Rapoport Center Human Rights
Working Paper Series
5/2018

CHARTING A NEW HUMAN RIGHTS DISCOURSE 'FROM THE TERRITORIES': SOCIAL MOVEMENTS AND PEACE IN CAUCA, COLOMBIA

Patricia M. Rodríguez

The Bernard and Audre
RAPOPORT CENTER
For Human Rights and Justice
The University of Texas at Austin

Dedicated to interdisciplinary and critical dialogue on international human rights law and discourse, the Rapoport Center's Working Paper Series (WPS) publishes innovative papers by established and early-career researchers as well as practitioners. The goal is to provide a productive environment for debate about human rights among academics, policymakers, activists, practitioners, and the wider public.

ISSN 2158-3161

Published in the United States of America
The Bernard and Audre Rapoport Center for Human Rights and Justice at The
University of Texas School of Law
727 E. Dean Keeton St.
Austin, TX 78705
https://law.utexas.edu/humanrights/

https://law.utexas.edu/humanrights/project-type/working-paper-series/

ABSTRACT

Peace with social justice has been elusive in Colombia, despite the series of laws and the latest peace negotiations to end the armed conflict that started in the 1960s. Instead of accepting top-down state-led legislation as the final word, grassroots movements in Cauca came together locally, regionally, and nationally to demand adherence to a minimal set of policies that brought human rights, peace, and social justice to the foreground of politics. What might civil society-centered debates over these policies and legislation mean in terms of challenging more mainstream human rights approaches and asymmetries of power in Colombia? This work draws on field research and secondary research to bring light to how solidarity-based communities and groups think about and construct alternative notions of territorial ordering and socio-economic rights. Civil society-led proposals center on demands for a "particular sort of state" to confront their dispossession (Bebbington et al. 2015, 265). At the local level, civil society-based territorial governance approaches that stress "flexible authority structures" (and not rigid rules that abide by state-led equations regarding multiculturalism, justice and territoriality) in the negotiation over territorial ordering can be a big part of the strategy of building conviviality, or coalitions. They also provide the basis on which to propose broader demands related to human rights on the ground, in a context of continued violence.

KEYWORDS

Peace; Social Movements and Law; Colombia; Territorial Governance; Coalitions

ABOUT THE AUTHOR

Patricia M. Rodríguez is an Associate Professor of Politics at Ithaca College in Ithaca, NY. Her research interests include ethnic, peasant, and worker mobilizations in Latin America and the possibilities and challenges of cohesive interethnic alliance-building, and its consequences for democracy, social justice, human rights, and the environment. She is working on a book manuscript that explores the quest for 'peace in the territories' and the ways in which alternative economic, territorial, and socio-political proposals challenge dominant actors and forces to create space for a more dignified life in the so called post-conflict period. She has recently published an article on the civic strike in Buenaventura, Colombia, 'The People Don't Give up Dammit' (*Dollars and Sense*, November/December 2017).

Charting A New Human Rights Discourse 'from the Territories':
Social Movements and Peace in Cauca, Colombia

Introduction

The armed conflict in Colombia spans more than five decades, creating an enormous human rights and humanitarian crisis. This crisis includes more than 220,000 deaths, hundreds of thousands of disappearances, and around seven million displaced people. President Juan Manuel Santos's government responded to internal and external pressures to address the victimization, trauma, and dispossession by passing the Victims and Land Restitution Law (Law 1448) in June 2011. More recently, in November 2016, the government signed the Final Accord for the Termination of Conflict and Construction of a Stable and Long-lasting Peace with the FARC-EP (Revolutionary Armed Forces-Popular Army of Colombia), which included a chapter (Punto 5) on Victims of Conflict and the delineation of an Integral System of Truth, Justice, Reparations and Non-Repetition. [1]

The institutional passing of Law 1448 represented enormous hope, as its 208 articles contained important provisions to address the themes of justice, truth, reparations, and guarantees of non-repetition. It was the first instance in which a law centered its focus on victims, rather than on extra-legal perpetrators of violence, as did the 2005 Law of Justice and Peace. Yet, the implementation of Law 1448 involved immense shortcomings, including confusion as to how and which relatives of victims can receive compensation and return to their land. The Law fostered much uncertainty because of its implementation amidst the escalation and de-escalation of conflict in many regions of Colombia during the 2012-2016 period of the peace talks in Havana. Similarly, the government began to implement the Peace Accords of 2016, and, although the stated purpose of the government was to include popular input from groups in the different regions, the priority remained to reincorporate the demobilized FARC members into society (Haugaard 2017).

