not exist in a vacuum but are part of a wider constellation of social, political, and economic forces, just as the agro-commodity in question is part of global patterns of production and consumption. The Colombian palm oil industry operates in a national framework of policies that push for the modernization of rural Colombia (Tenthoff & Eventon, 2013) and this, in turn, cannot be understood in isolation from an international political economy geared to extractivist patterns of accumulation (Veltmeyer & Petras, 2014b; Cotula, 2012). Hence from Lampong, Sumatra, where oil palm plantations expand to the detriment of the economic, ecological, and cultural

centrality of *repong damar* agroforestry (Colchester et al., 2006); to Alberta, Canada, where boreal forests, birds, fish, and human populations are paying with their life and health for economically highly lucrative tar sands (Smandych & Kueneman, 2010); to the Amazon in Brazil, where rainforest and indigenous inhabitants are seemingly expendable in the face of a by and large western appetite for meat (Boekhout van Solinge, 2010), lands are grabbed, ecosystems are destroyed, and traditional land uses are displaced to enable the expansion of agribusiness and industrial mining.

But the title can also be understood as carrying a critical message for criminology, in particular for those that are sceptical or altogether dismissive of criminological engagement with broader notions of harm. Many of the harms addressed in this study are the outcome of lawful practice. Some will argue that these harms exceed the scope of criminological study. In fact even critical criminologists – if anything, centrally concerned with questions of power in their analyses of crime and crime control – cannot reach agreement on the need for harm perspectives in criminology, much less on what a criminologically relevant concept of harm would thus be. The analysis developed over chapters 5 to 7 demonstrates that there exists a *thin line and dynamic interaction* between the illegal and the legal, violent and more veiled forms of imposition, and coercive and consensual mechanisms of land use change. Neither for a comprehensive understanding of the realities of harm that inscribe the context under analysis, nor for a theoretically accurate understanding of the power dynamics bound up with criminology's organizing referents (crime, harm, injustice, rights) is an isolated treatment of only one side of each of these binaries tenable. To address the full complexity of such matters is where the theoretical and political rationale for a harm approach within criminology must be sought. In section 8.3 I will argue that this does neither require us to abandon the concept of crime nor to conflate the categories of harm and crime. For now, first, I turn to the discussion of the research findings in the light of this study's research questions.

### **8.1 Harm, systems of legality, and why contest matters**

Starting from the notion that harm is contested and that this contestation takes place on two levels, in chapter 2 I laid out my research focus on the discursive and practical dimensions of the politics of harm linked to Colombian palm oil production, in order to advance the harm debate in critical criminology. Drawing on a somewhat modified interpretation of Foucault's (1991) 'economy of illegalities', this politics of harm comprises the continuum of legal harm, tolerated illegal harm, and non-tolerated illegal harm. Thus, chapters 5 to 7 were organized around the analysis of the perceptions, constructions, practices, and lived realities of harm associated with the operations of the palm oil industry in Colombia's Pacific coast region. Below I reiterate and discuss some of the main findings.

### **8.1.1 The implementation of death and destruction: from crime to tolerated illegality**

In chapter 5, the case of Jiguamiandó and Curvaradó in the most northern department of the Colombian Pacific – the Chocó – was presented and reflected on. This case exemplifies and hence served to open up the discussion of the violence and forced displacement that the palm oil industry in various parts of Colombia has been associated with. ‘Disappearances’, massacres, selective assassinations, and the violent expulsion of people from their lands have led to accusations that the lands of the Jiguamiandó and Curvaradó territories now cultivated with oil palm were “fertilized with the bodies of loved ones” (member of Justicia y Paz [39]). Of course, where people are killed and violently displaced – moreover from lands known to be liable to collective titling and that indeed *were* in the process of being titled – we are dealing with crimes in the most conventional sense of the word. Indeed, the atrocities that took place in the Chocó have in fact been recognized as human rights violations by Colombia’s Ombudsman Office (Defensoría del Pueblo, 2005). This, however, is where the distinction between tolerated and non-tolerated illegal harm (see chapter 2.3.1), *and the discursive devices by which crime is turned into tolerated illegality*, come into play.

As I have demonstrated, in grappling with the politics of palm oil-related harm in the Pacific coast region, one is confronted with the need to disentangle the complex and varied linkages that exist in practice and discourse between the harms endured by the populations and environments there, the operations of the palm oil industry, and the presence of armed actors and illicit economic activity in the region. I argued that, in the convergence of factors, actors, and adversities, proponents of the palm oil industry seek to dissociate the presence and operations of this industry from the perpetration and realities of crime and harm endured by local communities and environments. This occurs through principally three strategies.

To begin with, alleged crimes and harms are externalized, denying that they are palm oil related. Forced displacement and other instances of violence are explained as pertaining to clashes between guerrilla groups and paramilitary forces; are relegated to the framework of counter-insurgency operations; or come to be ascribed to ‘common delinquency’ or to the illicit economic activities engaged in by illegal armed groups. As the Colombian state and the palm oil industry absolve themselves of blame, or any kind of responsibility for these crimes, in effect the latter become *tolerated* illegal harms whose link with legal business is denied.

Second, allegations of harm are undermined or delegitimized by reference to political ideology or for presumably having their basis in infiltration by subversive forces. I noted that both the externalization of harm and crime, and the delegitimizing of allegations of harm, call to mind Cohen’s (2001) notion of ‘interpretive denial’; meaning that, to avoid accountability, a different interpretation is given to whatever is claimed to be actually going on. Hence, even if acknowledging that some form of crime or harm has taken place (or still is), ‘this has nothing to do with the palm oil industry’, ‘the discussion is not really about palm oil harm but a matter

of political preferences’, or ‘such opposition to palm stems from outside interference rather than the sentiments of the people themselves, who are being played by subversive forces’.

Third, a strict legal-illegal binary is called upon so as to relegate harm and crime to an exterior realm that is presented as disorderly and ungoverned; a realm where illegality reigns and the state is absent. On such accounts, crime, violence, and illegality are depicted as destabilizing forces that work exclusively against the interests and the regular functioning of legal institutions and structures, rather than existing *intertwined* with legal business and institutional structures. In contrast, the critics, even where they acknowledge that the palm oil industry cannot be held directly responsible for the climates of fear, violence, and crime in which it operates, still critique the industry for ‘fishing in troubled waters’. In other words, at the end of the day, agribusiness is held to exploit the opportunities opened up for legal business under outright illegal actors and practices.

In view of the above I argued that the protagonists of the palm oil industry mobilize and exploit the ‘messy’ reality that inscribes the contested grounds of the regions where the industry operates. Of course, the notion that legal entities and industries seek recourse to illegal practices and that there is a blurred line and active interface between the legal and the illegal is well-established in critical criminology (e.g. Passas & Goodwin, 2004). In addition, there exist insightful analyses that delve into the various ways by which the powerful ‘other’ (Jamieson & McEvoy, 2005) or deny (Cohen, 2001) their crimes. What I have referred to as the “convenient inconvenience of illegality” can add to these discussions and as such merits more explicit attention. In order to fully understand the conditions under which crimes are allowed to become tolerated illegal harms, and business as usual can carry on, I moreover demonstrated the need to be attentive to the cultural representations of the territories, environments, and populations in question, and corresponding portrayals of an agroindustry coming to the rescue of underdeveloped and unproductive lands and cultures.

### **8.1.2 From accumulation by dispossession, to dispossession by consent?**

In addition to the use of outright force and violent dispossession, regarding the situation in Tumaco I noted that mention was made of land transactions that *on the face of it* appeared to be legal, but that allegedly have been negotiated or enforced in a context of intimidation, misleading practices, and implicit or explicit threats. This included for instance cases where agreement was reached on the transfer of a number of hectares, yet where companies, on top of the hectares agreed upon, appropriated the forest support system, too. In other cases, people who remained unwilling or reluctant to sell their land, were practically forced to sell as a consequence of the buying up (or appropriating) of bordering plots by palm oil companies. Thus, little by little people ended up being encircled by the company, increasingly prohibited or blocked access to their lands. Also by unleashing company horses and buffalo, thereby

ruining soils and people's subsistence and commercial crops, it is alleged that people have been either forced to sell or in effect driven off their lands to expand the palm oil project. These are just some examples of practices by which local ways of living, producing, and relating to the land have been increasingly displaced. Notwithstanding economic motives related to socioeconomic hardship and the lure of money that gradually grew more central, ultimately, in absolute disregard of local forms of production and values ascribed to the land, the economic model that arrived to the Colombian Pacific has been largely forced upon the region, its environments, and its inhabitants.

