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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 article 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 particularly 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 peace process with the Fuerzas Armadas Revolucionarias de Colombia, or FARC, despite insistence from the government that its negotiations with FARC were exclusively bilateral, the Afro movement was able to gain a seat at the table along with its Indigenous counterparts and generate a commitment from both parties to protect ethnic rights, known as 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

Resumen

Este artículo explora la relación entre oportunidades de participación e inclusión efectiva del movimiento afrocolombiano a lo largo de dos procesos de paz en Colombia. La Asamblea Constituyente de 1991, que surgió de los procesos de paz de finales de la década de 1980, representó una oportunidad excepcional para la participación de la sociedad civil y, sin embargo, el movimiento afrocolombiano no pudo obtener representación en las negociaciones para una nueva constitución. En el proceso de paz con las Fuerzas Armadas Revolucionarias de Colombia, o FARC, de 2016, a pesar de la insistencia del gobierno en que estas negociaciones fueran exclusivamente bilaterales, el movimiento afro consiguió un asiento en la mesa de diálogo, junto con sus contrapartes indígenas, y como resultado un compromiso único de ambas partes para proteger los derechos de los pueblos étnicos: el Capítulo Étnico. En contraste con la literatura existente que se enfoca en los actores internacionales como impulsores de la inclusión de la sociedad civil, en este artículo argumentamos que la inclusión efectiva es fruto en gran parte de la capacidad interna, la coherencia y la unidad de los propios movimientos.

Palabras clave: proceso de paz; inclusión; sociedad civil; movimiento negro; Colombia

The date August 24, 2016, witnessed a remarkable accomplishment: in the final hours before the Colombian government and the Fuerzas Armadas Revolucionarias de Colombia, or FARC, 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, which 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, which strictly controlled civil society participation during negotiations with the FARC. In contrast, a little more than twenty-five years earlier, in December 1990, despite an open invitation for civil society participation, Afro-Colombian leaders failed to gain a space in the National Constituent Assembly (Asamblea Nacional Constituyente, or ANC), a constitutional rewrite that served as part of a national peace process, forcing them to find a back channel to participation with the help of Indigenous allies.

Existing research on inclusivity in 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?

The evolution of inclusion in the peace-building 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.” 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 by the presence of both the process and the outcome

components of inclusion: Did a group participate directly in negotiations? Did its 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 the link between social inequalities and conflict (Bell and Pospisil 2017), and inclusive processes as remedies for the “legitimacy gap” in state building (Call 2011), as an avenue to generate more “people-focused” peace processes (Dudouet and Lundström 2016; Kew and 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 the centrality of inclusion in both the 2015 UN Advisory Group of Experts (2015) and the UN High-Level Independent Panel on Peace Operations Commission reports (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 postwar political settlement; broad inclusion often represents a threat to those interests (Dudouet and Lundström 2016). In addition, as Lederach (2008, 7) points out, a negotiating table is a metaphor for the fact that only a few actors can sit at the table. 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 postconflict 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 opportunities 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 and Hald 2015; Parks and 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 and colleagues (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, and 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 of 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. Structure-focused explanations center on the relative openness of the political opportunity structure. McAdam, McCarthy, and Zald (1988, 699) define the political opportunity structure 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. Three factors constitute a favorable political opportunity structure for social movements. The first is supportive political elites, which can be understood as the general receptivity or hostility of political elites toward the movement and as 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 they instead developed a theory of movement infrastructure to explain their capacity to flexibly pursue both institutional and noninstitutional 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 and Wanis-St. John 2008; Nilsson et al. 2020).

We explore the evolution of the Afro-Colombian movement’s infrastructure across two peace processes that took 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 strong ties across organizations that allowed for a unity of movement and also 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 of the Afro-Colombian movement to participate and influence two peace processes that took 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 (1) a review of the existing literature on the 1990–1991 constitutional process; (2) semistructured 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 (3) ethnographic accompaniment of the Afro movement during the implementation of the 2016 peace agreement. The authors conducted fieldwork in Colombia for a total of fifteen months (September 2017–December 2018) and seven months (March–July 2019, February–March 2020), which offered firsthand information on the structure of and relationships between key actors in the Afro movement.

Participation of the Afro-Colombian movement in the 1991 and the 2016 national processes

1991 Constituent Assembly

Although the 1991 National Constituent Assembly (ANC) was not in itself a peace process, it operated 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 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 Ejército Popular de Liberación, the indigenous Movimiento Armado Quintín Lame, and the Partido Revolucionario de los Trabajadores (Rampf and 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, nongovernmental organizations, 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, or 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 in 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 and colleagues (2003) argued that leaders from Chocó, a majority-Black department in the Pacific, were more deeply tied to traditional political parties than the southern Pacific movements were; 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 fracturing (Castro and 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 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*, or 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 did not pass (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.¹ 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 to 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

¹ Marino Córdoba, international representative of AFRODES, personal communication, June 2017.

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.²

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

Following pressure from civil society, five delegations of twelve 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."³ 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, or AFRODES), then living in Washington, DC, returned to Colombia in 2012. As is explored in further depth below, Córdoba had been living as a political asylee in Washington, DC, since 2001. In the United States, Córdoba was able to build something new for the Afro-Colombian movement: rich vertical ties into the US government, especially with the Congressional Black Caucus, which offered 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 the Interethnic Solidarity Forum of Chocó (or FISCH), 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 Black people 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."⁴

Nine organizations agreed to launch a Black platform for peace-related issues called the Afro-Colombian Peace Council (Consejo de Paz Afrocolombiano, CONPA).⁵ 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 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 process reflects the increasing density of

² Elena Ambrosí, Office of the High Commissioner for Peace, personal communication, February 2018.

