

Territorial use and mining exploitation: mobilization and popular consultation in Mercaderes, Cauca (Colombia)

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ABSTRACT

The 2019 legitimate popular mining consultation in Mercaderes, Cauca (Colombia) served as a process of community reaffirmation amid environmental conflict. This initiative consolidated defense and resistance dynamics by radicalizing horizontal solidarities. The process reveals a dialectical movement within the configuration of local political geography, driven by social mobilization and territorial conflicts arising from the threatened appropriation of land for mineral exploitation. Locally, the expansion of mining and hydrocarbon extraction contrasts sharply with the loss of water sources, acute water stress, and the encroachment of illegal mining operations, which have severely damaged the Sambingo River and its social dynamics. Ultimately, by holding a legitimate popular consultation in a hostile social climate, the community successfully asserted its local planning goals and its own sovereign conception of the territory.

KEYWORDS: political economy of territory; mining; environmental conflicts; social mobilization.



INTRODUCTION

The article analyzes the social mobilization and the legitimate popular consultation process carried out in the municipality of Mercaderes, Cauca (Colombia) in 2019, which emerged as a direct response to the threat of mining and hydrocarbon exploitation within its territory. This event is part of a broader national landscape marked by acute tensions between state-driven extractivist projects and local communities defending their ways of life and natural resources. Initially conceived as a legal mechanism for democratic participation, the popular consultation transformed into a tool of resistance against the imposition of development models that disregard rural territorial vocations and the vital importance of water as a common good.

Within this framework, the study demonstrates how the Mercaderes community, organized around the Coordinadora Integral Social Mercadereña (CISM), successfully articulated an autonomous process that reaffirmed horizontal solidarities and local decision-making capacity. The narrative reveals the dialectical relationship between power and space, showing how social mobilization becomes a territorial practice that challenges the vertical mandates of both the state and extractive corporations. Furthermore, the analysis highlights the environmental and social impacts of illegal mining and hydrocarbon exploration, which exacerbated the regional water crisis and degraded strategic ecosystems, including the Samingo River.

The second section analyzes the case of Mercaderes, tracing the transition from a legal consultation to a legitimate popular consultation and the organizational dynamics that enabled this shift. The third section examines the legitimate popular consultation as an expression of horizontal ordering and the construction of sovereign territorial alternatives. Finally, the article concludes by discussing future challenges in consolidating territorial autonomy and the persistent tensions between community projects and the dominant extractivist model.

THE POPULAR MINING CONSULTATION IN COLOMBIA AS A TOOL AND CATALYST FOR ENVIRONMENTAL AND TERRITORIAL STRUGGLES

The popular mining consultation is a legal democratic mechanism for Colombian citizens established by the 1991 Constitution. It allows communities to participate in decisions affecting them and to veto high-impact projects, reflecting Colombia's status as a social state of law, "which is organized in a democratic, participatory, and pluralistic manner" (Ibáñez-Elam, Cumbe-Figueroa, and Vargas-Chaves, 2023, p. 16).

Recent Colombian history shows increased participation, fostering diverse citizen-state relations. This relies on respecting institutions through constitutional tools that address grassroots demands. Such diversity empowers local agendas, enabling citizens to enforce state compliance and block external threats. Consequently, constitutional participation has strengthened local organizing and mobilization.

The mechanism of popular consultation is enshrined within the constitutional text itself. As Ibáñez-Elam, Cumbe-Figueroa, and Vargas-Chaves (2023, p. 21) clarify¹, Article 103 of the Constitution defines it as:

The institution through which a question of a general nature is submitted to the people for consideration so that they may decide, through an affirmative or negative response, on a matter of national, departmental, municipal, district, or local significance. The result of the consultation is binding on the authorities who convened it.

Despite its explicit formulation, a primary obstacle to implementing these consultations is the jurisdiction's structural indeterminacy. Territorially, administrative entities possess distinct yet overlapping powers, creating legal gray areas about the scope of local decision-making. This institutional friction allows popular consultations to proceed initially under decentralized mandates, only to be later paralyzed by top-down judicial or institutional clarifications that undermine citizen participation and overturn democratic votes.

Within environmental agendas and territorial struggles, this jurisdictional debate remains highly contested, leaving deep marks on both social mobilization and Colombia's legal corpus. In terms of grassroots resistance, this friction culminated in the legitimate popular mining consultation in Mercaderes, Cauca. The political momentum generated in Mercaderes was fueled by the nationwide mobilization around this constitutional tool, which subsequently evolved into an autonomous dynamic that transcended the constraints of formal state institutions.

Opponents of popular consultations use this regulatory vacuum in national law. According to Portafolio (2018), corporate associations lobby to limit local power. The Colombian Mining Association's president said, "We must reform the constitution to give national authorities exclusive control over strategic sectors and subsoil."

¹ Although the mechanism is called "consultation," as evidenced by the statutory article that regulates it, this consultation has a binding decision-making character rather than a merely advisory one.

This positioning exposes a latent contradiction within the country's territorial political economy, where competing land-use projects collide. While corporate guilds cite 'national interest' or macro benefits, local communities gain no tangible advantage from territorial impositions by large-scale capital. Instead, they are displaced by development narratives from fossil fuel and mining conglomerates.

Although participatory democracy in the Constitution aims to foster consensus, conflicting land-use models often produce uneven results. In practice, resolutions consistently favor hegemonic, large-scale actors over rural communities.

Nevertheless, following the landmark Constitutional Court Ruling C-123 of 2014, Colombian citizens found a powerful veto mechanism in the popular consultation, which they used to halt extractive activities that threatened their traditional ways of life and territorial vocations. Social movements identified a critical fissure in the ruling and its dialogue with the constitutional framework, using it to fracture the state's vertical command structures and mount a defense against the encroachment of capital.