However, as I pointed out, land use change to oil palm cultivation is not *unanimously* rejected in the local population. The existence of a substantial group of small growers that opt for oil palm cultivation indicates that industry expansion does not exclusively depend on imposition, force, and coercion. The notion that land use change is not always the product of coercion, force, and violence, but may also rely on forms of power based on persuasion and consent, suggests the relevance of the Gramscian concept of hegemony (Gramsci, 1971) for the analysis of the play of power in the politics of harm in the context of palm. In Gramsci's understanding of hegemony, in order for a dominant class to entrench its position and the prevailing social and economic relations and conditions, it must gain the 'consent' of subordinate groups to the reproduction of the unequal power configurations. However, as Buttigieg (1995) asserts, although the process of achieving or maintaining hegemony rests principally on persuasion, compromise, the granting of concessions, and the accommodation of subaltern demands and aspirations, this should not lead one "to underemphasize the extent to which these are *uneven relations of power* that strengthen and help perpetuate the grip of the dominant classes over the state as a whole"<sup>103</sup> (1995: 27, emphasis in original). The coercion-consent dynamic is moreover not an 'either-or' case; rather than opposites, the two dimensions exist intertwined and in different combinations (Buttigieg, 1995; Hall, 1996).

Hence, through a Gramscian lens, I argued that small grower involvement displays a pathway of accumulation that gradually naturalizes a constellation of social relations and forms of human interaction with the natural environment that is much more amenable to the political, economic, and cultural project of neoliberalism. And so, power works in ways that lead large segments of the local population to 'consent' to the reproduction of unequal power configurations. Gramsci's concept of hegemony moreover rests on the idea such consent is to a great extent constructed upon a *material* basis rather than a mere ideational product

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<sup>103</sup> Reference to "the state as a whole" refers to Gramsci's notion of the integral state, comprised of political society (a state's governmental, juridical, and administrative apparatus) and the organizations and institutions of civil society – the educational system, church, cultural organizations, and so forth (Buttigieg, 1995). As the sphere where ideas and conceptions of the world circulate, it follows that the legitimacy of existing social, economic, and political arrangements is rooted in the sphere of civil society; it is the sphere where the ethos underlying existing sociocultural, economic, and political principles is manufactured, naturalized, and consolidated (Buttigieg, 2005).

(Eagleton, 1991: 112-113). Indeed, whereas palm oil critics speak of ‘a discourse that buys’ or of oil palm cultivation as an idea that has been ‘planted’ in people’s minds, I insisted that it would be an error to assume that small growers that opt for oil palm are duped into such activity, demonstrating that the small grower experience in Tumaco is largely constructed upon *lived practice*. Also, the palm oil industry accommodated small grower aspirations for autonomy<sup>104</sup> as well as small grower concerns in the light of their struggles for subsistence. In addition, small growers have been gaining in negotiation power and receive financial and technical support. In discussing the small grower experience I therefore emphasized that the situation asks for a *material* reading of ideology. That is, ideology should be understood as an active, structuring force in its own right, rather than a form of false consciousness or mere reflection of the economic base (Ekers & Loftus, 2008; Hall, 1996). Lived practices are interwoven with beliefs and ideas that are themselves material forces and this is something that the small grower experience in Tumaco is a clear indicator of.

Hence, although throughout Colombia, violence, coercion, and force in conflicts over land endure (see, e.g. Maher, 2015), the expansion of the palm oil industry through small grower involvement points at the same time to a shift in the operation of power from primitive accumulation or accumulation by dispossession (Harvey, 2003) to what is more accurately thought of in terms of struggles for hegemony. Crucially, the reality of harm that is perceived and experienced by local palm oil critics thus differs from that of small growers of oil palm. At the same time, *both* – in their own way and from their own perspectives and position – are struggling against prevailing power imbalances and structural inequalities. It is important not to sidestep the perceptions and reality of harm of small growers regarding land use change to palm oil production. As such, alongside tensions *between* different eco-justice approaches (White, 2013a), touched upon in chapter 2, green criminology should be (more) attentive to tensions that exist *within* each of these. Environmental justice in terms of land access and land use means different things to different rural communities.

Small growers see oil palm cultivation as an economic activity that allows for *dignified* conditions in the rural zone; allowing them to stay on their lands rather than leave for the urban zone. Insistence on the need for ways out of the marginalization historically subjected to assumes a central place in small grower discourse; if not palm, then another crop, and if need be coca. Most of the small growers I spoke to are well aware of the fact that their ‘options’ are limited to the cash crops that are lucrative and competitive at the domestic level and global market economy. They consider participation in this competitive market economy as the best response to their precarious conditions. Thus small growers generally accept the productivist discourse that is centred on progress through agroindustrial development and

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<sup>104</sup> Of course the true level of autonomy that small growers enjoy is limited.

the neoliberal (re)configuration of social and socioecological relations this implies. This is not to say that they are uncritical of the palm oil industry or of their position in it. They see no other way out than to cultivate oil palm *and*, for those that cultivated with success until the bud rot epidemic spiralled out of control, the crop is perceived as having real social and economic advantages.

As a corollary, via consenting small growers, oil palm plantations are expanding over and around collective territories. With this, the economic logic and corresponding social and socioecological relations that mark the agroindustrial development pathway are gaining ground. Hence, what is denounced for clashing with the region's biodiversity, territorial and cultural vocation by oil palm critics, in agroindustrial 'developmentalist' discourse is recast as a form of outreach to rural populations and benign intervention to protect local environments, and in small grower discourse is referred to as a viable (and only) way out of poverty.

For those that continue to organize their lives on the basis of economic, ecological, and cultural rationalities that diverge from the neoliberal mind-set and capitalist criteria of productivity – or that struggle to do so – the *dynamics* of dispossession may thus well have changed, but in terms of the lived reality of harm the outcome is largely the same. Albeit by different means, the violation of cultural and territorial integrity, and the dispossession of the ways in which the land is used and related to endure. It is to this reality that I now turn.

### **8.1.3 Legally undermining and destroying life: a case of hands-off criminology?**

Palm oil critical inhabitants of the collective territories and community leaders perceive the promotion of small grower cultivation of oil palm as yet another strategy to bring about the capitalist development of Afro-Colombian and indigenous territory, deemed exemplary of the contempt that is time and again displayed for the type of projects envisioned by these communities *themselves* (i.e., what, how, and for whom to produce). In Tumaco, incursions of the palm oil industry in the 1960s, and increasingly from the 1980s, occurred at a time that Law 70 and other legal provisions for Afro-Colombian and indigenous communities were not yet in place. At that time the Pacific region was presented as *tierra baldía*, its forests as empty and unproductive, and its native inhabitants were invisibilized. An area of 120,000 hectares was subtracted from the forest reserve and concessions began to be granted to the palm oil industry. Much of the ensuing deforestation was therefore legal.

