

# Infrastructure for Inclusion: Exploring the evolution of Afro-Colombian movement and inclusiveness from the 1991 Constituent Process to the 2016 Peace Agreement

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## **Abstract:**

This paper explores the experience of the Afro-Colombian movement over the course of two peace processes, investigating the relationship between opportunities for participation and effective inclusion. The 1991 Constituent Assembly that emerged from the peace processes of the late 1980s presented a uniquely open opportunity for civil society participation, and yet the Afro-Colombian movement was unable to gain representation in negotiations for a new Constitution. In the 2016 FARC peace process, despite insistence from the government that its negotiations with the FARC were exclusively bilateral, the Afro movement was able to gain a seat at the table along with their indigenous counterparts and generate a unique commitment from both parties to protect ethnic rights, the Capítulo Étnico (Ethnic Chapter). In contrast to existing literature that focuses on international actors as drivers of inclusion, we argue that effective inclusion reflects in large part the internal capacity, coherence and unity of the movements themselves.

**Keywords:** peacemaking, inclusion, civil society, black movement, Colombia.

## **Introduction**

August 24, 2016 witnessed a remarkable accomplishment: in the final hours before the Colombian government and the FARC (Revolutionary Armed Forces of Colombia, Fuerzas Armadas Revolucionarias de Colombia) signed their historic peace deal, Afro-Colombian movement leaders, along with their Indigenous partners, sat down and wrote their own chapter of the peace deal, what would later become known as the Ethnic Chapter (Capítulo Étnico), the world's first set of specific protections for ethnic groups within a peace deal. They accomplished this in the face of stiff government opposition, who strictly controlled civil society participation during negotiations with the FARC. In contrast, a little more than twenty five years earlier, in December 1990, despite a uniquely open invitation for civil society participation, Afro-Colombian leaders failed to gain a space in the National Constituent Assembly (Asamblea Nacional Constituyente, ANC), a constitutional re-write that served as part of a national peace process, forcing them to find a backchannel to participation with the help of indigenous allies.

Existing research on inclusivity within peace processes has made significant progress in demonstrating the potential benefits of civil society inclusion, yet we still know very little about how marginalized actors overcome obstacles to inclusion and win both 'seats at the table' and meaningful policy change. Work that does exist in this vein has been dominated by a top-down approach that centers the role of international actors to generate openings for domestic civil society. Underlying this approach is an assumption that creating the opportunities for participation will necessarily lead to effective inclusion. The experience of the Afro-Colombian movement over the course of two peace processes offers a challenge to this assumption: although the 1991 Constituent Assembly provided a more 'open' opportunity structure for civil society

participation than the 2016 peace negotiations, the Afro movement was able to gain more direct access to decision-making power in generating a government commitment to the Ethnic Chapter in 2016.

We seek to explain these divergent outcomes by examining variance within the movements themselves that are seeking inclusion. Specifically, we draw on the concept of ‘movement infrastructure’ to explore variance in the internal coherence and unity of social movements during a peace process. We define movement infrastructure as the quantity and thickness of ties that link actors within a movement both horizontally (across organizations) and vertically (across scales). We use the concept of movement infrastructure to illustrate the evolution of the Afro-Colombian movement over time, arguing that increasing depth of ties among Afro-Colombian leadership, and between the movement and international allies, over the intervening twenty-five years between the two peace processes offers a compelling explanation of how the same movement was able to gain direct access to the 2016 peace negotiations despite a more challenging opportunity structure relative to the 1991 process.

In turn, we argue that this comparative study offers insight to a central question in the inclusive peace process literature: how do domestic civil society actors generate space in the competitive and exclusive contexts that characterize peace processes? This article proceeds as follows: first, we offer a review of the literature on peace process inclusion, identifying an opportunity to move the literature on inclusion forward by focusing on factors internal to domestic movements. We build on a theory of movement infrastructure in peace process inclusion and discuss our methodology and research design before proceeding into our analysis.

## **The Evolution of Inclusion in the Peacebuilding Literature**

We adopt Dudouet and Lundström's (2016, 8) definition of inclusion as the, "degree of access to the various arenas of political settlements by all sectors of society...both by participating (directly or indirectly) in decision-making, or by having their concerns addressed by the state". As their definition implies, our definition of inclusion is thus based on two dimensions: 'process' inclusion, or the degree of direct participation in decision-making spaces, and 'outcome' inclusion, the material outcomes of negotiations, or policy changes that open long-term access to power for otherwise excluded groups. Building on this definition, we measure effective inclusion based on the presence of both the process and outcome components of inclusion: did a group participate directly in negotiations? Did their participation generate material outcomes in terms of policy changes?

A varied body of research has repeatedly demonstrated the critical role of inclusive peace processes in building sustainable and deep long-term peace, focusing on link between social inequalities and conflict (Bell & Pospisil 2017), inclusive processes as remedies for the 'legitimacy gap' in statebuilding (Call 2011), as an avenue to generate more 'people-focused' peace processes (Dudouet & Lundström 2016; Kew & Wanis-St. John 2008) or as a potential avenue to deeper structure change (Chandler 2017). This work has contributed to a robust norm of peace process inclusivity, reflected, for example, in centrality of inclusion in both the 2015 UN AGE and HIPPO reports (UN Advisory Group of Experts 2015; UN HIPPO Commission 2015).

Despite the emergence of this norm, there are good reasons to doubt the potential for inclusiveness in most contemporary peace processes. Peace is a power-laden process in which actors compete to consolidate their positions in the post-war political settlement; broad inclusion

often represents a threat to those interests (Dudouet & Lundström 2016). In addition, as Lederach points out, a negotiating table is a metaphor of the fact that only a few actors can sit at the table (2019, 7). Recent efforts to make peace processes inclusive have also generated competition and new hierarchies among disenfranchised groups (Obradović-Wochnik 2018). Given these obstacles to inclusion, how do historically marginalized people make their voices heard in a peace process?

