Criminalized in our own lands?

Asserting Indigenous and Afro-Descendant law and rights over gold in the context of Colombia’s violent armed conflict, implications for legal pluralism

Dr. Viviane A. Weitzner,
Postdoctoral Researcher,
Centre for Indigenous Conservation and Development Alternatives,
McGill University

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Drawing on 10 years of engaged ethnography with Indigenous and Afro-Descendant peoples in Colombia whose lands are rich in gold, this presentation examines the “social minefields” (Rodríguez-Garavito 2010) that emerge when overlapping and contested normative frameworks come into contact over regulating access to gold in the context of violent armed conflict. More specifically, I examine the efforts of the Embera Chami Indigenous people of the Resguardo Indígena Cañamomo Lomaprieta in Caldas and the Black Communities of the Palenke Alto Cauca to exercise their own laws and self-government; to assert their right to free, prior and informed consent; and to hold up their own self-named “ancestral gold mining” as legitimate and legal in the face of state criminalization of this livelihood activity that predates the formation of the Colombian state. Anchoring my analysis in my collaborators’ perspectives, I show the violent effects of asserting territorial and regulatory control over gold in a context where the Colombian state is looking to large-scale gold mining as an engine of national economic growth; while criminal armed actors fuelling Colombia’s conflict also covet gold mining for laundering narcotrafficking proceeds and extracting profits. In this landscape permeated by the “raw economy” (Mbembe 2012), I offer new insights into the theory and praxis of legal pluralities. I make visible what I call “raw law”—namely the codes, norms and sanctions of criminal armed actors, working often in connivance with state representatives—and examine the “contact zone” (Santos 2002) of disputed legalities through the lens of time.

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