Hence industry proponents insist on the legal character of the deforestation that took place and the subsequent planting of oil palm; critics, on the other hand, question the legality of this all, insisting that the presence and lives of local communities figured nowhere in the process of granting concessions to the companies in question, furthermore emphasizing that these forests were their means of subsistence. From the corporate and industry perspective these forests had to be put to proper use instead. In fact it is claimed that there was a social

and environmental necessity to deforest; the establishment of oil palm plantations is held to *alleviate* pressure on the surrounding forest ecosystem by providing local communities with a viable economic alternative. Rather than a source of harm, the palm oil industry is seen as a counterweight to environmentally destructive practices variously engaged in out of sheer poverty, cultural inclination, or financial gain – with reference made most notably to the coca business. This led me to draw a parallel with Sykes & Matza's (1957) work on techniques of neutralization (as such extending these ideas from crime to harm), observing that corporate and industry representatives appeal to the denial of responsibility ('true deforestation comes at the hand of other actors and industries') and the denial of injury ('only 35,000 hectares were eventually planted with palm', and 'by replacing a small part of the forest with another tree "real" harm has been prevented', etc.).<sup>105</sup>

Apart from the practices resorted to in order to implement and expand palm, local critics and their supporters object also to the agroindustrial model of palm oil production as such; neither monocultures nor the use of agrochemicals are part of Afro-Colombian and indigenous culture, and the vast oil palm plantations that now make up the landscape have displaced the multi-optionality in which local production and subsistence models have their basis. Dried up streams; allegations of water and soil contamination; loss of flora and fauna due to which hunting, fishing, and harvesting activities have diminished to a minimum; and consequent subsistence problems are among the harms thus denounced. As such I detailed in chapter 7 that there is a severe disconnection between the conditions and dynamics of life in rural zones, and the legal formalism that is adhered to by industry proponents and that lies at the basis of mainstream conceptions of crime. Lacking access to potable water; lacking the economic resources and the infrastructure necessary to establish productive, social, and environmental projects in keeping with local culture; being confined to drastically reduced areas of land that are moreover frequently ecologically degraded; and severe restrictions on mobility all conduce to a situation wherein daily life (social, cultural, and physical) is severely affected by the presence and operations of the palm oil industry.

In themselves these operations, or more apt, the relations, structures, and processes underpinning them, may well be legal, but (1) considering that they *destroy* and *undermine* human and nonhuman life and yet are tolerated by existing legal and regulatory systems, it takes a disengaged criminology for this *not* to be included as its appropriate object of study, and; (2) neither can this (largely) legal state of affairs be dissociated from the illegalities that took place in the past and that as such paved the way for current conditions. Thus, alongside and in close and dynamic interaction with a reality of *crime*, affected communities experience a reality of *harm* that exceeds legalistic categories of crime, for being dispossessed of their

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<sup>105</sup> Similar rhetoric can be observed in contrasting the "legal, authorized, targeted, technical" use of agrochemicals within oil palm plantations with the indiscriminate use of glyphosate to eradicate coca.

ways of using the land, and of the social and socioecological relations, cultural forms, and meanings bound up with these lands and environments. The harm approach advanced in this study thus lays bare the limits of criminological analyses that are more concerned with form than substance, in other words, that prioritize: (i) crime over harm; (ii) tangible forms of dispossession (e.g. by force and only the taking of land as such) over less tangible forms (e.g. land *uses* and meanings inscribed in the land, and imposed alteration of social relations and cultural forms), and; (iii) the exertion of power via the active *violation* of rights over the exertion of power *through* rights.

## 8.2 Heading for what future?

One would expect that the legal recognition of ethnic plurality and cultural diversity and the granting of collective land titles to Afro-Colombian and indigenous communities could halt the subjugation (and obliteration) of cultural difference and the imposition of 'development'. However, this research has shown that the type of agroindustrial capitalist development that expands over the lands of the Colombian Pacific coast region displaces local ways of being and corresponding forms of organizing the social, cultural, and economic sphere. In view of the alarming list of crimes and harms that still persist, the shift away from past discourses and practices of cultural assimilation is thus mostly an *apparent* move forward and suggests that we are dealing with at most a *reconfiguration* of colonial power.

I mentioned at the end of chapter 7 that theoretical elaboration on this state of affairs can usefully draw on what Charles Hale (2002) refers to as 'neoliberal multiculturalism'. The last decades have been marked by both a pervasive globalization of neoliberal economics and ideology, and the proliferation of national, international, and soft law in the domain of ethnicity and cultural difference (Rodríguez-Garavito, 2011; Hale, 2002). Analyses of the dynamics that underlie this convergence have led various scholars to challenge the common assumption that neoliberal doctrine is incompatible with demands for collective rights and the recognition of cultural difference (Hale, 2002, 2005; Rodríguez-Garavito, 2011; Brandtstädter et al., 2011). Hale in this regard notes that "proponents of the neoliberal doctrine pro-actively endorse a substantive, if limited, version of indigenous cultural rights" (2002: 487), coining the term 'neoliberal multiculturalism' to refer to this.

A 'restructured arena of political contention' (Hale, 2005: 13) hence sets limits on the potential for transformative change. While accommodating some element of cultural diversity and difference, and alongside a discourse of encounter, ultimately, the resistance of 'non-consenting' segments is kept within acceptable limits; more radical challenges to hegemonic social, cultural, political and economic structures and relations are pre-empted (Hale, 2002, 2004). Provided that the terrain of legal recognition and the inclusion of cultural difference is carefully designed, the granting of cultural rights and collective entitlements to land does not

necessarily threaten the advance of the neoliberal project:

“Even if large swaths of territory are excluded from the land market, regularization of land tenure pays off, both because the rest of the land becomes fair game for commoditization and because the existence of collectively owned property poses no direct challenge to the principle of private property or to the reign of market forces, but does achieve the key goal of replacing chaos and contention with an intelligible, predictable and market-friendly grid of property rights” (Hale, 2011: 195).

Indeed, this study confirms that despite the fact that communities have collective land titles and *de jure* territorial autonomy and sovereignty, only a limited degree of cultural difference is allowed for. Interrogation of the politics of harm in the context of palm oil production shows that a thoroughgoing *and* effective recognition of ethnic diversity and cultural difference must therefore be integrated with a serious redistributive politics. Nancy Fraser (1997) for that matter, duly argues that contemporary tendencies to differentiate between a cultural politics and a social politics rest on a false antithesis. Importantly, this study has also shown that we need to go still further than this. That is, struggles for land, land sovereignty, and recognition of cultural diversity seek to put an end to class, ethnic, and racial systems of oppression. *But these, in turn, also intersect with the operation of power through the human-environment nexus and human-nonhuman lines of differentiation.* Hence, although Fraser (1997) makes a crucial claim, a fundamental dimension is missing: a cultural politics of recognition and social politics of redistribution must combine with an environmental politics of reconnection. That is to say, there is a need to reconnect with nature, which under capitalism inevitably seizes to have a value in and of itself (Castree, 2003; Crook & Short, 2014). With extractive patterns of capitalist accumulation as a primary driver of social, cultural, and economic dispossession what future are we headed toward? What are the alternatives?

### **8.2.1 Continuing down the extractivist path, on to cultural genocide?**

Over the course of the preceding chapters various dimensions of what can be referred to as ‘clearance’ (Smith, 2008) were addressed (ideological, by way of reference to the baldío; physical, through deforestation and the expulsion of people from their land; existential, by displacing the uses, meanings, and ways of relating to land). To answer where the current path is headed toward, we ought to draw the connection between extractivist patterns of accumulation, different dimensions of clearance, and the destruction of physical and cultural life. Smith (2008: 18) argues that “[short] of killing and doing bodily harm, [clearance] is one of the worst and most effective acts of cruelty and violence against a people”, stating that it constitutes an act of ethnocide and “perhaps even genocide” (ibid.).

Genocide tends to be almost exclusively thought of in terms of racially motivated mass killing or the intentional, physical annihilation of a people who are being targeted *for*

*who they are*. Thus considered it is perhaps hard to insist on a link between extractivism, clearance, and genocide. But, as Short (2010) points out by tracing genocide's conceptual genealogy, a more appropriate use of the term brings into focus a variety of methods and political economic drivers that lead to the social death or cultural destruction of a people. The notion of a *cultural* genocide is as such intrinsic to the concept of genocide, and is moreover closely related to 'ecocide', or ecocidal forms of environmental destruction (Higgins et al., 2013). The term refers to the process whereby extractive industries cause such extreme damage to ecosystems that the ecological conditions to sustain life are exhausted, seriously impaired, or irreversibly destroyed. On top of the harm this causes to ecosystems *per se* and nonhuman life, extractivist practices are also prone to undermining the ways of being of the human populations that depend upon the targeted ecosystems and environments, provoking an ecologically induced genocide in different regions of the world (Crook & Short, 2014).