³ 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.

⁴ Marino Córdoba, international representative of AFRODES, personal communication, June 2017.

⁵ The organizations part of CONPA are Foro Interétnico Solidaridad Chocó (FISCH), Asociación de Afrocolombianos Desplazados (AFRODES), Proceso de Comunidades Negras (PCN), Autoridad Nacional Afrocolombiana (ANAFRO), Consejo Laboral Afrocolombiano (CLAF), Conferencia Nacional de Organizaciones Afrocolombianas (CNOA), Pastoral Afrocolombiana (CHOCO), Mujeres Afrocolombianas (CAMBIRI), and Asociación de Consejos Comunitarios del Norte del Cauca (ACONC).

intraregional ties among Afro organizations spurred by both the conflict and titling processes.

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 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; a national strategy to either press their way into or convince the key leading negotiators of the importance of including ethnic rights; the establishment of a direct channel of communication with the Secretariat of the FARC; and the establishment of an interethnic 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 United States in 2015 with a series of meetings with high-level political actors.⁶ 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 to encourage the Colombian 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 Human Rights (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.⁷

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 in 2015 with the chief negotiator Humberto de la Calle, with members of the Office of the High Commissioner for Peace, with the minister and vice minister of the interior, and with the director of the National Protection Unit. 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.”⁸

⁶ In addition to meetings with the Congressional Black Caucus, with whom Afro leaders already had strong links, CONPA met formally with the Coalition of Black Trade Unionists (CBTU); White House representatives; State Department representatives; the Norwegian ambassador to the United States; and the Colombian ambassador to the United States, 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, and ACIDI/VOCA.

⁷ Libia Grueso, former historical leader of PCN, and current national officer of the UN High Commissioner Office for Human Rights, personal communication, February 2019.

⁸ Humberto de la Calle, chief negotiator of Santos’s 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. Howland mediated a space for the Black and Indigenous movements to meet to articulate efforts, resulting in an interethnic alliance seeking access to the negotiations in La Havana known as the Ethnic Commission, launched in March 2016.⁹

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,¹⁰ 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 twenty-page proposal for the Ethnic Chapter. After an hour and a half discussing the length of the text, they managed to have the limits expanded a bit, and in the following 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 marked by a misinformation campaign, Indigenous and Afros mobilized in the streets and internationally 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 percent of the commitments have been minimally implemented and 32 percent 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

⁹ Todd Howland, representative of the UN High Commissioner for Human Rights, personal communication, November 2017.

¹⁰ These included the creation of the 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 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 and Government Delegation 2016).

ex-combatants is one of the less developed issues of the Ethnic Chapter so far. Perhaps most important, 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 eighty-one Afro-Colombian leaders were assassinated (González Perafán 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 nonstate 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 International Labour Organization 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 multiethnic rights in Brazil and Nicaragua. This global and regional push toward ethnic recognition created momentum toward similar reforms in Colombia (Arocha 1998; Van Cott 2000).¹¹

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 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 undermobilized and underperformed, in part because they underestimated the scope of the ANC (Castillo 2007; Rampf and Chavarro 2014).

The 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

¹¹ See a recent review of Afro-descendant activism and ethno-racial law and policy in Latin America and Colombia in Rahier (2020).

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, LGBTQI groups, and exiled people. Consequently, 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 its 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 divergent 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 did not have sufficient time to construct linkages across geographical and political lines, or to 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 a rich space to begin that process of relationship building across multiple organizations, they were 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 the central demands of the movement would be, 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 divergent 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 difference as regard to 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 and 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 to rally their bases. Although 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 before 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 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 really emerged only after the ANC process (Restrepo 2013).¹²

Thus, despite an open political opportunity structure—international momentum toward 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 Ley 70 and the intrusion of war in the Colombian Pacific. First, the approval of Ley 70 set off a wave of dynamic movement expansion and interconnection. Most notably, Ley 70 constituted Black communities as a new collective political subject. The law generated a new 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 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 important, 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” (Grueso et al. 2003, 200).

Second, almost immediately after the first land titles were granted to Black communities in the Pacific in the late 1990s, 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 counterrevolution against 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 intercommunity trust.¹³

¹² For recent references on the whitening process.

¹³ UTM professor, personal communication, July 2019; field notes, Baudó, Chocó, June 2019.

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: although 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 that 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.¹⁴

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 forced to seek political asylum in the United States in 2001 because of his work with the organization. In the United States, he began building deep relationships with American nongovernmental organizations, including WOLA and others, and members of the Congressional 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 toward 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 Congressional Black Caucus, the Obama administration, and the US envoy to the peace talks, and with research and aid institutions such as the United States Institute for Peace and the US Agency for International Development—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 vein, WOLA established a channel of communication with the guarantor countries to ensure 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

¹⁴ Member of the Diocese of Quibdó, personal communication, June 2019.

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.”¹⁵

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 free trade agreement with the United States. The organization Cumbre developed its own agenda for peace with social justice (Cumbre Agraria 2016). ONIC and PCN have been part of Cumbre since its foundation, and the space allowed them to think together about an ethnic peace and to find mechanisms of articulation.¹⁶

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 had happened 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.¹⁷ 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.¹⁸

Conclusion

In the 2016 peace negotiations, years of work from both the Black and Indigenous movements paid off in a 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.

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 the 2016 processes, the movement was forced to define its leadership and vision 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

¹⁵ Marino Córdoba, international representative of AFRODES, personal communication, June 2017.

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

¹⁷ Both have served as sources of internal conflict within the Afro-Colombian movement.

¹⁸ Field notes 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.

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, although 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.

Our work expands on work from Dudouet and Lundström (2016) and Nilsson and colleagues (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 in. 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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