Most existing work focuses on the strategies available to international actors to carve open spaces for participation for domestic actors. Earlier work looked to post-conflict elections as the central mechanism for broad social inclusion in a peace process, focusing on the role of internationals as guarantors (Paris 2004). In recognition of the limitations of elections, later scholarship focused on the ways that international actors could open spaces for direct participation of civil society throughout the peace process, including constitutional reform processes, consultations and accountability spaces during implementation (Castillejo 2014; Paffenholz 2014). This scholarship outlines the strengths and leverage points of international actors: providing research and technical information on policy design, facilitation and mediation support, coordination, financial carrots and sticks, and perhaps threats of military action (Gruener & Hald 2015; Parks & Cole 2010).

While the ‘top-down’ inclusion literature does recognize the importance of direct support to domestic civil society, it lacks a coherent theory of change linking a fortified civil society with more inclusive peace outcomes. Work on ‘bottom-up’ inclusion has begun to fill that gap, demonstrating that mobilization channeled through social movements often has played a key role in pushing forward peace processes from below (Dudouet & Lundström 2016; Wood 2000). An emerging body of literature has begun to explore the overlap between civil resistance and peace

processes, noting that civil resistance strategies may be especially effective in opening points of voice for marginalized actors (Paffenholz 2014; Wanis-St. John & Rosen 2017). Nilsson et al. (2020) undertook some preliminary work in identifying pathways for inclusion available to civil society actors through civil resistance: by mounting pressure on belligerent parties to make concessions for peace, by increasing the legitimacy of elites who support peace processes, or by demanding a direct seat at the table.

This work hints at the range of possible approaches civil society actors might take to push for inclusion, specifically as part of social movements capable of employing civil resistance strategies. However, this literature has yet to explain variance in outcomes, the central question for this project. Specifically, what explains variation in how domestic civil society actors overcome closed processes and competition with other interest groups?

### **Movement Infrastructure: A Social Movement Explanation for Peace Process Inclusion**

Explanations of the outcomes of social movements can be categorized broadly into structure-focused explanations and agent-focused explanations. Structural-focused explanations center on the relative ‘openness’ of the ‘political opportunity structure’. The political opportunity structure is defined as the “receptivity or vulnerability of the political system to organized protest by a given challenging group”; a more open structure implies a lower barrier to access for social movements (McAdam et al. 2009). Three factors constitute a favorable political opportunity structure for social movements. The first is referred to as ‘supportive political elites’, which can be understood both as the general receptivity or hostility of political elites towards the movement and the presence of individual allies. The second is open political structures, defined as the accessibility of influence over decision-making processes held by citizens. The third category is

the presence, capacity and motivations of nonstate allies and opponents, actors who may provide or restrict opportunities and resources for the movement (Giugni 1998).

Initial work on how social movements generate outcomes focused on the ‘mechanisms’ by which social movements generate leverage: imposing costs through civil resistance, persuading power-holders and third parties, and gaining access to policy-making power in institutional spaces (Fishman & Everson 2016; Giugni 1998). Led by Andrews (2001), a third group of scholars observed that impactful movements are likely to rely on multiple mechanisms, and instead developed a theory of ‘movement infrastructure’ to explain their capacity to flexibly pursue both institutional and non-institutional tactics. Building from their concepts, we define movement infrastructure as the quantity and thickness of ties that link actors within a movement horizontally, across organizations, and vertically, across scales (Andrews 2001; Cohen 2020; Morris 1984; Ransby 2018).

Social movement scholars have explored the concept of infrastructure from a variety of perspectives, emphasizing its coordination function in enabling cohesive collective action and long-term viability. Andrews (2001) and Morris (1984) emphasize the linkages between leadership and membership through organic networks and informal institutions. Adding a focus on scale, Fox (2016) discusses the importance of building vertical connections linking movement actors at the local, meso, national and international scales in allowing movements to ‘scale shift’, or operate across a number of scales effectively. Ransby (2018) and Cohen (2020) use the metaphor of ‘political quilting’ to explore platforms that link together organizations within a single movement, enabling them to articulate concerns, resolve conflict and build a unified set of demands.

We argue that such internal coherence and nimbleness is likely to be especially vital in the context of seeking entry into a peace process. Negotiations inherently face trade-offs between inclusiveness and complexity; in already highly challenging, fragile peace talks, negotiators are likely to have little tolerance for movement actors that cannot present a unified, coherent set of proposals or where it is unclear what degree of control the leadership can exercise over the movement (Kew & Wanis-St. John 2008; Nilsson et al. 2020).

We explore the evolution of the Afro-Colombian movement's infrastructure across two peace processes taking place three decades apart. Following existing models of movement infrastructure, we trace the evolution of horizontal and vertical linkages that tie the movement together over time, demonstrating that in 1991, despite an open opportunity for direct participation, the Afro-Colombian movement lacked both strong ties across organizations that allowed for a unity of movement as well as ties with potential allies at the national and international levels; however, in 2016, in a less open context, a unified movement was able to win allies and, in partnership with the Indigenous movement, pry open a space for ethnic voices in the Colombian peace process.

### **Empirical Strategy and Data Collection**

The study compares the ability/capacity of Afro-Colombian movement to participate and influence two peace processes taking place three decades apart. Maintaining a focus on the same movement across multiple peace processes offers analytical leverage by reducing possible confounding political and cultural variables both at the state level and within the movement itself.