The dispossession of life and livelihoods is as such "a by-product of an incompatible expansionist economic system" (Short, 2010: 842). Although there is no specific intent to destroy the environments, animal species, or the physical and cultural life of the human populations thus affected, the inherent tendency of capitalism to expand, entails that "intent is invested in the structures themselves" (Crook & Short, 2014: 311). But more than this, the destructive impacts of agroindustry can certainly be considered *purposeful*. There exists in these cases a clear objective to substitute an agroindustrial mode of capitalist production for the existing – supposedly 'unproductive' and 'backward' – rural economies and systems of subsistence. Again, it is instructive to invoke White's (2011) distinction between unintentional and non-intentional here. It is clear from the views articulated by the industry protagonists included in this research that the push for palm oil rests on an unequivocal celebration of neoliberal ideology and capitalist social relations that are *known* to be at odds with the relations and practices in keeping with which large parts of the local population have long organized their lives. Regardless, such impacts are accepted as inevitable and necessary in the transition to more viable economic and social modes of life. Under the banner of 'development' and via various mechanisms of industry expansion, the flourishing of human and nonhuman life – *in all its diversity* – is thus actively impeded.

### **8.2.2 Or moving beyond compromise, to post-extractivist economies?**

South (2010) outlines a number of ways in which "the ecocidal tendencies of late modernity" are linked to existing and emerging forms of crime, harm, injustice, exclusion, victimization, and conflict. The exponential growth of the global palm oil industry over the last decades and the incentives for its continued growth into the future do not give reason for optimism as to palm oil's share in the human and nonhuman suffering that will accompany such ecocidal trends. If we consider, as I argued in chapter 7, that in the environmental domain, too, more

hegemonic, negotiated relationships are entered into, it might at least be expected that the pace and impacts of these tendencies can be somewhat slowed down and attenuated (albeit no more than that). Under the pressure exerted by local populations, environmental NGOs, and the global rise to prominence of 'sustainable development' discourse (Leopold, 2010), capital must forge compromises with nature. But I noted that it is *also* forced to do so in view of the materiality of nature, given that ecological degradation threatens to destroy or deplete the productive conditions that the capitalist mode of production is ultimately dependent on (O' Connor, 1996).

Still, the modest measures that seek to make the palm oil industry more ecologically compatible (or give it a more environmentally friendly image) do nothing to fundamentally alter the processes that inhere in the industrial capitalist agricultural production of palm oil. Of the six dimensions<sup>106</sup> that give capitalist commodification its specific character (Castree, 2003), one – displacement – merits specific mention in this sense. In chapters 6 and 7 I have drawn attention to the long and complex trajectory leading from the initial incursions of the palm oil industry into the Colombian Pacific to the latest phase of industry expansion and its *modus operandi* there, as well as the array of social, environmental, and cultural impacts linked to the different phases and divergent realities of this trajectory. Crucially though, the final commodity purchased by the consumer obscures the social and the socioecological relations that inscribe this context; it displaces these impacts and relations (Castree, 2003).

The palm oil that has been extracted from the oil palm fruits and that at some point, somewhere, is sold in the form of a chocolate bar or burned on the road by a car that runs on blended biodiesel, obscures the fact that the monoculture model of production in which such commodities have their basis, is simply unsustainable – socially and environmentally. The resilience of an ecosystem lies in its diversity and the ecological embeddedness of each of its component parts. The bud rot epidemic, detailed in chapter 7.4, shows with particular force how, contrary to what Fedepalma (2006) seeks to convey, mature oil palm plantations *cannot* be equated to true forest landscapes. The materiality of nature intervenes with 'ideal' visions of the management, manipulation, and the human capacity to control (or master) socioecological conditions (Castree, 2003; Scott, 1998). Whatever compromises are made, at the end of the day this is still an extractivist model of production that inevitably brings serious harm upon the natural and human environment.

The only way to put an end to the crimes and harms that inhere in the extractivist pattern of accumulation is by breaking with a system that seeks to put each and every inch of nature to 'productive use' and instead transition into post-extractivist agricultural regimes and economies (Gudynas, 2013). We do not have to look far for the confirmation that such

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<sup>106</sup> Privatization, alienability, individuation, abstraction, valuation, and displacement (Castree, 2003).

models of social and economic organization are possible and viable; we can draw on the economic, cultural, and ecological rationalities in accord with which many Afro-Colombian, indigenous, and peasant communities (seek to) organize their lives. Our “proximity to the edge of ecocide” (South, 2010: 230) and our complicity in upholding a global economy that is inflicting a “slow industrial genocide” (Huseman & Short, 2012) upon the human populations targeted by extractivist activities, instructs us that allegedly ‘backward’ perspectives and practices that have their logic in notions of diversity and respect may in fact be the ‘progress’ that we so urgently need. What this requires is that we reconnect with nature, our sense of humanity, and start to think in terms of economic *degrowth*. As argued by Acosta (2013: 80): “Efforts to move toward post-extractivism in the global South should go hand in hand with economic degrowth or, at least, stationary growth in the global North”. That powerful ideologies and interests make this transition a difficult one should not distract us from the real need for this transition; the question is no longer *whether* or not, but *how* to organize the shift to post-extractivist economies (Gudynas, 2013).

### **8.3 Closing thoughts and suggestions for further research**

According to Reiman (2007: 239), “a theory of crime is a part of a theory of society”. It is my contention that a critical understanding of society requires criminologists to ask not only what *crime* is, and what uses this category serves, but that it is necessary to integrate this with a ‘theory of harm’ that addresses the on-the-ground contestedness of harm by examining the discursive and practical dimensions of the politics of harm. This is not unlike arguing that a comprehensive engagement with the power dynamics that draw the boundaries between ‘crime’ and ‘non-crime’ forms a crucial critical criminological task (Michalowski, 2009; Kramer et al., 2002), yet simultaneously goes further than this by explicitly and unapologetically accepting a criminological engagement with harm *without*, however, abandoning ‘crime’ as a criminological referent or blurring the categories of crime and harm. We can criticize the sole adherence to legalistic definitions of crime as well as the boundaries drawn between crime and harm by hegemonic notions and practices of legality, and yet at the same time accept the importance of crime – as a concept and as a lived reality.

Lynch et al. (2013) have noted the following in terms of the study of environmental harm in green criminology:

“The major assumption behind the harm approach is that documenting the harm will establish the validity of green criminology by making the empirical case that these harms have substantively significant social and economic consequences and therefore deserve serious study within criminology” (Lynch et al., 2013: 998).

The authors are absolutely correct to note that this does not provide the *theoretical* rationale to analyse environmental harm. Albeit from a somewhat different interpretation, this study,

too, has insisted that green criminological perspectives on harm must do more than expose the 'bads' of society and instead spell out more clearly the theoretical relevance of the need to unapologetically take a harm perspective. However, in contrast to Lynch et al. (2013), I do not see harm as necessarily a more scientific, objective focus of analysis. The theoretical relevance of 'harm' for criminology must be located, I argued, in its very contestedness. If we accept that crime is a social construction, we also ought to acknowledge that constructions of harm diverge. Hence I addressed the perceptions, constructions, practices, and lived realities of palm oil-related harm in the Colombian Pacific coast region, connected to a view on the play of power in this context.

Regarding the manner in which I have sought to redirect criminological engagement with harm, some final remarks deserve to be spelled out clearly. First, I equate harm by no means to crime. Somewhat on a par with the third position outlined in chapter 2, I accept that 'harm' and 'crime' are distinct categories whose boundaries, meanings, and realities are the product of particular historical conditions, relations, and structures. It thus follows that I do not support the call by social harm proponents to abandon the concept and discourse of crime. To blur harm and crime is not a criminological endeavour in my view. Rather, the task at hand for criminologists is to examine the power dynamics bound up with the discipline's core concepts, the divergent realities and meanings bound up with these categories, and the ways in which notions of crime, harm, and illegality are mobilized so as to advance sectional interests.