In this light, the different reactions and perceptions of organized groups of displaced people in municipalities across Colombia on the impact of the law was most striking. For some, Law 1448 and the Peace Accords are key. Supporters engaged with their implementation, despite criticisms. For others, the law and peace agreement represented nothing but empty promises. Among those who supported the processes, however, the attention that the new Victims' Unit *(Unidad para la Atención y Reparación Integral a las Víctimas*) gave to key issues, such as immediate assistance, reparations, and land restitution, was important. In practice, there often were caveats to the potential of the new laws. These included the non-delivery of promised resources and technical training for returning groups of displaced populations, and the resentment and lack of trust generated in the process of selecting leaders among different groups of victims. For the most part, the Peace Accord's Agreement Regarding the Victims of Conflict (Point 5) included modifications to Law 1448 that brought it in line with international human

[1] See full terms of the Peace Agreement here: http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf

rights and humanitarian law, with the purpose of strengthening the reparations and guarantees of non-repetition clauses included in Law 1448 (Unidad para las Victimas, n/d).

On the other hand, critics lamented the discourse of integral attention to victims largely due to its lack of a broad structural analysis of the complexities behind the massive displacement in the first place. In their analysis of Law 1448, activists in Cauca drew attention to the contradictions inherent between the government's promise of collective land reparations and the fact that eighty percent of the arable land in Cauca is under concession to multinational corporations (J.G., interview with author 2015). Among many Cauca activists who criticized Law 1448, state actors had a more difficult time convincing local groups to rely heavily on the Victims' Unit assistance. Local human rights groups (and the regional and national coalitions they belonged to) said that the violence perpetrated by private and state actors in Cauca had a clear objective: "to support the maintenance of an economic model that necessitates 'security' – so as to guarantee external investment for continuing development" (FTVD 2011).[2]

Instead of accepting state-led legislation as the final word, groups in Cauca came together locally, regionally, and nationally since 2008 to call for a set of minimal proposals for the state to adhere to regarding truth, justice, reparation, and guarantees of non-repetition (Rodríguez 2013). For the past few years, in parallel to the peace negotiations between the Colombian government and FARC (Revolutionary Armed Forces of Colombia), *campesinos*, Afro-Colombians, indigenous peoples, and urban social movements have demanded a more profound peace. Their notion of peace entailed an end to continued government repression of social movements and communities, an addressing of impunity regarding human rights crimes committed by armed actors during Colombia's long armed conflict, and immediate attention to new forms of thinking about territoriality and sovereignty.

Communal dialogues organized under the umbrella of the national organization Congreso de los Pueblos (People's Congress - CdP) charted a different understanding of the *Victims* theme, including how to guarantee individual and collective reparations. Among other issues, these proposals included a revision of Law 1448 (with victims themselves formulating new public policies in this realm, not just being informally consulted); the establishment of a true (*verdadera*) truth commission for clarification of crimes committed by different actors (including state actors); and a commission to revise the doctrine of national security (Movimiento de Victimas 2013, 18). These proposals revealed a rejection of state-led human rights policies; but at the same time, they signaled a collective agreement to reach consensus on a set of mandates drafted at the local level, but that also served as a basis for negotiations with authorities at the national sphere. They constructed popular mandates that would sustain civil society-led policy change for non-repetition, collective historical memory.