Data collection was conducted through: a. A review of the existing literature on the 1990-1991 Constitutional process; b. Semi-structured interviews with national and regional Afro and Indigenous leaders involved in the 1991 and 2016 processes, as well with the main government and FARC negotiators in the aftermath of the signing of the Peace Agreement; and c. Ethnographic accompaniment of the Afro movement during the implementation of the 2016 peace agreement. The authors conducted fieldwork in Colombia for an accumulated period of 15 months (from September 2017-December 2018) and 7 months (from March-July 2019, February-March 2020), which offered first-hand information on the structure of and relationships between key actors in the Afro movement.

## **A History of the Participation of the Afro-Colombian Movement in the 1991 and the 2016 National Processes**

### *1991 Constituent Assembly*

Though the 1991 National Constituent Assembly (ANC) was not in itself a peace process, we argue that it operates in a manner very similar to a peace process; it emerged directly from peace negotiations in the late 1980s and early 1990s with the M-19 guerrilla organization, among other armed groups, and sought as its function to bring peace to Colombia by offering holistic political reform that addressed the drivers of conflict and political violence in Colombia.

Colombia was facing a crisis of political violence in the late 1980s and early 1990s, driven by the rapid expansion of cocaine exports, infighting between the cartels, a resurgent guerrilla movement and rapidly expanding paramilitary presence. Three presidential candidates in the 1990 national elections, including the favorite, liberal Luis Carlos Galán, were assassinated. A wide swath of popular society, including a powerful student movement, as well as a significant

number of political elites, saw a rewritten Constitution to promote a broad new set of democratic and participatory rights as the only exit from the violence (Ballvé 2013). The ANC emerged initially as a concession in 1989 during President Barco's negotiations with the guerrilla group M-19, and the opportunity to participate in the ANC was a key incentive to demobilizing for three other important guerrilla groups: the EPL (Ejército Popular de Liberación), the indigenous MAQL (Movimiento Armado Quintín Lame), and the PRT (Partido Revolucionario de los Trabajadores) (Rampf & Chavarro 2014; Wade 1995).

In recognition of this vital opportunity, the Afro movement began organizing in anticipation of participating in the 1991 ANC. In August 1990, Cali hosted the Pre-Constituent Meeting of Black Communities, which brought together a range of regional and national Afro organizations, NGOs, religious representatives, social movements and representatives of political parties to discuss a shared platform for the ANC and to select Afro candidates for the elections. From this meeting the National Coordinator of Black Communities (*Coordinadora Nacional de Comunidades Negras*, CNCN) was formed as a platform to build unity and coordination in the run-up to the ANC (Grueso et al. 2003; Restrepo 2013).

Despite this attempt at unity, profound divisions soon became evident along key fissure lines within the black movement: between traditional party politics and leftist movements, rural and urban, the northern and southern pacific regions. Interpretations vary of exactly what happened: Grueso et al. (2003) argues that leaders from Chocó, a majority-black department in the Pacific, were more deeply tied to traditional political parties than the southern pacific movements; Pardo (2002) argues that Chocoan movements were skeptical of the grassroots legitimacy of other leaders. After the second meeting of the CNCN in Chocó, the Chocoans split from the platform. In the third meeting, the platform nominated Carlos Rosero, leader of the emerging organization

PCN (Black Communities' Process) from the department of Cali, as their representative in the elections; however by that time the CNCN was already badly weakened by internal fractioning (Castro & Meza 2017; Pardo 2002).

In addition to Rosero, a number of other notable black candidates ran for election into the ANC, including Juan de Dios Mosquera, president of the Movimiento Cimarrón, Otilia Dueñas, a bureaucrat from the municipality of Guapí, and Justiniano Quiñones, a doctor allied with the Liberal Party (Wade 1993). However, in the ANC elections in December 1990, the only black person elected was the soccer coach Francisco Maturana, linked with M-19 – an urban guerrilla movement that demobilized in the then current peace process–, who declined his spot in favor of a coaching job in Spain (Castro & Meza 2017). Thus, at the beginning of the ANC, the Afro-Colombian movement was left without a single representative in the ANC.

In contrast, the Indigenous movement succeeded in electing multiple candidates, including Francisco Rojas Birry, a Chocoan member of the National Indigenous Organization of Colombia (Organización Nacional Indígena de Colombia, ONIC) who explicitly campaigned on a platform to support ethnic rights claims; and Lorenzo Muelas from Movimiento de Autoridades Indígenas. Birry and Fals Borda, a member of M-19, introduced a set of Afro territorial rights into the ANC. The initial failure of the proposal, which was rejected by traditional parties, sparked a range of mobilizations from segments of the Afro movement, including the 'black telegram' (*telegrama negro*), in which activists flooded the ANC constituents with thousands of telegrams, and occupations of the embassy of Haiti and several governmental buildings in Quibdó (Perea 2012). In solidarity, the Indigenous representatives Birry and Muelas threatened to refuse to sign on to the new Constitution if the Afro article was not passed (Pulido Londoño 2010).

In the closing hours of the ANC on June 5, 1991, the delegates approved a vaguely worded and yet monumentally important transitional article, AT-55, requiring the state to pass within two years a law granting Black communities living on state lands in the Pacific the right to collective properties, among other rights. The passage of the law would require another round of protest and negotiation, eventually resulting in the Ley 70 of 1993 granting Afro-Colombian people a broad set of official recognitions and protections as an ethnic group, including the right to collective property.

### *2016 Peace Process and the Ethnic Chapter*

When news of serious peace negotiations between the FARC and the Colombian government emerged in 2012, a group of black organizations felt that in a transcendental moment of Colombia history, they were once again being relegated from the process.<sup>1</sup> The peace talks were designed as a closed process between the main leaders of the government and the Secretariat of the FARC. The parties explicitly sought to avoid difficult-to-control participatory spaces, following the lessons of a peace process in Caguán from 1999-2002.