Here it is worth reiterating the tendency towards a somewhat uncritical celebration of rights (whether constitutional, human, environmental, or what have you) within criminology. The analysis developed over the preceding chapters, calls attention to the fact that while on the one hand rights can be an instrument to challenge power, they are also a terrain through which power operates. Afro-Colombian and indigenous communities in Colombia are not simply confronted with the denial of their cultural difference and rights altogether but with a far more complicated process of the simultaneous affirmation, inclusion, and exclusion of cultural difference. A harm perspective allows examining how power operates *through* rights and how rights can thus be a factor in the reproduction of inequality, suffering, and injustices.

As such, in order to establish a socially, culturally, economically, and environmentally more just society it is first necessary to arrive at an encompassing and critical understanding of how that society is organized, and how this enriches and benefits some and works to the detriment of others. I have shown that a critical engagement with the contestedness of harm – in its discursive and 'actual' dimension – is an appropriate and more thoroughgoing object of criminological analysis to this end than a narrow concern with crime. Harm, as a concept that investigates social reality by spanning the continuum from legal to tolerated illegal harm to non-tolerated illegal harm, allows for more reflexivity as to criminology's core organizing

principles, hence adding to its critical engagement with matters of crime, rights, and justice. I thereby wholeheartedly agree with Lynch & Stretesky's (2014) insistence on the need for a green frame of reference within criminology in addressing such matters. Several suggestions for further research follow on from this.

The first relates to the tensions between different eco-justice approaches. This study rests primarily on ideas of environmental justice, and hence addressed the situation of Afro-Colombian and indigenous communities in Colombia's Pacific coast region in the context of palm oil production there. The impacts of this industry, however, can also be examined from a principal focus on the harms to ecosystems and plant and animal species *per se*, rather than centring first and foremost on the *human* impacts of such environmental victimization. Thus far the discussion of the tensions between environmental, ecological, or species justice (White, 2013a) has largely stayed at the abstract theoretical level. To direct more explicit attention to the harms of the palm oil industry from an ecological or species justice lens could make this discussion more tangible and simultaneously add to our understanding of palm oil harm. It would also be worth exploring how the interests and values corresponding to environmental, ecological, and species justice are accounted for (or not) in the applicable legal and regulatory frameworks.

Three further suggestions for future research centre on several power dynamics that could not be addressed in this study. The *viabile* inclusion and analysis of these dimensions exceeded the scope and depth that this study could realistically aim to achieve. As such, this study did not address palm oil-related harm and contention linked to the organization of labour and work conditions in palm oil plantations. Although I have explored this dimension to some extent by interviews with representatives of Fensuagro and Sintraimagra<sup>107</sup>, in my main focus on the politics of harm in the south Pacific coast region it did not emerge as a key theme. This is not by any means to imply that it constitutes a theme of secondary importance but rather that it was not among the centrally emerging themes; i.e. palm oil and the small grower experience, and palm oil and the recognition of cultural and ethnic diversity. Also, in view of my concerns about potentially compromising the safety of research participants and my own, I did not consider it feasible to research this dimension in Tumaco, as this would have required significant amounts of time to be spent in corporate plantations.

Another component that I have not explored is the gender dimension of the dynamics and impacts of land use change to oil palm and corresponding transformations of land use practices, social relations, and the division of labour. Such considerations *do* carry relevance in the addressed context and can for instance build on Lozano (1996), who addresses the gender dynamics in the social, cultural, and economic spheres of Afro-Colombian community

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<sup>107</sup> Both represent workers mostly in Colombia's eastern plains.

life (from colonial times to recent incursions of capital into the Pacific), the gender division of labour within oil palm plantations as well as the impacts of the palm oil industry on the lives of Afro-Colombian women more generally. Restrepo (2004), too, has stated the need for a more detailed analysis of the gender division of labour within oil palm plantations.

Lastly, in conflicts over land it has been argued that Colombia's peasantry *at large*, especially in terms of land ownership, is not granted the legal protections that indigenous and Afro-Colombian rural communities achieved in the '91 Constitution. Mondragón Báez (2002: 29-30) claims that this perpetuates the historical neglect, invisibilization, and social exclusion of the peasantry. This study's focus on the on-the-ground contestedness of harm in the Pacific coast region, and the realities of harm thus lived and perceived by indigenous and Afro-Colombian communities, has not filled this gap.

A final suggestion for further research is to explore the *chain* of criminogenic effects of the social and environmental harms that stem from palm oil production and the extractive industries in Colombia more generally, in keeping with the type of work within green criminology that theorizes the interconnection between environmental victimization and the broader genesis of crime (Potter, 2014). This could add another spatial dimension to the study of crime and harm linked to natural resource extraction. That is, in addition to analysing the local manifestation of such crime and harm in a global political economy framework, we should trace the 'trail of crime and victimization' leading from these localities to the broader municipal, departmental, or national level. As Potter (2014) notes:

"[Environmental] victims often seem to be at risk of participation in offending behaviour and therefore becoming labelled as 'criminals'. It seems that they are also at some risk of becoming victims of (further) crime, such as when they seek to raise their voices in protest and are then victims of state or corporate violence or, more notably, when dispossession, dislocation or deprivation make them vulnerable to 'normal' criminal victimisation" (p. 16).

Thus we analyse: (i) the struggle to subsist of those that have been dispossessed of their lands and/or means of subsistence and thereby have been displaced within their municipality of origin or seen themselves forced to leave to other municipalities or departments, often times ending up as the internally displaced that live in the slums of Bogotá, Cali, and so on. In addition to this we analyse: (ii) the ways in which these people may become the victims of subsequent forms of crime – think of 'social cleansing', hate crimes, police violence, and so on. Hence we bring into focus the breadth of impacts of extractivism, in order for criminology to move closer and closer to exposing and theorizing the full scope and depth of the impacts of the social, economic, cultural, and environmental devastation and deprivation that are the product of an inherently unjust and unsustainable global economic system and social order.

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## APPENDIX I: LIST OF ABBREVIATIONS AND ACRONYMS

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<b>ACNUR</b>	<i>La Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados</i> <ul style="list-style-type: none"><li>▪ The Office of the United Nations High Commissioner for Refugees (UNHCR by its English acronym)</li></ul>
<b>AFRODES</b>	<i>Asociación de Afrocolombianos Desplazados</i> <ul style="list-style-type: none"><li>▪ Association for Displaced Afro-Colombians (an organization based in Bogotá, created in 1999 by and for displaced Afro-Colombians)</li></ul>
<b>Cenipalma</b>	<i>Centro de Investigación en Palma de Aceite</i> <ul style="list-style-type: none"><li>▪ Colombian Oil Palm Research Centre</li></ul>
<b>CIDH</b>	<i>Corte Interamericana de Derechos Humanos</i> <ul style="list-style-type: none"><li>▪ Inter-American Court of Human Rights</li></ul>
<b>CIJP</b>	<i>Comisión Intereclesial de Justicia y Paz</i> <ul style="list-style-type: none"><li>▪ Inter-Church Justice and Peace Commission</li></ul>
<b>Cimarrón</b>	<i>Movimiento Nacional por los Derechos Humanos de las Comunidades Afrocolombianas - Cimarrón</i> <ul style="list-style-type: none"><li>▪ National Movement for the Human Rights of Afro-Colombian Communities - Cimarrón</li></ul>
<b>COCOCAUCA</b>	<i>Coordinación de Consejos Comunitarios y Organizaciones de Base del Pueblo Negro del Pacífico Caucaño</i> <ul style="list-style-type: none"><li>▪ Coordination of Community Councils and Grassroots Organizations of the Black Communities of the Colombian Pacific in Cauca</li></ul>
<b>Cordeagropaz</b>	<i>Corporación para el Desarrollo Agroempresarial (para la Paz) de Tumaco</i> <ul style="list-style-type: none"><li>▪ Corporation for Agribusiness Development (for the Peace) of Tumaco</li></ul>
<b>Corponariño</b>	<i>Corporación Autónoma Regional de Nariño</i> <ul style="list-style-type: none"><li>▪ Regional Autonomous Corporation of Nariño (maximum departmental environmental authority in Nariño)</li></ul>
<b>Fedepalma</b>	<i>Federación Nacional de Cultivadores de Palma de Aceite</i> <ul style="list-style-type: none"><li>▪ National Federation of Palm Oil Growers of Colombia</li></ul>
<b>Fensuagro</b>	<i>Federación Nacional Sindical Unitaria Agropecuaria</i> <ul style="list-style-type: none"><li>▪ National Federation of Agricultural Farming Unions</li></ul>
<b>FONSA</b>	<i>Fondo Nacional de Solidaridad Agropecuaria</i> <ul style="list-style-type: none"><li>▪ National Agricultural Solidarity Fund</li></ul>
<b>IIAP</b>	<i>Instituto de Investigaciones Ambientales del Pacífico</i> <ul style="list-style-type: none"><li>▪ Institute for Environmental Investigations of the Pacific</li></ul>
<b>ICA</b>	<i>Instituto Colombiano Agropecuario</i> <ul style="list-style-type: none"><li>▪ Colombian Agricultural Institute</li></ul>
<b>Incoder</b>	<i>Instituto Colombiano de Desarrollo Rural</i> <ul style="list-style-type: none"><li>▪ Colombian Institute of Rural Development</li></ul>
<b>Incora</b>	<i>Instituto Colombiano de la Reforma Agraria</i>