The jurisdictional opening created by this judicial ruling triggered a crucial sequence of legal battles and a broad societal debate. This conflict oscillated between safeguarding citizens' rights, environmental protection, and community-led territorial uses on one side (Santos, 2005) and defending the financial interests of multinational corporations and national regulatory bodies on the other.

This confrontation occurred during a mining boom driven by the commodity super-cycle, rising mineral prices, and the 2005 Plan de Distritos Mineros under Uribe. A grassroots resistance grew in rural areas, uniting anti-extractivist groups based on peasant, Indigenous, and alternative models of territorial planning.

The strategic deployment of this legal tool to defend local territories gained widespread momentum following the enactment of Statutory Law 1757². This law empowered citizens to convene popular consultations directly through grassroots initiatives—such as petition drives and signature collection—thereby breaking the executive branch's exclusive monopoly over these mechanisms. This institutional shift was further catalyzed by the landslide victory of

2 This was made possible by "a landmark ruling of the Constitutional Court in October 2016 (T-445/16), which states that local and regional governments are authorized by the Constitution to carry out consultations on mining in their territory" (Dietz, 2018, p. 16).

local citizens over the multinational mining giant AngloGold Ashanti in Piedras, Tolima, where the community overwhelmingly rejected plans to turn their municipality into a mining waste dump (González, 2019, p. 13).

Following this landmark precedent, records indicate that between 2013 and 2018, popular consultation initiatives were actively moving through legal channels in more than 80 municipalities nationwide, seeking to decide the future of mining activities within their borders (Ibáñez-Elam, Cumbe-Figueroa, and Vargas-Chaves, 2023, p. 26). This surge represents a historic milestone for popular mobilization and environmental activism in Colombia. Never before had a citizen-driven participatory mechanism expanded so systematically across the national territory while remaining deeply anchored in local, autonomous processes.

From an environmental standpoint, popular mining consultations successfully interrupted, altered, or delayed the implementation of extractivist megaprojects that directly threatened strategic agricultural lands and critical ecosystems—such as high-altitude páramos—vital to Colombia’s water regulation cycles. Furthermore, these consultations helped revitalize and regroup territorial struggles. This political restructuring led to the creation of local and national initiatives for alternative territorialities, expressly designed to overcome the structural degradation caused by mining and extractivist models.³ These networks encompass diverse citizen movements, local cooperatives, and autonomous land-use planning bodies.

However, within this landscape of resistance, certain consultations underwent a radical transformation. Although they initially emerged from a dialogue between state institutions and organized communities, shifting political conditions forced a sharp pivot toward horizontal solidarity. In these cases, communities reclaimed the process’s technical and political meaning, anchoring the territory’s local political economy on their own terms. This shift directly countered state designs for local lands, mobilizing public opinion within the territories to affirm the very practices that sustain horizontal community bonds.

The primary expression of this shift was the realization of autonomous popular consultations. Initially, these communities meticulously followed every

³ Svampa, Sola, and Bottaro highlighted adverse ecological and economic impacts in La Rioja, where the extractivist model and enclave economy led to land-use fragmentation and poverty. They stated that instead of prospering, La Rioja’s people watched gold and silver pass by, transported by cable car and train to ports for Europe (Svampa, 2009, p. 154).

legal requirement to secure official, state-sanctioned popular consultations, successfully navigating institutional hurdles to get them scheduled. However, due to a shifting national political climate and the administration's extractivist focus, state authorities systematically blocked these official initiatives. Rather than capitulating, the communities responded by pioneering what became known as legitimate popular consultations.

While social mobilization and participation are inherently fluid, the strategic focus of these autonomous initiatives was fundamentally different. They derived their procedural legitimacy and validation of land use not from a dialogue between state power and community organizing, but solely from the community's internal organization, local designs, and sovereign assemblies.

FROM POPULAR CONSULTATION TO THE LEGITIMATE POPULAR CONSULTATION IN MERCADERES, CAUCA

Among the autonomous popular mining consultations organized across Colombia, the case of Mercaderes, Cauca, stands out for its unique trajectory of bottom-up institutional bypassing. This popular mining consultation emerged directly from organized civil society under the umbrella of the Coordinadora Integral Social Mercadereña (CISM).