There was a big discussion about how the participation of society should be; we had the experience of Caguán...Many delegations of the civil society went there to speak, yet no document was signed. Well, we really had to break with that, to show that this process was going to be different from Caguán, and that difference also had to do with how participation was going to take place because we did not think the Agreement was to develop all the issues that interest the country but to develop some essential points that we considered necessary to end the conflict.<sup>2</sup>

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<sup>1</sup> Marino Córdoba, international representative of AFRODES, Personal Communication, June 2017.

<sup>2</sup> Elena Ambrosí, Office of the High Commissioner for peace, Personal Communication, February 2018.

In light of the failure of the participatory experience of the Caguán process, three consultative mechanisms were established for civil society participation. All of these forms of participation were limited to non-binding commentary, through civil forums, invited experts and an online platform for citizen proposals.

Following pressure from civil society, five delegations of 12 victims each were also invited to Havana to share their experiences and needs with the negotiators. Four Afro-descendant leaders were invited to be part of the victims' audiences; however, they were invited as individual victims rather than ethnic representatives, which they felt disrespected their constitutionally-recognized collective rights as Afro-Colombians.

When they invited Francia Márquez as a black victim to Cuba, there was the argument that [the Afro-Colombians] were participating, and Francia was very clear in saying that she was not going as a victim but as representative of Black people to claim their collective rights.<sup>3</sup>

Black groups did not want to end up as simply another box to be checked off in the negotiations, but rather sought to represent themselves as autonomous political subjects with specific collective rights.

With this idea in mind, Marino Córdoba, the international representative of the Association of Displaced Afro-Colombians (Asociación de Afrocolombianos Desplazados, AFRODES), then living in Washington, DC, returned to Colombia in 2012. As will be explored in further depth below, Córdoba had been living as a political asylee in Washington, DC since 2001. In the US, Córdoba was able to build something new for the Afro-Colombian movement: rich vertical ties

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<sup>3</sup> María del Rosario, 'Charo' Mina, one of the historical leaders of PCN and a member of the High-Level Panel with Ethnic Peoples since March 2017, Personal Communication, January 2018.

into the U.S. government, especially with the Congressional Black Caucus, which offered them unique access to resources and political leverage.

Córdoba sought to articulate the black peace demands under a common platform; along with Richard Moreno, then the leader of FISCH (the Interethnic Solidarity Forum of Chocó), Córdoba set up a meeting in Chocó in 2013 with representatives of the major black organizations of the country.

The analysis we made of the drafts of the Peace Agreements was that Blacks were not reflected in the agreement. They forgot that the country has an ethnic, cultural, and gender diversity. The bet was to win the support of the United States. But AFRODES alone could not be a strong voice, we needed more voices to be more successful.<sup>4</sup>

Nine organizations agreed to launch a black platform for peace-related issues called the Afro-Colombian Peace Council (Consejo de Paz Afrocolombiano, CONPA).<sup>5</sup> The success of the organizations in generating a representative and united platform to spearhead the Afro movement's efforts in the peace process are attributable in large part to the emergence of strong regional organizations in the 1990s and 2000s, such as FISCH in Chocó or PCN (Proceso de Comunidades Negras, Black Communities' Process) in the Southern Pacific, both of which were instrumental in linking the national work of CONPA with the interests and worldviews of Afro-Colombian communities. The emergence of these organizations after the 1991 ANC

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<sup>4</sup> Marino Córdoba, international representative of AFRODES, Personal Communication, June 2017.

<sup>5</sup> The organizations part of CONPA are: 1. Foro Interétnico Solidaridad Chocó –FISCH, 2. Asociación de Afrocolombianos Desplazados –AFRODES, 3. Proceso de Comunidades negras –PCN, 4. Autoridad Nacional Afrocolombiana –ANAFRO, 5. Consejo Laboral Afrocolombiano –CLAF, 6. Conferencia Nacional de Organizaciones Afrocolombianas –CNOA, 7. Pastoral Afrocolombiana-CHOCO, 8. Mujeres Afrocolombianas –CAMBIRI, 9. Asociación de Consejos Comunitarios del Norte del Cauca –ACONC.

process reflects the increasing density of intraregional ties among Afro organizations spurred by both the conflict and titling processes, to be explored below.

Over the three years preceding the peace agreement (2013-2016), black organizations demonstrated the strength of the horizontal and vertical ties that had been developed since the 1991 process, with an array of coordinated sequencing of tactics to sit at the table with the two negotiating actors. These included a) an international lobby campaign to get key international allies to support their cause, including the US Special Envoy for the peace talks, the UN High Commissioner for Human Rights, and different embassies including the Norwegian and Cuban ambassadors; b) a national strategy to either press their way into or convince the key leading negotiators of the importance of including ethnic rights; c) the establishment of a direct channel of communication with the Secretariat of the FARC; and d) the establishment of an inter-ethnic alliance with Indigenous groups that had the same aspirations.

The vertical ties of the movement to an international campaign for inclusion was possible thanks to the relationship that Córdoba and others had forged with US actors during their time in exile, in particular the Washington Office for Latin America (WOLA). In alliance with WOLA, CONPA toured the USA in 2015 with a series of meetings with high-level political actors.<sup>6</sup> All these meetings resulted in high-level White House and Congress representatives putting pressure on the Colombian government to open the door of the negotiations. Following that visit, at the request of CONPA, US congressman Hank Johnson traveled to Colombia with a delegation of members of the Coalition of Black Trade Unionists (CBTU) to encourage the Colombian

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<sup>6</sup> In addition to meetings with the Congressional Black Caucus, with whom Afro leaders had already strong links, CONPA met formally with the Coalition of Black Trade Unionists (CBTU); White House representatives; State Department representatives; the Norwegian Ambassador to the US; and the Colombian Ambassador to the US, Luis Carlos Villegas. CONPA also visited the Organization of American States' Mission to Support the Peace Process in Colombia, the Inter-American Development Bank, the National Democratic Institute (NDI), and the NGO ACIDI/VOCA.

government to include the voices and proposals of the Afro-Colombian community in the peace process (Sánchez-Garzoli 2016).