	<ul style="list-style-type: none"> <li>▪ Colombian Institute of Agrarian Reform (a land reform and titling institution later replaced by the Incoder)</li> </ul>
<b>ONIC</b>	<p><i>Organización Nacional Indígena de Colombia</i></p> <ul style="list-style-type: none"> <li>▪ National Indigenous Organization of Colombia</li> </ul>
<b>Palmasur</b>	<p><i>Palmeros del Pacífico Sur</i></p> <ul style="list-style-type: none"> <li>▪ Palm Growers of the South Pacific</li> </ul>
<b>PCN</b>	<p><i>Proceso de Comunidades Negras</i></p> <ul style="list-style-type: none"> <li>▪ The Process of Black Communities</li> </ul>
<b>RSPO</b>	<p>Roundtable of Sustainable Palm Oil</p>
<b>Sintraimagra</b>	<p><i>Sindicato Nacional de Trabajadores de la Industria de Productos Grasos y Alimentos</i></p> <ul style="list-style-type: none"> <li>▪ National Trade Union of Workers of the Fat and Food Products Industry</li> </ul>
<b>UAEGRTD</b>	<p><i>Unidad Administrativa Especial de Gestión de Restitución de Tierras Despojadas</i></p> <ul style="list-style-type: none"> <li>▪ Special Administrative Unit for the Restitution of Dispossessed Land</li> </ul>
<b>UNIPA</b>	<p><i>Unidad Indígena del Pueblo Awá</i></p> <ul style="list-style-type: none"> <li>▪ Indigenous Unity of the Awá People (the umbrella organization of indigenous Awá in the department of Nariño)</li> </ul>

## APPENDIX II: COLOMBIAN PACIFIC COAST REGION

Figure 1: Departments within the Colombian Pacific region



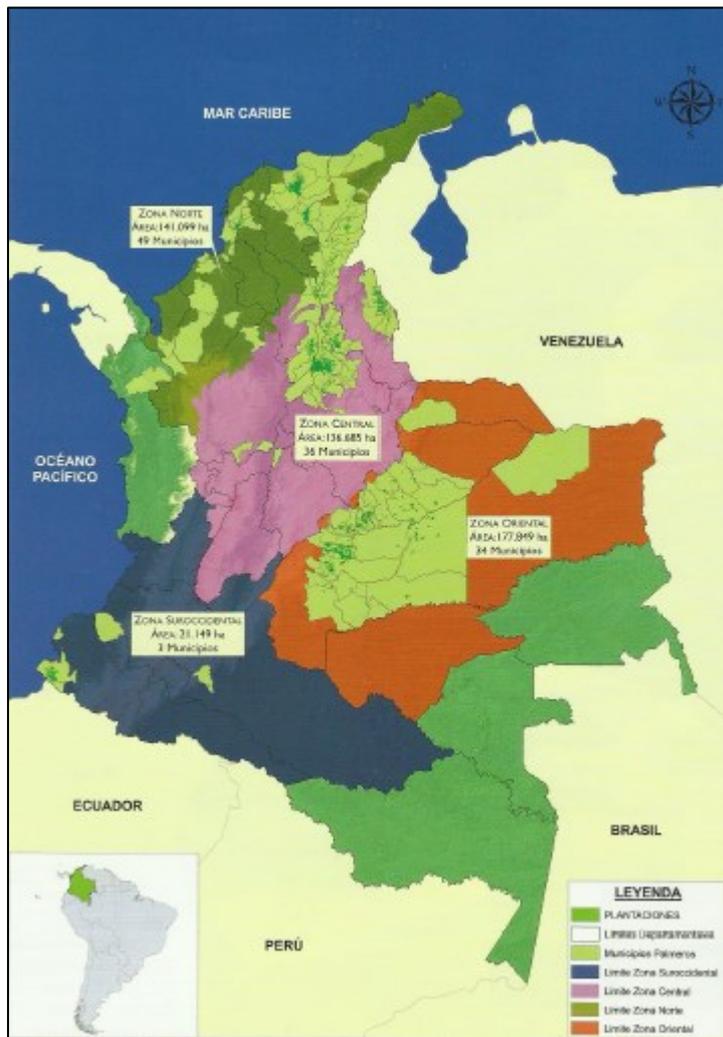
Source: <http://www.elpais.com.co>

Figure 2: Colombia's eco-regions. The Biogeographic Chocó in blue



Source: <http://biogable.yolasite.com/biogeography.php>

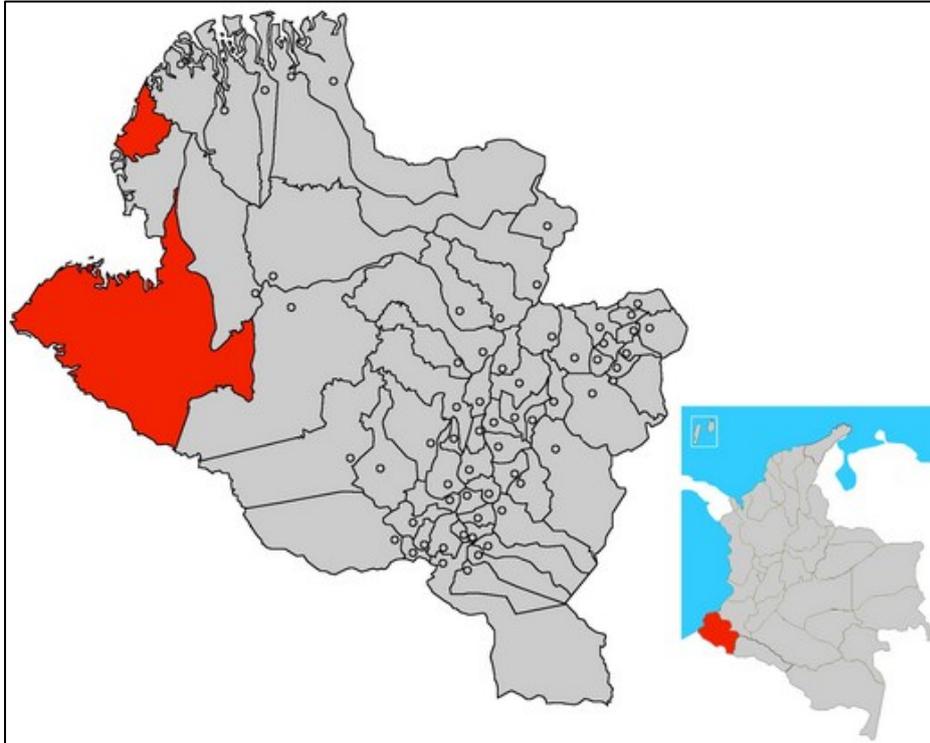
**Figure 3:** Palm oil production zones in 2013