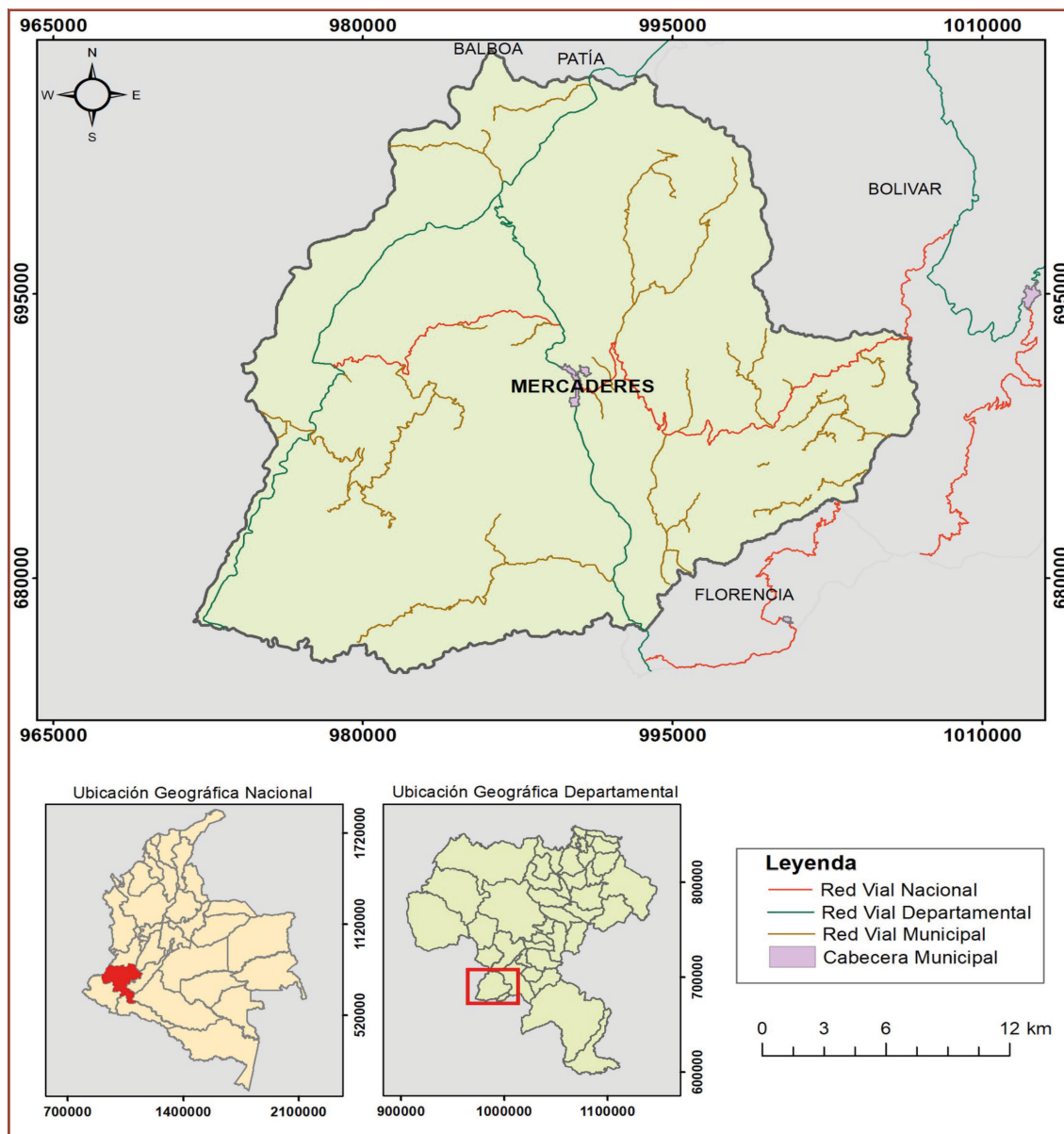
After fulfilling all legal prerequisites⁴ and submitting the formal petition to state authorities, the community faced an abrupt bureaucratic refusal when the National Registry (Registraduría Nacional del Estado Civil) declined to conduct the vote. Crucially, the legal validity of the process and the constitutionality of the referendum question had already been validated. In the official ruling *Revisión, regarding the constitutionality of the mechanisms of popular consultation*, presiding Magistrate Carlos Hernando Jaramillo reviewed current jurisprudence and statutes to affirm the full legal viability of the popular mining consultation in Mercaderes.

Despite this judicial green light, the National Registry—the state agency constitutionally mandated to run electoral processes in Colombia—refused to “advance the voting process scheduled for February 4, 2018, allegedly due to a lack of sufficient budgetary resources to finance this mechanism

4 The Administrative Contentious Tribunal of Cauca (2017, p. 1) concluded in its “Revisión de Constitucionalidad sobre el mecanismo de participación ciudadana” for the Mercaderes case that “the consultation conforms to the Constitution and the law and does not concern a matter upon which a consultation cannot be held.”

of citizen participation” (Semana, 2019). Faced with this institutional blockade, the community chose to pivot, embarking on an independent path: the realization of a legitimate popular consultation. This autonomous process depended on local structures and networks built over decades of struggle, capturing momentum during interactions with state institutions. Alexander Ortega of ANUC explained, “We wanted to conduct this consultation within the legal framework, but the state, through its agencies, denied us the possibility—from the Registry to the Prosecutor’s Office, where our complaints were systematically ignored.” (Ortega, 2022, min. 1:30-2:14).

Figure 1 - Location of the municipality of Mercaderes, in the Department of Cauca, Colombia (2018)



Source: Gobernación del Cauca (2019).

Mercaderes was not an isolated case. This financial pretext was systematically used by the National Registry and the central government to freeze multiple locally approved consultation petitions nationwide. This coordinated bureaucratic backlash was directly linked to a previous cycle of municipal mining referendums that had yielded overwhelming majorities—frequently exceeding 90% of the vote—against extractive activities⁵. This wave of resistance had sparked a new cycle of petitions, resulting in 44 separate popular mining consultations being approved by competent local judicial authorities before they were blocked from above.

These restrictive national measures reflected a state's intent to prioritize the "mining-energy locomotive", a defining political metaphor used by the Juan Manuel Santos administration to justify heavy reliance on mining and oil extraction as the sole drivers of national "progress." This strategic orientation inherited its core logic from the "investor confidence" paradigm established under former President Álvaro Uribe Vélez.

The Uribe administration prioritized creating business-friendly regulations, calming rural areas, and supplying geological data to transnational companies. This policy resulted in the establishment of mining districts in 2005, outlining the expansion of large-scale mining in Colombia, a plan Santos later followed. Community leader Lidia Meneses from San Joaquín, Mercaderes, links this extractivist push to environmental harm, notably the degradation of the Sambingo River, where legal and illegal extraction lines blurred.

For us, what is legal is that it keeps being done in an artisanal way, and not the way they say it. I would like to express an opinion on that matter. It seems to me that the issue of legality was very important in the sense that, at that moment, there was this thing about the mining locomotive, which was a national initiative. It came with Uribe, then it even went to Santos, and so on. And that, at least from what I know, motivated the first exploitation that took place in the river with machinery, in a structured and organized way, to be legal. And later, since they saw that the gold business was so successful there, it began to proliferate—no longer legally but illegally. (Meneses, 2023, min. 17:02-19:01).

An analysis anchored in the Mercaderes territory reveals how multi-scalar processes collided during the consultation, staging a confrontation between

5 The event held in the municipality of Piedras, in the department of Tolima, in 2013, was of great importance because "since July 2013, following the victory of the 'NO to mining' in Piedras (department of Tolima), the sequence of popular actions "has increased considerably" (González Gil, 2019, p. 14).

statecraft—bent on executing long-term macroeconomic strategies—and the local community, determined to defend its ecological survival.