CONPA also established strong links with USAID, the US Special Envoy Bernard Aronson, and the Representative of the UN High Commissioner for HR (OHCHR) in Colombia, Todd Howland. In particular, the position held by Libia Grueso, a historical leader of PCN, at the office of the OHCHR, facilitated the strengthening of ties between the office and CONPA.<sup>7</sup>

As compared to the 1991 process, the Black organizations had gained significant experience in dealing with state actors and searched for more institutionalized pathways of dialogue with government representatives. With the support of political allies in Washington, CONPA gained a series of bilateral meetings with Colombian officials, including the Chief negotiator Humberto de la Calle in 2015, with members of the Office of the High Commissioner for Peace, with the Minister and Vice Minister of Interior and the director of the National Protection Unit. The Chief Negotiator De la Calle acknowledged that it was in that meeting of November 2015 when he started to understand the importance of including the ethnic peoples in the process:

The first way that I was convinced, and I speak in first person, of the need to really have an ethnic chapter, was the product of a meeting with representatives of different groups that made me see, for example, that when we talk about development plans with a territorial-based approach, certain territorial figures could be superimposed on territories that today have a different regime and this overlap could generate conflicts later. And that's why we changed our opinion.<sup>8</sup>

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<sup>7</sup> Libia Grueso, former historical leader of PCN, and current national officer of the UN High Commissioner Office for Human Rights, Personal Communication, February 2019.

<sup>8</sup> Humberto De la Calle, Chief negotiator of Santos' government, Personal Communication, January 2018.



Additionally, Black organizations sought ways to expand their horizontal ties to include broader alliances with other key sectors of civil society. UN High Commissioner for Human Rights Todd Howland mediated a space for the Black and Indigenous movements to meet to articulate efforts, resulting in an inter-ethnic alliance seeking access to the negotiations in La Havana known as the Ethnic Commission, launched in March 2016.<sup>9</sup>

On June 26-27, 2016, the government met with the Ethnic Commission. The meeting brought about a series of agreements between the government and the ethnic communities,<sup>10</sup> but more importantly, the government acknowledged that the Peace Agreement lacked an ethnic perspective. The ethnic groups were charged with designing an ethnic proposal for the Agreement. This was sent to the government in early July; yet, by the end of August, information was leaked to the Ethnic Commission “that the parties were planning to announce the final accord in Havana the next day” with no response on the drafted Ethnic Chapter (Sánchez-Garzoli 2016, 7). With the ongoing support of the international community and especially the US envoy for peace, the Ethnic Commission took direct action in order to not be left out of the negotiation meeting; they flew to Cuba the following day, August 24.

According to the people present at the meeting, the ethnic groups were told that they had barely two hours to agree on a text and it should be no longer than one page. The time and length restrictions profoundly dismayed the Ethnic Commission, which had written a 20-page proposal for the Ethnic Chapter. After an hour and a half discussing the length of the text, they managed to

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<sup>9</sup> Todd Howland, representative of the UN High Commissioner for Human Rights, Personal Communication, November 2017.

<sup>10</sup> These included: the creation of a Technical Commission to define the inputs that would be included in an Ethnic section of the Agreement; the realization of the ‘peace pedagogy’ by the ethnic authorities in their territories before the referendum of the Agreement and during the implementation; the design of a special protocol for prior consultation of the required aspects of the agreement; and the celebration of a workshop between the Sub-Commission of Gender and the Ethnic Commission to ensure the inclusion of an intersectional perspective (Ethnic Commission & Government Delegation 2016).

have the limits expanded a bit, and in the next hour, they trusted the expertise of three women – a members of the government’s technical team, an indigenous adviser and a historical Afro leader, to write the final text, a simplified but comprehensive chapter of three and a half pages. The product was a short text with principles and guarantees to protect the ethnic rights in the Agreement and in the implementation. The ability of the Ethnic Commission to put together what was in essence an entirely reformulated proposal that nonetheless reflected the central goals of both the Afro and Indigenous leadership is perhaps the clearest example of the strength of the internal ties that had emerged in the movements over the course of years advocating for their inclusion in the peace process.

On October 2, when the Peace Agreement was rejected at the polls in a referendum that was marked by a misinformation campaign, Indigenous and Afros mobilized in the streets and internationally in order to demand the implementation of the Agreement. The renegotiation of the Agreement left the Ethnic Chapter unaltered, since it was not a main issue for the ‘No’ negotiators.

Five years after the approval of the Ethnic Chapter, implementation has been poor: according to the Iniciativa Barómetro of Kroc Institute (2021), 49% of the commitments are in a minimal state of implementation and 32% have not been started. Ethnic participation in the planning phase of the marquee development program of the peace accord, the Development Programs with a Territorial Approach (PDET) has been fairly successful. However, implementation has been extremely slow. In the truth and reconciliation process, the Comprehensive System of Truth, Justice, Reparation and Non-Repetition, has included the ethnic focus but still there has been little advance in the collective reparation of ethnic peoples. An ethnically-focused reintegration of ex-combattants is one of the less developed issues of the Ethnic Chapter so far. Perhaps most

importantly, the state has not offered the necessary guarantees of protection and security with a collective focus for ethnic peoples, and between 2016 and 2020 at least 81 AfroColombian leaders have been assassinated (González 2020).

### **Comparative Analysis of the Movement Infrastructure of the Black Movement in Colombia**

Reflecting on these two battles for inclusion, we argue that between the two processes, the 1991 ANC process offered a political opportunity structure more conducive to movement inclusion than the 2016 peace process, yet the Afro movement won more effective inclusion in the 2016 process.