Source: Fedepalma (2014)

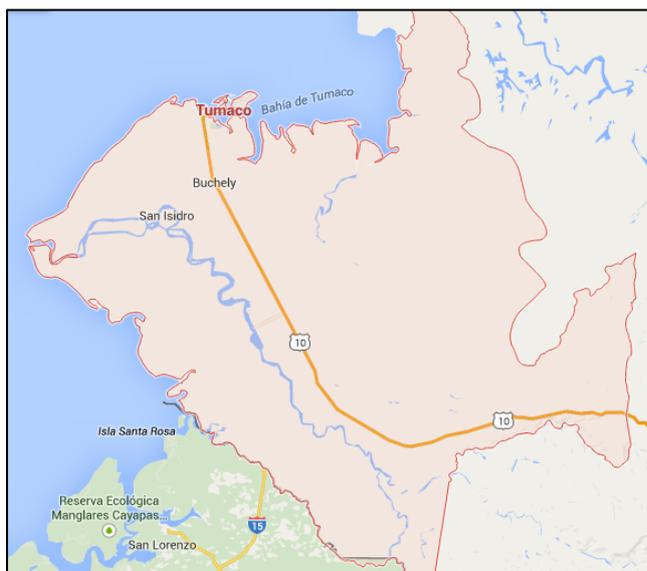
## APPENDIX III: ALTO MIRA Y FRONTERA AND BAJO MIRA Y FRONTERA

**Figure 1:** Department of Nariño and the municipality of Tumaco

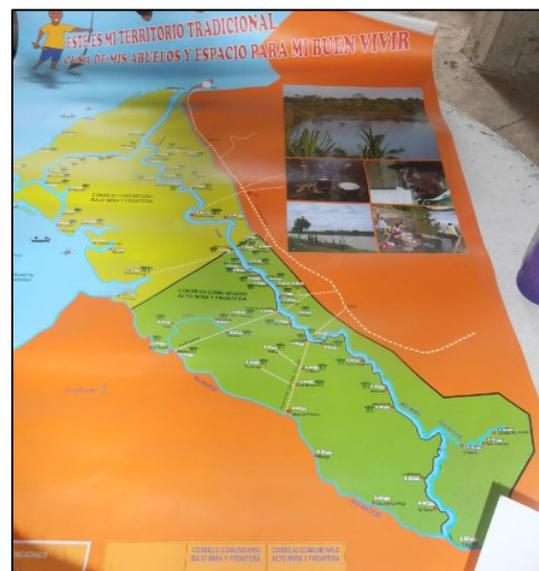


Source: [http://www.wola.org/commentary/in\\_troubled\\_tumaco\\_little\\_progress](http://www.wola.org/commentary/in_troubled_tumaco_little_progress)

**Figure 2:** Location of Alto Mira y Frontera and Bajo Mira y Frontera, south of the Tumaco-Pasto road



Source: <https://www.google.nl/maps>



Source: Photograph (of map) by author

**Figure 3:** Alto Mira and Frontera community council, zones 1 to 5



Source: Photograph (of map) by author, with permission

**Zone 1** in red, **Zone 2** in blue, **Zone 3** in purple, **Zone 4** in black, **Zone 5** in yellow

NB: These are *schematic approximations* based on the coordinates given by an inhabitant of the Alto Mira y Frontera community council

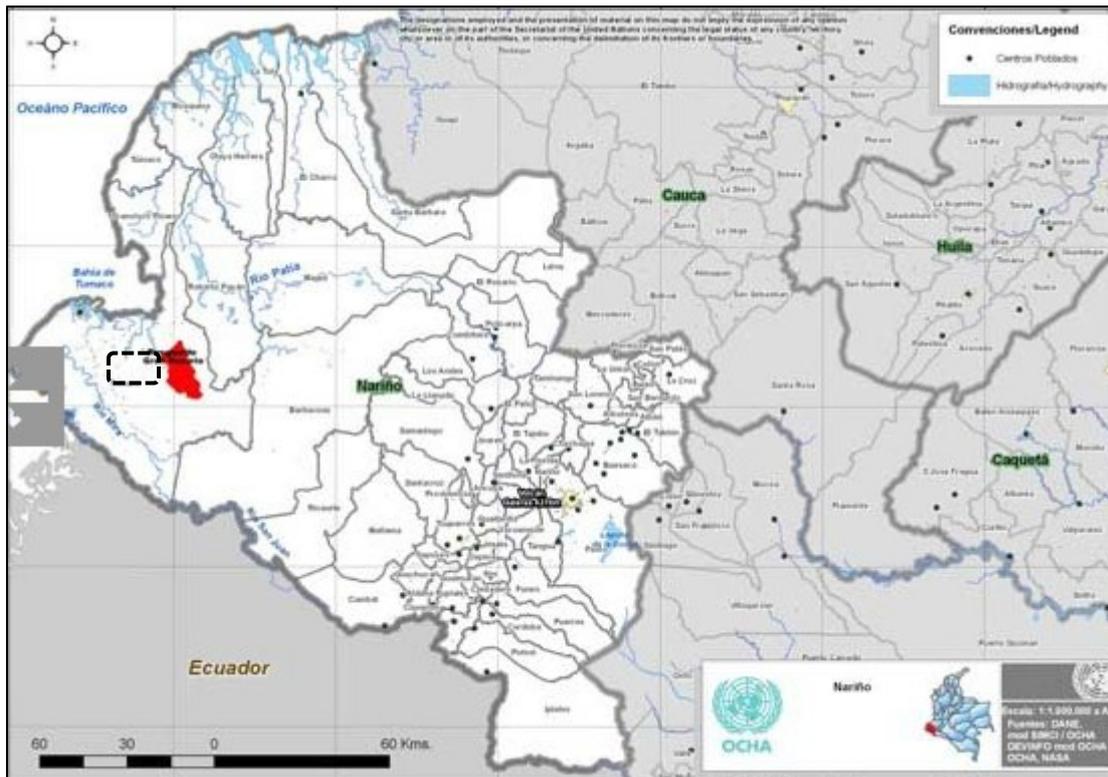
## APPENDIX IV: RESGUARDOS OF INDIGENOUS AWÁ

Figure 1: Resguardos La Brava (in blue) and Peña La Alegría (left of La Brava)



Source: <http://www.awaunipa.org/>

Figure 2: Approximate location of La Brava and Peña La Alegría relative to Gran Rosario (in red)



Source: <http://www.awaunipa.org/>

## **APPENDIX V: LIST OF INTERVIEWS AND SITE VISITS**

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Both in this Appendix and in the thesis at large, where names are stated in full the research participant in question has given explicit permission to do so.

### **Industry representatives**

- [1] Semi-structured interview with Andrés Castro Forero  
Director of Planning and Social Development at Fedepalma
  - Bogotá, 08-08-2012
- [2] Semi-structured interview with Bismarck Preciado  
Executive Director at Cordeagropaz
  - Tumaco (Nariño), 30-08-2012
- [3] Semi-structured interview with Alberto Prado  
Peasant association leader and representative of Palmasur S.A.T.
  - Tumaco, 31-08-2012
- [4] Semi-structured interview with Rodrigo García Sanchez  
Social and Business Coordinator at Cordeagropaz
  - Tumaco (Nariño), 12-09-2012
- [5] Semi-structured interview with Dr. José Ignacio Sanz  
Executive Director at Cenipalma
  - Bogotá, 18-12-2012

### **Corporate actors/executives**

- [6] Semi-structured interview with Dr. Hugo Ruiz Eraso  
Former agronomic director at Palmas de Tumaco  
Director of the Department of Plant Production and Health, Universidad de Nariño
  - Pasto (Nariño), 29-08-2012
- [7] Semi-structured interview with Jorge Corredor  
Managing Director of Palmeiras
  - Bogotá [Skype], 28-01-2013
- [8] Semi-structured interview (requested to make reference only to company name)  
Manager at Palmar del Llano (Executive at Palmas de Tumaco until 2010)
  - Bogotá, 11-02-2013
- [9] Semi-structured interview (requested to make reference only to company branch)  
Corporate executive in a palm oil consortium
  - Bogotá, 18-02-2013