In 2018, under intense lobbying from mining corporations and amid a deluge of legal challenges, the Constitutional Court selected a landmark case for review. The multinational corporation Mansarovar Energy had filed an injunction (*tutela*) against the Administrative Tribunal of the Department of Meta. The regional tribunal had authorized the municipality of Cumaral to hold a local consultation on oil exploration, which Mansarovar claimed violated its corporate legal guarantees (Portafolio, 2018).

In this context, the full bench of the Constitutional Court ruled in favor of the injunction and argued for it along three lines, two of which alleged the need for mechanisms of participation and permanent consultation with the community in the process of hydrocarbon and mining exploitation. The third was “that popular consultations cannot veto these initiatives in the first instance, since this mechanism cannot restrict local rights over the subsoil, since it is for the exclusive use of the Nation” (Portafolio, 2018).

The decision to hold a legitimate popular consultation was a response to a clash between vertical and horizontal orderings. Horizontal orderings proposed understanding legitimacy outside centralized state power. The transition from a popular mining consultation to a legitimate popular consultation required reflection on territorial power dynamics and everyday practices. Eduardo Martínez (2022, min 7:34-9:41), leader of Guardianes de la Tierra, recalls reflections that led to this shift.

Let’s make it legitimate. So, what do you mean by “legitimate”? He said, “Yes, because the popular mandate belongs to the people, right? And if the people here say that we don’t want mining of any kind here, well, brother, then let it not be, because we are the ones who live here and we are the ones who elect. So, we can make it legitimate. So, then, since we had everything set up, that was changing a few things. It was no longer going to the registry office; we had to handle all the registry paperwork and logistical issues ourselves, so we started knocking on doors. Then an evaluation was made, and a budget was made, and well, what were we going to spend on? And we started knocking on doors. And some resources were sought to hold that consultation, and that’s how we did it. And we managed to get the people to come out and vote. And we achieved it in a very difficult time.

It is also worth presenting how the same platform of organizations that consolidated to promote the popular consultation, the CISM, explained to public opinion the reasons for deciding to hold the legitimate popular consultation in the communiqué issued on July 2, 2019. It was stated in the CISM

communiqué (2019a) that, regardless of how aligned the process was with the legal framework for holding consultations. Furthermore,

[...] after a long road where all the requirements to hold the Popular Consultation were met, in the year 2017, the administrative contentious Court of the department of Cauca ruled in favor of the proposed question, which sought to confront medium and large-scale metallic mining, and the exploration and exploitation of hydrocarbons. In this way, the mayor called for a vote for February 4, 2018.

But even so, it was not carried out, as the CISM (2019a) explains later in that same report,

[...] this date was canceled due to the response of the National Registry, in which it was argued that there was no budget available, since it depended on the Ministry of Finance, to allow the community of Mercaderes to exercise the right to participation.

It is worth clarifying that, even though the community of Mercaderes, for the most part up to that moment, had been aligning its agenda with the procedures of Colombian legality, it recognized within it a complex process that was crosscut by specific intentions and designs for the territories. This element is relevant to understanding the characterization of space in these local processes, and how the processes of political authority and of conception of space itself result in dynamics of conflict.

The arrival at that moment, when the State granted them the possibility of holding the popular mining consultation in February 2017, which was later not carried out, was not devoid of support in mobilizing imaginaries and uses of the territory. In strict terms, this process would have taken the community several years, until the emergence of the CISM in 2017. The CISM is the coordinating body that brings together more than 24 social organizations of different kinds to advance the defense of the territory and the construction of the legitimate popular consultation. Some of the organizations that composed the CISM were CIMA, ASOINCA, ANUC, ASOCAN, Juntas de Acción Comunal, ASOVIVIR, LA ROCA, ASOAGRAR, ASOCOMUNAL, among others.

Within the first two years of the journey, activities were carried out to position the “NO” in the community, laying the groundwork to consolidate the bases and the mobilizations that would articulate to advance the construction of a political geography of social mobilization.

Pedagogical activities in urban centers, peasant organizations, and schools promoted an understanding of territory as a provider of water and life. To showcase community territorial use and water care, three marches were held in the municipality. Additionally, pedagogy, as a tool for dialogue within the community, helped highlight the environmental agenda and the damage

to date. It added depth to issues like water shortages and access problems, emphasizing mobilization and legitimate popular consultation.

The detailed summary in terms of organization and mobilization allows us to understand how the leap from the popular consultation to the legitimate popular mining consultation found its direct foundation in the determinants of the political economy of the territory that were constructed, at least, during those four years before the popular consultation, with the legitimate popular consultation thus being the projection of the very process that enabled the popular consultation. Hence, the importance of understanding the event in terms of the *form-content* relationship that the determinants of the territory exerted.

Within that process of inherited territory are also the intense processes of mobilization and social conflict. These provided a series of insights and an accumulated repertoire for organizational cohesion, forming a foundation for further development of ideas rooted in decades of prior thought. As discussed here, these ideas originate from an understanding of the territory and from grounding the concept of life in everyday experience.

Camilo López, a key leader from Mercaderes and an advocate for the popular consultation, emphasized in a 2022 interview that processes that clarify territorial vision and boost social organizations' management are crucial. And he, among this ongoing process, highlighted the work of the Comité de Integración del Macizo (CIMA):

What happens is that, let's say, Mercaderes, because it is a municipality linked to CIMA, has participated in social mobilization processes for some time. So, social mobilization has had certain vindicatory themes there, around housing, education, hospital infrastructure, and road infrastructure—let's say, like many needs that the people have had and that have motivated people to at least think that organization is important to demand rights and to win rights that were denied or violated. But there are also small organizations focused on productivity and environmental themes.