The engagement of local community and human rights groups in Cauca with these issues raised important questions about the significance of this posture in the midst of territorial conflicts and violence, and also in post-conflict Colombia. How do civil society groups resist and seek to change the laws, and how are territorial rights and long-term social justice ideas reflected in the proposed alternative policies? What might civil society-centered debates over this legislation

[2] All translations are the author's own.

mean in terms of changing the human rights approach and the asymmetries of power that have prevailed in Colombia, and to a large extent have been conceived in U.S. policy circles? Moreover, is governance in Colombia permeable to new spaces of engagement from below and an alternative human rights framework?

This paper explores the elements of the collective strategies around human rights that have come out of grassroots organizing in Cauca, and the challenges they present to the state´s human rights discourse and to the control this discourse exerts over how communities can seek truth, territorial self-determination, and peace. The work draws on interviews with social movement participants conducted between 2011 and 2015, as well as primary documents and secondary sources to call attention to the impact of mobilizing around ideas of popular legislation, and of seeking alternative spaces to engage with problems of dispossession, repression, and collective rights. In the Section I, this work pinpoints the centrality of notions of "alternative territorial governance" in discussions about human rights for local communities as well as nationally. Sections II and III briefly delineate the national and local contexts, as well as state and grassroots policies and actions related to displacement, and then note the limitations inherent in government-led spaces for social movements to engage in law or decision-making arena in areas such as development, recognition of rights, and collective territorial rights. Sections IV and V focus on the reimagining of human rights occurring in the collective constructions of *planes de vida* (life plans that include the importance of issues related to resources, territorial integrity, safety, access to housing, jobs, health) and popular mandates for truth, justice, reparations and non-repetition principles. The work concludes with a discussion of the ways in which grassroots strategic proposals for human rights and territorial development represent spaces for engagement that can begin to challenge the hierarchical, legalistic, and non-plural nature of the state decision-making.

I. Human Rights and Territoriality

The novel twist in human rights "from below" encompasses territorial-based policy proposals that conceive of "territorial ordering" in ways that challenge the state's dominant positing of territory as something "to control." In the popular project, legislation is constructed by and with communities – they legitimize their quest for autonomous governance by engaging and *being* political agents (*sujetos de derecho*). The movements decry the state's discursive strategies for spurring dispossession, and their framing of policy in ways that give the state "the power to define the terms of discussion [and thus force] certain movements to engage in debates on the state's preferred terms" (Bebbington et. al. 2013, 281). Instead, popular forms of legislating about territoriality represent an attempt to rescale the politics of resistance, by "negotiating through difference and similarity to [in the end] formulate collective strategies [that do not sacrifice] local loyalties and militant particularisms" (Swyngedouw 2004, 43). Mobilization is at the core of new conditions in Colombia that challenge the global and national interventionist political and economic model. This mobilization gathers strength in the historical struggles of social movements and ancestral knowledge and experiences of indigenous people, Afro-Colombians, *campesinos*, and other groups. These actors collectively suffer discriminations, marginalization, and violence of all types (Congreso de los Pueblos 2013). The movements that belong to CdP conceive of a new paradigm of the "communitarian as a vision-action behind a new social project, one where *Buen Vivir* (Living Well), human dignity, and the rights of nature

infuse all our social fabrics…one in which no life is destroyed, nor made into hierarchies, nor negotiated" (Congreso de los Pueblos 2013, 8).

To be sure, social movements in Cauca are not necessarily dismissing an engagement with the state, and/or with politics. Instead, their actions reveal a different way of doing human rights, via an integrated legal-political strategy to generate changes in the "rules of the game," thus echoing the argument that, with respect to land and territory-related struggles throughout the region, "the only viable way of confronting dispossession in the long run is through the state" (Bebbington et al. 2013, 265). The alternative policies sought by social movements in Colombia do not represent radical political system change, but instead seek governance system change toward less discretionary decisions by the state (or private actors). For this, strengthening of local actors, both state and non-state, is required as a mechanism to promote social consensus around strategic proposals for popular based territorial development. In this sense, the organizing by the Peoples' Congress envisions "new spaces of engagement" and the creation of wide networks to construct collective (non-fragmented) positions that are able to generate a shared view of local needs (Barton and Roman 2012).