Recalling our definition of political opportunity structures – open political structures, supportive political elites and non-state allies and opponents – we argue that the ANC represented a powerful ‘open’ moment for the then-nascent Afro movement. Internationally, in the late 1980s, norms of specific ethnic territorial rights were consolidating in key documents including the ILO Convention 169 on Indigenous and Tribal Peoples, signed in 1989, and the UN Declaration on the Rights of Indigenous Peoples, signed in 1988 and ratified in 1993 (Castillo 2007). Regionally, Latin America was undergoing a sweeping wave of democratization and constitutional reform, with specific recognition of multi-ethnic rights in Brazil and Nicaragua. This global and regional push towards ethnic recognition created momentum towards similar reforms in Colombia (Arocha 1998; Van Cott 2000).<sup>11</sup>

Given that the goals of the ANC process were to rewrite the Colombian Constitution in favor of a more inclusive democracy, the process intentionally sought to be pluralistic and open to direct

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<sup>11</sup> See a recent review of Afro-Descendant activism, and ethnoracial law and policy in Latin America and Colombia in Rahier (2020).

participation from historically marginalized political sectors. Furthermore, the level of competition that the Afro-Colombian movement faced was reduced by the fact that the traditional political parties vastly under-mobilized and under-performed, in part because they underestimated the scope of the ANC (Castillo 2007; Rampf & Chavarro 2014).

These conjunction of events led a range of observers to specifically remark on the unique political opportunity structure the ANC represented for the Afro-Colombian movement (Castillo 2007; Pardo 2002; Pulido Londoño 2010; Van Cott 2000). As evidence of the considerable political space that the ANC process opened for marginalized actors outside of Colombia's historical bipartisan power structure, the Indigenous movement succeeded in placing multiple candidates in the ANC despite a significantly smaller and more rural population.

In contrast, the 2016 peace process presented a significantly more challenging path to inclusion for the Afro-Colombian movement. While the political elites charged with negotiating the accord were not overtly hostile to the Afro movement, neither were they receptive. They believed that the mechanisms they had already created for civilian input were sufficient, and saw no reason to open the table to include ethnic representation. While individual Afro-Colombians were invited into the space, they had no formal influence in the negotiations, nor were there any mechanisms created to offer collective representation for ethnic groups.

Although there was considerable attention on the negotiations from international actors disposed to be favorable to ethnic interests, those actors had to be activated into action; they also were not pushing for ethnic inclusion prior to Afro and Indigenous mobilization. Furthermore, the Afro movement had to compete against a wide range of other interests also seeking a direct voice in the negotiations, including victims groups, women, LGBTI groups, and exiled people. As such, even though the 2016 Colombian peace process offered notable innovations in terms of inclusion

in a peace process, it structurally did not offer the same amount of access to decision-making levers in the negotiation space for civil society as the 1991 ANC process.

Yet although the 1991 ANC process created more favorable conditions for Afro-Colombian inclusion, there was a greater deal of effective inclusion in the 2016 process in terms of both participation and outcomes. Both processes generated landmark outcomes for the Afro-Colombian movement; the AT-55 in 1991 and the Ethnic Chapter in 2016. Yet the processes were very distinct; while in 1991 the Afro-Colombian movement failed to gain a seat and required timely interventions from the better-consolidated Indigenous movement to advance their proposal, in the 2016 process a more unified Afro-Colombian movement led the push for the Ethnic Chapter and succeeded in participating directly in negotiations with the state.

Our explanation for these diverging outcomes builds on a theory of movement infrastructure, or the quantity and thickness of horizontal and vertical ties within a movement. In the lead-up to the 1991 ANC, the Afro-Colombian movement did attempt to build a platform, the CNCN, that would tie together the main urban and rural actors in the newly emerging movement. However, because the movement was so young, it had not yet had sufficient time to construct linkages across geographical and political lines, or grapple with the serious internal divides it faced among organizations driven primarily by local interests, split by rural and urban focuses, different organizing models, and different preferences regarding linkages to traditional political parties. While these CNCN forums proved to be a rich space to begin that process of relationship building across multiple organizations, it was unable to overcome internal fractures and the lack of a cohesive, shared identity.

Ultimately, the CNCN platform fractured both over issues of who would eventually represent the Afro movement, and what would be the central demands of the movement, two issues that

reflected key divides inside the movement. The first is geographical: issues of distrust and a lack of strong relationships across the geographical divide of the northern (Chocó) and southern parts of the Pacific eventually led the Chocoans to leave the space completely. The second was across the rural/urban divide, which was reflected in diverging political projects. As Van Cott (2000) identifies, in the run-up to the ANC, the Afro movement was mobilizing under two different framing discourses: one based on their difference as regard to their culture and the defense of territorial and ethnic rights, emulating the Indigenous movement, mainly in the rural areas; and another based on a equality discourse, defending the end of racism and equal rights, mainly in the urban areas.

The failure of the CNCN space to create ties across these two key divides foreclosed the possibility of a united front to guarantee direct representation in the ANC space (Castro & Meza 2017; Grueso et al. 2003). As a result, the Afro-Colombian vote was split among many candidates. Van Cott (2000) squarely attributes this to a failure of organization, arguing that compared to the success of the Indigenous movement, which is both smaller in population and more geographically dispersed, the Afro movement lacked sufficient coordination and connections between each other to present a unified front to rally behind.