Social mobilization and the configuration of territorial commitments would engage in dialogue across different contexts, especially during events, to shape the territory. As forms of organization are established, plans for the territory become viable. These processes are shaped by everyday dynamics, which, though less visible than large mobilizations, build the bonds of solidarity, values, and techniques that emerge during social conflicts.

Thus, one of the elements that drove the formation of the popular consultation is found in the years 2013 and 2014, when regional leaders stated that seismic analyses were carried out by the company Grand Energy looking for potential hydrocarbon exploitation sites, and in this process, several water

springs dried up in the rural districts of Esmeraldas and Hato Viejo. Water springs hold symbolic value for life in the territory, as they are the places where water is born and, therefore, what enables the activities that sustain the territory and its practices. It is important to note that the Hato Viejo creek is the primary water source for the Mercaderes municipal aqueduct.

The political economy of the territory, stemming from social mobilization, involved territorial defense through direct action. A key example was Alexander Ortega, an ANUC leader who initially worked with exploration companies but resigned after recognizing the environmental impacts. He then focused on strengthening organizational processes. Alexander (2022, min 14:31-15:11) details the companies' actions in the territory and his role.

Yes, of course. [...] I worked on Drill 4. How many drills were there? Well, there were many squads here. I think there were almost 20 drills [...] I worked on Drill 4, which is why I was able to learn everything they do from the inside. So, when they later wanted to persuade and deny it, well, not with me... look... How does a company deploy? I mean, first they come to do the study. They trace some lines. In the municipality, there were four lines. On those lines, they drill down to 100 meters; every 100 meters, they drill. Sometimes less, depending on the topography, but the minimum is 100 meters. It's done in phases, phase 1, which was the one I worked on, you drill down 12, 18 meters, straight toward the bottom of the earth, you place one kilo or two kilos of [...] They call it indugel, sismigel, sorry, they call it sismigel, but we all know that's an explosive. Indugel is the base. It's one of the most powerful explosives there is. It's so powerful that when we were making the well, the well-loader had to be 200 meters away from us, and the one carrying the pins or blasting caps, which are some batteries with which the explosive detonates, had to be at 200 meters. They couldn't be any closer together. Imagine the danger that was involved. That's why during the sessions held to persuade the people, they would tell them, no, but that's just a light, that's not an explosion, that's a light, they would say. And just so you understand, a sociologist they brought, a social psychologist, sorry, told me it's as if we took a biography [ultrasound] of your wife to look at how the baby is coming along. I say to him, " Well, let them put a... let them put one of those blocks [of explosive] on your wife and make it [explode]... So right there they started to see that no... that they couldn't deal with me, because I worked with them and I was able to integrate from the inside. There was no way they could...

These explorations, carried out with drills, correspond to the techniques used by hydrocarbon exploitation companies to explore polygons to determine the amount of hydrocarbons present and the conditions of the rock in which they are found. The leaders of the CISM report that the people performing these jobs identified themselves as part of the company Gran Tierra Energy.

This company has no official reports of having carried out activities in this territory, nor, unlike AGA (Anglo Gold Ashanti), did they issue any commu-

niqué; however, once they left the area, they issued some press releases that coincidentally appeared after the communities carried out the legitimate popular mining consultation. In these notes, the company affirmed that Gran Tierra Energy (GTE, 2023) is “an international oil and gas exploration and production company, focused on Colombia and Ecuador, traded on the NYSE American, Toronto Stock Exchange, and London Stock Exchange.” They self-identify as a company with a corporate strategy “focused on establishing a portfolio of low-risk, highly prospective, diversified assets in proven, underexplored conventional hydrocarbon basins with access to established infrastructure and competitive fiscal regimes” (GTE, 2023). The leader of the ANUC and the CISM, Jaime Solarte (2023, min 3:05-3:45), recounts how the company’s activities developed and their impact on the territory:

[...] probably in 2015, a multinational appears here, called Gran Tierra, which I understand also had to do with an alliance with Ecopetrol. The idea is to do fracking, to drill the land, mostly in more than 60% of the municipality, in the lower part of the municipality.

Let us recall that the lower part of the municipality is considered the dry zone by both the community and the Agustín Codazzi Geographic Institute (IGAC, 2020). This means it is an area that already experiences high levels of water stress and, at the same time, has an ecosystem that is more unstable and at higher risk of desertification. It is possible that what Jaime Solarte calls fracking is a rock-fracturing technique used during seismic studies to facilitate drilling. The account of the use of indugel in Jaime’s case is similar to Alexander’s. Both identified that the hydrocarbon corporation arrived, providing inaccurate information to the people and seeking to hide in detail the types of procedures being carried out and the assessment of their impacts. Jaime Solarte (2023, min 3:46-4:50) also recounted how the process of drilling and blasting was carried out, making special reference to the impact that the explosions generated in the community:

And they are fracking, using very powerful engines and making holes 10, 12, or 15 meters deep, which they fill with a deception they call to us: it is sismigel, but they have clarified to us that it is not sismigel, but indugel. [...] They buried that, and then they sent it to explode. And it caught our attention because they started it first. I mean, that is their third coming. Before, when we knew this story well, something came about eight years earlier, called sismicol, sismocol.

Although not reported by official sources, hydrocarbon exploration in the municipality is part of the community’s historical memory because similar exploration has occurred before. Each time the companies return,

they do so with tighter polygons. Jaime Solarte (2023, min 4:51-6:10) recounts the timeline of this progressive process in interviews conducted during the fieldwork:

And before, I don't remember, but then we came in, as I tell you, in the year 2014 or 2015, when they made a presence here. They came there already with the order to make those holes more or less 200 meters from one another, because before, the sismicol had been at 500 meters, that's what they told us, and the previous one, which was about 20 years ago, was at a kilometer. So it caught our attention that it was very close, very close, very close, and what caught our attention too was that, well, they came to deceive the peasants, to tell them to let them pass the hoses and the work equipment and make their holes on the different farms, and in exchange for that they gave them bread, soda, they gave them cakes, they gave them toys for the children, and they gave, when there was some council that was like a bit more demanding, the only thing they gave them were plastic tables and plastic chairs, like for meetings, and that was it. And so, we started to worry. We said, "Well, these people are coming for what?"