### **Small growers of oil palm**

- [10] Semi-structured interview with Aversio

- Small grower from Bajo Jagua, community council Bajo Mira y Frontera
- Tumaco, 10-09-2012
- [11] Semi-structured interview with Obelis
- Small grower and technical consultant at Agromira
- Tumaco, 11-09-2012
- [12] Field visit with technician from Cordeagropaz
- Visits to small grower plantations / Informal conversations with several small growers
- Tumaco, 12-09-2012
- [13] Semi-structured interview with Orlando
- Representative of Asociación de Palmeros de Guapi (Asopalma)
- Guapi, 06-01-2012
- [14] Field visit with representatives of Asopalma
- Visits to two small grower plantations
- Guapi, 07-01-2013
- [15] Attendance of small grower reunion
- Small growers association Agrofortaleza
- Tumaco, 14-01-2013
- [16] Attendance of small grower reunion
- Small growers association Agromira
- Tumaco (Bajo Jagua, Bajo Mira y Frontera), 15-01-2013
- [17] Semi-structured interview with Jaime
- Legal representative of Asociación de Palmeros de Chilví (Asopalchí)
- Tumaco, 17-01-2013
- [18] Field visit with technician from Asopalchí
- Visits to small grower plantations / Informal conversations with several small growers
- Tumaco, 17-01-2013
- [19] Semi-structured interview with María
- Small grower and member of Agrofortaleza
- Tumaco, 18-01-2013

### **Local palm oil critics**

- [20] Semi-structured interview with members of the UNIPA
- Three Awá representatives from Resguardos Pulgande Campo Alegre (Tumaco), Gran Rosario (Tumaco), and Ñambí Piedra Verde (Barbacoas). And a fourth non-Awá member that has been living in the region since 32 years and joined the UNIPA in December 2011.
- Pasto, 28-08-2012

- [21] Semi-structured interview with Afro-Colombian community leader  
Originally from Río Chagüí (Tumaco) and former representative of Recompas
- Tumaco, 30-08-2012
- [22] Semi-structured interview with Afro-Colombian community leader  
Member of the governing body of the Alto Mira y Frontera community council (due to threats at the time of this research not living in the rural zone)
- Tumaco, 31-08-2012
- [23] Multiple informal conversations with an Afro-Colombian activist; a *Tumaqueño* living in the urban area of Tumaco, who has a long trajectory in the Afro-Colombian social movement. Functioning as a bridge between the IIAP and local communities, he is closely involved in setting up productive projects with indigenous and Afro-Colombian communities in the rural zone
- Tumaco, prolonged contact over the period from September 2012 to February 2013
- [24] Semi-structured interview with Afro-Colombian from Río Gualajo (Tumaco)
- Tumaco (office of Recompas), 11-09-2012
- [25] Semi-structured interview with legal advisor (1998-2008) to the Alto Mira y Frontera community council, Afro-Colombian *tumaqueño*
- Tumaco, 11-09-2012
- [27] Informal conversation with two Afro-Colombian women  
Members of the Nupa and Alto Mira y Frontera community councils
- Tumaco (office of the PCN), 14-09-2012
- [28] Semi-structured interview with Afro-Colombian member of the Bajo Mira y Frontera community council
- Tumaco, urban zone, 02-12-2012
  - Tumaco, site visit to Bajo Jagua vereda, Bajo Mira y Frontera, 15-01-2013
- [29] Informal conversation with representative of Cococauca
- Guapi, 05-01-2013
- [30] Semi-structured interview with Afro-Colombian woman  
Former member of the governing body of the Bajo Mira y Frontera community council
- Tumaco, 15-01-2013
- [31] Semi-structured interview with Afro-Colombian community leader  
Member of the governing body of the Bajo Mira y Frontera community council
- Tumaco, 18-01-2013
- [32] Semi-structured interview with Alto Mira y Frontera community council representative  
Works for the Norwegian Refugee Council but indicated to speak on a personal title
- Tumaco, 18-01-2013

- [33] Informal conversation with Afro-Colombian community leader from Río Mejicano
  - Tumaco, 18-01-2013
- [34] 'Campaign Another Pacific (is) Possible' (*Campaña "Otro Pazífico Posible"*): a bi-national workshop organized by the Process of Black Communities. Attended by members and representatives of Afro-Colombian community councils and other Afro-Colombian organizations from various zones of the Colombian Pacific coast region, as well as Afrodescendant organizations and representatives from Ecuador
  - Tumaco, 02-12-2012 to 04-12-2012
- [35] Informal conversation with a former member of the governing body of the Alto Mira y Frontera community council
  - Tumaco, 02-12-2012
- [36] Field visit to Alto Mira y Frontera with a former member of its governing body
  - Tumaco, Alto Mira y Frontera, 26-02-2013
- [37] Semi-structured interview with Afro-Colombian community leader  
Member of the governing body of Alto Mira y Frontera
  - Tumaco (Alto Mira y Frontera), 26-02-2013
- [38] Semi-structured interview with members from Resguardo La Brava  
Two members from its governing body and two additional community members
  - Tumaco (Resguardo La Brava), 13-03-2013

### **NGOs and activists**

- [39] Semi-structured interview with Abilio Peña  
Comisión Intereclesial de Justicia y Paz
  - Bogotá, 18-07-2012
- [40] Semi-structured interview with Paula Álvarez  
Grupo Semillas
  - Bogotá, 23-07-2012
- [41] Semi-structured interview with Jattan Mazzot Ilele  
Afrodes activist
  - Bogotá, 02-08-2012
- [42] Semi-structured interview with Juan de Díos Mosquera  
Director of Cimarrón
  - Bogotá, 26-11-2012
- [43] Semi-structured interview with Omar Zapata  
ONIC
  - Bogotá, 30-01-2013
- [44] Semi-structured interview with Urbano García Cáceres

Fensuagro

- Bogotá, 07-12-2012
- [45] Semi-structured interview with three representatives of Sintraimagra
- Bogotá, 22-02-2013
- [46] Semi-structured interview with Gearóid Ó Loingsigh  
Investigative journalist
- Bogotá, 22-07-2012
- [47] Semi-structured interview with Nixon Arboleda Montaña  
Afro-Colombian from Guapi, investigator at the IIAP
- Buenaventura, 27-08-2012
- [48] Informal conversation with members of Chiyangua y Chirará  
(Local initiative in Tumaco)
- Tumaco, 05-12-2012

### **Public officials**

- [49] Semi-structured interview with Jairo Mosquera  
Incoder
- Pasto, 27-08-2012
- [50] Semi-structured interview with Gerardo Arteaga  
Corponariño
- Tumaco, 31-08-2012
- [51] Semi-structured interview with Eugenio Estupeñan  
Mayoral advisor in Tumaco (and former director of Palmasur)
- Tumaco, 18-01-2013
- [52] Semi-structured interview with Celia Galeano  
Technical Secretary of 'Productive Chains' of the Ministry of Agriculture
- Bogotá, 14-03-2013

### **Additional**

- [53] Field visit  
Field trip to Aceites Manuelita in Altamira (Casanare) with a groups of biologists from the Andes University and the Panthera Foundation (Bogotá); specialized in wild cat conservation strategies – e.g. lions, tigers, jaguars, and leopards.  
Observations and informal conversations with
- Altamira (Casanare), 19-11-2012 to 21-11-2012
- [54] Discussion space  
Public reunion organized around the eradication of oil palms infected by bud rot and the required prior consultation in that process. The meeting was primarily attended by

inhabitants of the Alto Mira y Frontera and Bajo Mira y Frontera collective territories as well as other *tumaqueños* living in areas of small grower oil palm cultivation.

Speakers: Representatives from affected communities (Alto Mira y Frontera and Bajo Mira y Frontera), academic experts, representatives from the ICA, the Ministry of Interior, Fedepalma, Palmasur, and the Ombudsman.

- Tumaco, 25-02-2013