Beyond their failure to build horizontal connections, the movement was unable to create vertical links with other scales, either to build connections with international actors or rally their bases. Though there was an emergent international push in recognition of ethnic difference at the time of the 1991 ANC, the movement was at that time still too young to have solid international linkages. As Restrepo (2013) argues, before the 1991 ANC, few people even nationally understood that there was a budding Afro-Colombian movement seeking ethnic and territorial rights. Similarly, Wade (1995) argues that prior to 1991, in general, black identity was weakly

politicized and so a ‘black’ platform had little chance to generate much momentum behind itself. The mestizo discourse that had prevailed in Colombia drove a physical and ideological process of ‘whitening’ of Afro-Colombians, such that many Black people did not identify as an ethnic group with collective goals. Even among the most prominent organizations in Chocó, a majority-black department, a collective ethnic identity of blackness only really emerged after the ANC process (Restrepo 2013).<sup>12</sup>

Thus, despite a uniquely open political opportunity structure – international momentum towards ethnic rights, direct access to significant political decision-making power, and an unusual absence of traditional political parties that might have blocked Afro proposals – an internally divided movement was unable to secure a space to participate directly in the ANC. More than twenty-five years later, in 2016 the government of Colombia and the largest guerrilla group in the country, the FARC, signed a peace deal that included a groundbreaking set of ethnic protections known as the Ethnic Chapter. The 2016 negotiations were meant to be exclusively bilateral, with strict limitations on civil society input. Yet nevertheless, the same Afro movement that was unable to gain a spot in the ANC process in 1991 found an entry point into the negotiations in Havana.

Over the interceding twenty-five years, the Afro-Colombian movement evolved considerably, strengthening ties across movement actors as well as with domestic and international allies. Two factors were key to explain these significant changes within the movement: the passage of the Ley 70 and the intrusion of war in the Colombian Pacific. First, the approval of the Ley 70 set off a wave of dynamic movement expansion and interconnection. Most notably, the Ley 70 constituted black communities as a new collective political subject. The law generated a new

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<sup>12</sup> For recent references on the whitening process, see Vásquez-Padilla & Hernández-Reyes (2020).

organizational form, the community council (*consejo comunitario*), a Black ethno-territorial administrative body created to govern the collective titles that were granted to black communities, and opened a number of dedicated spaces for Black representation within the state (Restrepo 2013; Wabgou 2012).

The diffusion of the law sparked the emergence of a collective consciousness of a shared ethnic identity and generated a massive organizing push, in particular in the Pacific region (Valencia 2011). This organizing wave created some of the most enduring and influential Black organizations, including the above mentioned PCN. During these years a new generation of leaders of the recently created community councils trained and articulated among themselves to govern and defend their territories. In this process, they developed experience with the state in institutional spaces, and began generating international linkages (Restrepo 2013). Perhaps just as importantly, they began solidifying internal mechanisms for coordination among movement actors; as founders of PCN write, the formation of PCN in 1993 as an organizing platform integrating 120 different local organizations, “made possible the consolidation of at least minimal political and ideological agreements and halted the organizational dispersal that had been occurring previously” (Gruesso et al. 2003, 200).

Second, almost immediately after the first land titles were granted to black communities in the Pacific in the late 1990s, the war exploded into the region. Right-wing paramilitaries killed and displaced black and indigenous communities by the thousands in what could be characterized as a rural counter-revolution against the Ley 70 (Agudelo 2001; Almario 2004). The conflict created a dense, interlocking set of consequences that were devastating to community-level organizing: armed groups killed or exiled many leaders, actively attacked and/or appropriated



collective cultural practices that underlie Black movements and destroyed interpersonal and inter-community trust.<sup>13</sup>

However, as Kaplan (2017) observes, violence has a multivalent impact on collective organization: it makes organizing more dangerous but also serves as a motivator to organize. This was no different in black communities: though the war attacked collective practices throughout the Pacific, it also created a humanitarian crisis that required a forceful, united response from the Afro movement. A crucial example is FISCH, the inter-ethnic platform which served as a key player in securing the Ethnic Chapter. The platform was formed in 2001 to create space for *consejos comunitarios* and Indigenous cabildos to articulate their resistance to the conflict and demand state responses to the humanitarian crisis. The platform developed collective peace platforms in 2003 and 2009 that articulated a regional vision for peace based on territorial autonomy, strengthened organizations, ethnic-based development, gender equity and victim rights. These documents served as a key basis for the proposals of the ethnic communities in the Ethnic Chapter.<sup>14</sup>

In another key example, young leaders from Riosucio, Chocó were displaced along with thousands of others in 1997 to the big cities of Colombia by ‘Operation Genesis’, a massive paramilitary takeover of the north of Chocó. In 1999, in recognition of the rapid expansion of de facto refugee camps in the outskirts of Bogotá, Cali, Medellín and elsewhere, these activists founded AFRODES (Wabgou 2012). The organization became an important platform linking activists across the major cities of Colombian to demand dignified conditions and possibilities for return for displaced people (Escobar 2003). Marino Córdoba, a founder of AFRODES, was

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<sup>13</sup> UTCH Professor, Personal Communication, July 2019; Fieldnotes, Baudó, Chocó, June 2019.

<sup>14</sup> Member of the Diocese of Quibdó, Personal Communication, June 2019.

forced to seek political asylum in the United States in 2001 because of his work with the organization. In the US, he began building deep relationships with American NGOs, including WOLA and others, and members of the Black Caucus. These vertical relationships with international actors proved vital in the push for the Ethnic Chapter. Gimena Sánchez, WOLA director for the Andes, has been working with all the organizations of CONPA for two decades:

In 2005, WOLA made an agreement with Afro groups to facilitate their work towards the US because the Free Trade Agreement with Colombia was being negotiated and Afro-Colombians were denouncing the parapolitics network. With Plan Colombia in 2007, the facilitation went through advocating for human rights conditionalities in the aid package, reducing the military spending and providing economic resources for the displaced people.