Faced with the company's attempts to organize the area's population, local organizations with a history of peasant struggle grew increasingly suspicious and mobilized wherever the companies held their events. This was because local organizations looked with disapproval at the companies' attempts to win the people's favor with gifts while conducting exploration. Thus, faced with an attempt to impose an order on the territory's population to bolster companies' actions, the communities activated existing networks to strengthen their own local processes.

This union between the notion of territory and disparate cartography provided the community with the tools to mobilize and confront the order of capital that sought to impose itself on the territory. Jaime Solarte (2023, min 7:16-8:35) recounted the damage these explorations inflicted on the territory:

And we started to confront them, and the grave news, which is more or less what we thought, came out because, as time went by, 2, 3 years later, they told us that, approximately, 19 water sources were lost, this whole area down here. [...] The case I know best is the one involving the water source on my dad's farm in the rural district of Turquía. [...] And that there was a water spring and that hose passed about a kilometer, about a kilometer and a half away, it wasn't close, about a kilometer and a half away, but in the upper part, not where it passed, they made two drillings, and they broke the place, they made some cracks. [...] So, it wasn't only our water source [that was affected], but [also] that of three neighbors further down, and we started to consult, and it's what is always explained in the meetings, and a total of 19 water sources have been lost.

This process of damage and transformation of the territory, in social and biophysical terms, was met with a social organization that sought to gene-

rate an environmental agenda for the territory and to respond to capital's intentions regarding it. By 2017, the loss of water sources was already evident, and this would generate even greater cohesion around the need to develop their own plans for the municipality and, therefore, ward off the plans of large companies.

On the gold mining side, AGA (2021) denied, through a communiqué, that any exploration had been carried out, even though they held mining titles in the area. The account of the communities shows that this was not the case.

Another driver of this process was the case of the Sambingo River, which also belongs to the water system of the municipality and the Colombian Masif and was significantly affected by mining, in this case, of an illegal nature. To the extent that the community deepened its understanding of the broader implications of the arrival of these types of projects, it began to interpret vertical orderings as contrary to its interests and found within horizontal solidarities the possibilities to respond to the vertical ones.

Figure 2 – Aerial View of the Sambingo River



Source: Canal 1 Digital (2016).

This illegal mining extraction, which began in 2012 and reached its peak in 2015, marked the community's perception of the territory and its relationship to extractivist activities. In this context, the notion of territory as a functional basis for vertical orderings is reevaluated, with an emphasis on the permanence of horizontal and community orderings. This is affirmed by Alexander Ortega (2022, min 30:12-31:05), an ANUC leader, when recounting the processes of raising awareness and the community's recognition of these

problems and their territory. According to him, this process was conceived within the framework of a pedagogical work in which spaces for dialogue with the community were established on these issues:

That was what we would go work on with the people: look at what is happening, those people are going to come, they are going to take the rocks, and we are simply going to be left without water, we are going to be left the same, we are going to be left worse off than we are. With the experience already lived, it was easy to reach people and raise their awareness. It was already lived, so it was difficult. If you go to the Sambingo, I tell you again, it was arrobas of gold that were taken out. Let's go to that area to ask about the Black population, because it was a territory populated by black people. How many Black people were left with money? Enriched, millionaires. None? None. There, they still have the lagoons, in some parts pure, blue lagoons, which the mercury produces, the cyanide, contaminated to the limit, where you can come to look at the repercussion of that, it can be looked at from here in a few years, with the genetic degeneration that brings, which is the biggest damage mercury does, genetic degeneration. So, truthfully, it was easy to get to work with people.

The idea of creating and using the territory, primarily for local people, solidified a view that prioritized internal demands over external aims—whether aligning with outsiders or adopting similar forms of exploitation.

As portrayed in press reports, this community-led foresight regarding these extractive initiatives set a clear course toward closing off the possibility of any extractive project that could significantly destabilize the municipality's ecosystems. An example of how the community, through its knowledge of the territory, acted to halt vertical flows was the implementation of checkpoints to control existing flows that enabled machinery to reach the gold-exploitation zones along the Sambingo River. This constituted a spatial action in which community power was mobilized to enforce community decisions and defend the environment. As Alexander Ortega (2022, min 18:01-18:59) recounts:

By communities, for example, we have strategic communities where life has to pass through, so we tell lead people: 'the moment a backhoe passes through such a place, call us.' So [...] look, one more just passed. Two, three in the morning [...] because they always passed at that time, but the people knew it all. The people knew and right away, then: 'look, at such an hour one passed. Such a license plate, carrying such a number. Yes, they know beforehand.

Knowing local dynamics helps the community take direct territorial control actions against the company's attempts. Relying on existing horizontal communication for daily chores, these forms are activated during conflict to revitalize the territory in different ways.

In light of this, it is worth clarifying that the company AGA, as previously mentioned, issued a public communiqué "denying" any interest in the area

(AGA, 2021). What is certain is that the community's accounts differ greatly from what the company communicated. Furthermore, it is important to note that until 2019—the year of the legitimate popular mining consultation—the mining registry holding exploitation rights for the area belonged to them. As specified in that very same communiqué, “the area proposals that appear today in the mining registry under the name of Anglo Gold Ashanti have belonged to the company Royal Minerals since 2019 and are currently undergoing the assignment registration process before the National Mining Agency” (AGA, 2021).

THE LEGITIMATE POPULAR MINING CONSULTATION IN MERCADERES AS AN EXPRESSION OF THE AFFIRMATION OF HORIZONTAL ORDERINGS

Thus, the deepening of a proposal such as the popular mining consultation, which protected horizontal orderings based on agricultural land use and small- and medium-scale production, drew upon all these reference points of territorial perception and the political logics anchored within them. It is worth emphasizing that this was achieved not simply because social movements wished to avoid those scenarios (which would be completely legitimate, but basing the analysis of the mobilization solely on this would be simplistic), but because there are already ways of existing present that enter into contradiction with and contest the ways of being within the territory.

From the possibility of giving politics a spatial meaning and deepening mobilization as an expression of horizontal orderings and everyday life, a constant contrast emerges within the community between vertical orderings and their uses, and therefore with the arrangement of their alternatives as the product of a series of contexts and determinants. Thus, the possibility of encountering this broader vision of action and the spatial configuration of politics enabled the popular consultation to evolve into a rich, content-laden territorial proposal. Moving beyond the legal process, it expressed itself as a permanent mobilization and as a consciousness regarding the everyday uses and organization of the territory.

The violence and fears, as we discussed earlier, reflect a political economy characterized by collusion between legality and illegality within the region's extractivist development model. To remain effective amid high levels of exploitation and profit, this model must limit the autonomy of individuals and territories. As a product of this, by that time, as the community itself denoun-

ced, it had already been reported that “for defending natural resources and the Sambingo River, one of the leaders, identified as Falver Cerón, president of the Junta de Acción Comunal of Esmeraldas, was assassinated” (WRADIO, 2018), as presented in a previous account.

This legitimate popular consultation sought to encompass the entire municipality’s population because, as stated in the call for the referendum, it aimed to overcome the constraints, both positive and negative, of the state-sanctioned popular consultation. They channeled the entire process so far, uniting a popular organization informed on issues and harmonizing various rural and urban dynamics in the municipality.

In this sense, the consultation was for both the young and adult populations, constituting a different reference point for decision-making over the territory and, consequently, for its perception. Thus, two tracks were scheduled: a student consultation for children and adolescents in schools on July 31, 2019, and a voting-age consultation based on the municipality’s official registries.

These processes were made possible by the organization of various structures that emerged within the CISM, among them the Community Registry, which was composed of people from different backgrounds throughout the municipality who studied and replicated the tasks typically performed by the National Civil Registry. This meant successfully establishing the electoral census for both voting days (the student one and that of the voting-age population), acquiring the necessary equipment, contacting electoral observers from within certain state institutions such as the ombudsperson’s or mayors’ offices, NGO networks supporting the initiative, and other civil society organizations (Desde Abajo, 2023).

The tasks to be carried out also included securing all electoral materials, which comprised the ballots, tables, and voting registration forms requiring fingerprints and signatures. They ensured that the E-14 forms for preliminary counts were available and that a team was in place to centralize information and issue bulletins.

This body demonstrated the territory’s will through the first legitimate student consultation, showing 98% support for the “NO” vote. On August 3, a community vote was held, with 6,484 of 14,014 people voting (46.27%), surpassing the minimum threshold of 4,671 and exceeding the regional election turnout (~30%), according to the final bulletin (CISM, 2019b).

The result, as evidenced in the bulletin, was 99.46% in favor of “NO” and therefore against mining, with a total of 6,449 votes, and just 0.26% in favor

of "YES" and therefore in favor of mining, with a total of 17 votes. In total, the popular registry operated 46 voting tables across its 36 polling stations, covering 100% of the electoral census, according to this same document (CISM, 2019b).

As can be observed, the results were overwhelming, and the will they expressed was clear. Beyond the numerical element, the vote signified the state of the debate and the deepening of reflection within the territory, alongside an entire process of reaffirming horizontal solidarities and a series of alternatives that would displace the coercive and provocative measures of vertical orderings.

Below is the final bulletin issued by the Community Registry, showing the results of the legitimate popular consultation of Mercaderes, Cauca, held on August 3, 2019.

Table 3 – Final Bulletin No. 3: Results of the legitimate popular consultation of Mercaderes

Community Registry – Legitimate Popular Consultation Mercaderes Cauca Legitimate Popular Consultation in Mercaderes August 3, 2019 Bulletin No. 3 – Final Result		
Verified Polling Stations	46	100%
Electoral Potential	14,014	100%
Electoral Threshold	4,671	–
Unmarked Ballots	10	0.15%
Null Votes	8	0.12%
Valid Votes	6,484	100%
Total Turnout	6,484	100%
Do you agree, YES or NO, that metallic mining exploration or hydrocarbon activities carried out in the municipality of Mercaderes, which require water for human consumption and nature, and could affect the communities' own economies, should proceed?		
OPTION	NUMBER OF VOTES	PERCENTAGE
YES	17	0.26%
NO	6,449	99.46%
NULL VOTES	8	0.12%
UNMARKED BALLOTS	10	0.15%
TOTAL VALID VOTES	6,484	100%

Data source: CISM (2019b).

The CISM (2019b), serving as the coordinating body for organizations and other community expressions interested in holding the legitimate popular consultation against mining, issued its third report via social media on August 7. As noted earlier, the document outlined their roadmaps and their political interpretation of the consultation results.

Although citizens voted “NO” on mining and hydrocarbons, the report primarily presents their actions as defending water and reaffirming lifestyles and territorialities, rather than merely opposing mining itself (CISM, 2019b).

Likewise, within the framework of thinking about the mobilization process through a territorial lens and its expanded political composition, thereby bypassing the dynamics of traditional democracy, the result was presented in the communiqué based on the total population that voted in favor of defending water across both consultations, the student track and the adult track combined. It affirmed that, “with the sum of the two consultations, a total of 8,865 people, the people of Mercaderes pronounced themselves in favor of the defense of water and the right to decide over its uses and management” (CISM, 2019b).