This vertical connections developed over the years provided CONPA and the Ethnic Commission with two comparative advantages compared to other civil society groups: first, the black movements had access to key actors in the United States – such as the Black Caucus, the Obama Administration and the US envoy to the peace talks, and research and aid institutions such as the United States Institute for Peace or USAID – that advocated in different stages of the peace process for the inclusion of ethnic rights. For instance, the White House and the Senate put pressure on the Colombian government when they knew the Ethnic Chapter was not being included in the final days before its signature in Havana. In the same line, WOLA established a channel of communication with the guarantor countries to ensure their support for the Ethnic Chapter. Second, the international linkages offered the black organizations an incentive to get

together, despite their historical rivalries, around a common platform for peace as they were aware of the possibilities these connections could offer them.

The key story behind the success in advancing the Ethnic Chapter was the ability of the organizations to build and maintain strong, cohesive organizing platforms in CONPA and then in the Ethnic Commission. As Marino Córdoba himself articulated, at the beginning of the process, his organization, AFRODES recognized that,

CONPA is the result of a history of attempts to create cooperation with other Afro communities. AFRODES alone could not be a strong voice, we needed more voices to be more successful. The nine organizations of CONPA have a lot of members and a large territorial scope.<sup>15</sup>

CONPA repeatedly faced intense pressures to the strength of the ties among the organizations, critical moments where the movement had to be unified in defining its vision and leadership: in building international linkages and alliances with indigenous organizations, in responding to government and FARC efforts to foment divides, and in the final days of the peace negotiations, when the leaders were forced to take decisive action to fly to Havana and negotiate with a compressed agenda in the space of a few hours. One space that contributed to strengthening horizontal linkages before and during the peace negotiations among different ethnic groups was the Agrarian, Peasant, Ethnic and Popular Summit (Cumbre Agraria, Campesina, Étnica y Popular), which emerged in 2013 as a result of an agrarian strike that denounced the country's agrarian crisis and the FTA with the US. The organization Cumbre developed its own agenda for peace with social justice (Cumbre Agraria 2016). ONIC and PCN have been part of Cumbre

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<sup>15</sup> Marino Córdoba, international representative of AFRODES, Personal Communication, June 2017.

since its foundation, and this space allowed them to think together about an ‘ethnic peace’ and find mechanisms of articulation.<sup>16</sup>

Despite their traditional rivalries and moments of high intensity, the movement was repeatedly able to overcome their differences and find methods of collaboration. They found three strategies to maintain good working relationships in the face of heavy pressure. First, black organizations were conscious of the failures of the 1991 ANC and were afraid of losing a historical opportunity as back in 1991, which served as motivation to maintain a united front. Second, they proposed a platform that only focused on peace issues and did not intercede with any of their own representative processes or the national consulting space.<sup>17</sup> Third, they had developed significant experience with political negotiations with the state over twenty-five years of war, and had learned over the years that while they could argue and disagree internally, when seated with the government they had to act as a single voice.<sup>18</sup>

## **Conclusion**

In the 2016 peace negotiations, years of work from both the Black and Indigenous movements paid off in a unique set of ethnic protections in a peace deal, representing a historic moment for both the ethnic movements of Colombia and the practice of peacemaking. This achievement becomes all the more remarkable when situated in the context of the 1991 Constituent Assembly, a process that was significantly more welcoming to civil society participation in the negotiation, and yet the Afro movement was unable to secure direct representation.

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<sup>16</sup>Interview, Alejandra Llano, ONIC delegate for Cumbre Agraria & Ethnic Chapter; Bogotá, 16 March 2018. See more in Vega Luquez (2019).

<sup>17</sup> Both of which have served as sources of internal conflict within the Afro-Colombian movement.

<sup>18</sup> Fieldnotes of a meeting of the Ethnic Commission in Bogotá before meeting with the government to assess the implementation of the Ethnic Chapter; Bogotá, November 2018.

To explain this divergence in outcomes, we have drawn on the evolution of infrastructure of the Afro-Colombian movement over the course of twenty-five years, spurred by the formation of Afro-Colombians as a collective political subject and the staggering devastation of the conflict. Recalling our definition of movement infrastructure as the horizontal and vertical linkages that knit together a movement, in both the 1991 and 2016 processes, the movement was forced to define its leadership and vision in order to demonstrate its credibility as a unified and mobilized political actor. In 1991, the pressure to articulate a shared platform and select leadership fragmented the movement, leading to the collapse of the CNCN. In 2016, strong relationships of trust both within the movement and between the movement and key international allies allowed the movement to maintain a unified, powerful mobilization during similar moments of high duress, opening the door for direct, substantial participation in negotiating the peace accord.

We argue that the trajectory of the Afro-Colombian movement offers some compelling insights for the peace processes literature on how domestic civil society movements themselves matter as a critical variable in generating effective inclusion. Specifically, while we know that significant political obstacles and domestic competition hinder the ability of marginalized movements to win ‘seats at the table’ and enact meaningful policy change, insufficient research has examined how movements overcome those challenges.

The default response from within the inclusion literature focuses on the leverage of international actors to generate openings for domestic civil society. However, our analysis exposes two key issues with this approach. First, it is built on the assumption that opportunities for participation will necessarily translate to inclusive outcomes. Our analysis challenges this assumption by developing a comparison in which a movement failed to gain entry despite ample opportunities, only to later pry open space during more ‘closed’ negotiations. Second, we demonstrate that the

‘international community’ is not an actor equally available to all domestic movements. Rather, we show that movements work to develop deeper linkages with international actors, which better position them to take advantage of the window of opportunity a peace process may generate.

As such, our work expands on work from Dudouet and Lundstrom (2016) and Nilsson et al. (2020) among others in balancing the discussion on inclusive peace processes to include an examination of the domestic movements themselves as well as the international context they operate within. Specifically, we demonstrate the relevance of variance within the movements: those with a more developed, coherent movement infrastructure will be better able to develop a unified set of goals and coordinated action, both vital characteristics to successfully enter the highly delicate space of peace negotiations.

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