Furthermore, within the communiqué, the CISM reaffirms that the event of the legitimate popular mining consultation is a milestone in consolidating a vision of the territory, as Milton Santos (2001) calls the possibility of a future. The CISM (2019b) posits that once this consultation was achieved, it opened a path toward reaffirmation and, consequently, toward keeping the community in conscious movement regarding their territorial perspectives, desires, and plans.

FINAL REMARKS

The CISM affirms that “we are certain that after the consultation, even more challenges will come to enforce the commitments and political positions that various political actors promoted” (CISM, 2019b). This statement actively connects them to the network that enables them to enhance horizontal solidarities within their territory. To describe some of the ongoing actions proposed in the CISM communiqué (2019b), they state that they will continue.

[...] the encounter of knowledge for the defense of water, territory, life, and the construction of territorial peace; [...] the approval of the municipal agreement that reflects the citizens’ will regarding the defense of water, life, and territory; influencing the updating of the Land Use Scheme; and the strengthening of peasant territories.

The popular mining consultation’s victory affirmed the community’s control over the territory, its role in ongoing activities, and its sustenance. It advanced a different conception of territory, responding to various orderings.

Although outside Colombia's formal legality, alternative legitimacy and power were established through the outcomes and the consultation.

Although the decision wasn't binding on land use—since gold and hydrocarbons can still be exploited legally—it set a precedent and changed the relationship with the territory. It highlighted and exacerbated contradictions in the state's conception of land use. The peasant vocation and the local reproduction of flows clash with the current commodities consensus⁶ and with the different articulations that transnational capital creates within territories.

This pedagogy and mobilization, in fact, caused the hydrocarbon exploration company's interest in continuing exploration to decline, and it reorganized the entire community around the demand that the departmental government halt the growth of illegal mining settlements along the Sambingo River. This demand compelled the departmental and municipal governments to comply, resulting in an action plan to combat illegal mining on the Sambingo River.

It is worth highlighting, as proof of this point, that, as described previously, one of the companies at the center of the controversy, AGA, which faced community accusations of intending to carry out mining exploration activities in the area, found it necessary after the victory of the popular consultation to issue a communiqué to the public titled "Anglo Gold Ashanti Colombia has no projects or mining interest in the departments of Nariño and Cauca" (AGA, 2021).

This report was basically the mining company's response to the consultation and, therefore, a tacit recognition of the results of the legitimate popular consultation and of the company's inability to exercise control over the territory. Furthermore, AGA states that "the company has not requested authorization to enter the municipalities of Colón-Génova (Nariño) and Mercaderes (Cauca)" (AGA, 2021).

The affirmation of the community's territory and its uses, through the connection of other orderings that benefit life and its cycles—as they themselves understand it, calling their territorial role biodiverse and fundamental to the massif's ecosystem—confronted the supposed legitimacy that vertical orderings hold over the territory. As we observed, for the community, the massif determines the fixed elements and flows of their territory. This is because the massif, as their living territory and the source of water

6 A concept crafted by Maristella Svampa (2013, p. 32) that illustrates geopolitical dynamics produced by the hegemonic order with local consequences, given that "the new 'Commodities Consensus' entails the deepening of the dynamics of dispossession or plunder of lands, resources, and territories, producing new and dangerous forms of dependency and domination."

for a wide region of the country, is endowed with meaning and promotes a specific political agenda.

Proof of the eminently political-geographical nature of the process developed in Mercaderes, Cauca, is that, as a product of mobilization and organization, the rethinking and reorganization of the territory from the local level toward an alternative articulation of its flows and uses were intensified. As a result of this process, the Mesa de Concertación Social Integral Mercadereña was formed.

In other words, we are facing a process that, through a two-way flow, was achieved by characterizing and blurring the distinction between space and power in the construction of bottom-up power. This is because, by characterizing the territory through water and by the CISM (2019b) declaring in its third communiqué that “the people of Mercaderes pronounced themselves in favor of the defense of water and the right to decide over its uses and management,” it reaffirms its “proposal around territorial autonomy that seeks the sustainability of organizational processes.”

This autonomy takes shape in projects such as community and water resources management. In the face of the desire of mining companies, illegal economies, and the State to organize the territory around extraction possibilities, the community, autonomously—responding to its aspirations and needs, and within the framework of its learnings—put forward proposals for community water management, with the intention that the territory itself move to overcome the water problems already identified, but also to revitalize activities that are both cause and consequence of this type of management.

These plans would have been put forward in response to the identified environmental crisis of the territory, having as a baseline the accumulation in terms of mobilization from the legitimate popular mining consultation, but also responding to State techniques that view water management as a merely corporate issue and do not understand the dynamics of the territory or its inhabitants. Thus, the discussion would focus on these points in a way that differentiates between the plans and desires for statehood and those of the community when projecting their cartographies, as well as when consolidating techniques across the territory.

The dialectical relationship between mobilizing social organization and community plans for the territory consolidates as a product of the dialectical relationship between power and space. Here, it is evident that, given the changes that took place in the territory, such as the onset of mining exploi-

tation, the water crisis, and the various cycles of violence experienced, an organizational response was developed to address them. But the foundation for building an alternative within this organizing response is not based on the limitations that those moments signified, but on the affirmation of their own plans to contrast them against what is proposed by hegemonic orderings.

The construction of the consultation, therefore, had the reorganization of the territory as both its objective and its outcome. The international logic of commodities underpinned the projects that arrived in the municipality, as did the dynamics of territorial forces, in which conflict dynamics, the presence of traditions around mining, and the desertification process resulting from agricultural exploitation stand out. The force of social movements had a specific context that translated into systems of objects and actions, enabling the legitimate popular consultation on mining in 2019. ●

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AUTHOR CONTRIBUTIONS

Oscar Esteban Herrera Florez: Initial conception of the study based on his master's research, collection and systematization of field data, analysis of results, and drafting of the original manuscript..

Márcio Cataia: Direction and supervision of the research, critical structuring of the methodological design and theoretical framework, critical interpretation of the data, final review of the content, and approval of the definitive version of the text.

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