This is not a simple task, as notions of territoriality are not something that is up for grabs. As Ng'weno argues, there is a broad valence around the grounding of power in territory: "Territory is used by the government, by armed groups, by communities, and by individuals to wield power, to break up power, and to demonstrate authority, legitimacy, and control" (Ng'weno 2007, 96). For the government, territorial "concessions" (especially to ethnic groups) encompass carefully constructed language and practices of incorporation and of controlled governance over national territory. Communities perceive land as the basis of their labor, sustenance, and communal life, and make territorial claims to the state based on constitutional and legislative recognition. This involves appeals to ethnic rights-based citizenship that can possibly enable future claims of autonomy and self-governance. However, the realm of territoriality is already a deeply dominated arena; that is, the specific circumscription of territory is currently tied to a particular relation with state institutions and the government. When different movements gain state-granted rights over territory, it usually requires a certain type of bureaucratization within communities, and it binds them (and changes them) in ways that can significantly delimit self-governance. Rappaport and Dover (1996) have noted this problem in the matter of state definitions of "indigenous territorial entities" (ETIs) that were part of the 1991 constitutional reforms, in spite of indigenous organizations and leaders participation in creation of ETIs. These authors describe a significant impact within communities when "state notions of ethnic entitlements and of the nature of ethnic identity begin to circulate with increasing authority within the community itself, not just in its relationship with the dominant society. …It ties the maintenance of communities to particular relationships, or limited entitlements granted by the state" (Rappaport and Dover 1996, 27).

Considering the level of entrenchment of the state in ethnic-territorial matters, the attempt to construct greater civil-society pluralism around issues of territoriality requires a full engagement with the state. Policy proposals that distribute power broadly need to confront what Acemoğlu and Robinson (2015) note as the "stuntedness" of the state, or its dominance by particular elite actors. Grassroots organizing on issues of territoriality can curb discretionary state processes and power only through concerted efforts. This, in turn, also requires communities to pay special

attention to the building of common understandings. This is an extremely difficult task, considering the displacement, dispossession, and inequities of resources and power faced by many rural and urban communities in Colombia.

II. Displacement in national and local contexts

Scholars and non-governmental organizations in Colombia and elsewhere continue to document the close link between the quest for land and violent displacement. These sources detail the state's lack of capacity or desire to protect populations and property throughout the country, especially during the 1990s and into the 2000s (Ibañez and Querubín 2004; CODHES 2005). According to one report, nearly 6.6 million hectares of land (15% of arable land in Colombia) were abandoned or forcibly taken over between 1980 and 2010, contributing immensely to the high indices of land concentration and informality among the rural population (Garay and Vargas 2012, 16). The chaos created in the dynamic interactions between guerrilla organizations, state and paramilitary forces, drug cartels, and domestic and foreign corporations generate create what the Colombian Constitutional Court has called a "state of unconstitutionality" (sentence T-025) in 2004.[3] This judicial sentence called for urgent governmental action on the issue of forced displacement and victimization. However, in and of itself, the sentence barely spelled out in very broad terms what the right to truth, justice, and reparation might entail (Restrepo 2010). Governmental action on these issues has notably failed to address these rights in any greater depth. Some considered the National System of Integral Attention to Populations Displaced by Violence (SNAIPD/ Law 387/1997) to be an inadequate public policy response, although it is in fact the main institution responsible for developing mechanisms and delivering funds for prevention, humanitarian emergency attention, and stabilization funds for populations returning or being resettled,. According to Restrepo, it "conceives of displacement as an issue of poverty, and thus ignores completely that forced displacement entails a massive and systematic violation of human rights whose victims have the rights to truth, justice and reparation" (2010, 309).

Another law that had potential to more significantly recognize victimized populations in Colombia was Law 975 of 2005 (Justice and Peace Law), but its implementation centered excessively on the process and reparations for demobilized paramilitary groups. Law 975 for instance enabled broad amnesties and facilitating extraditions of high-ranking members of paramilitary groups (Diaz 2008). For instance, Diaz noted that the official language of transitional justice in 2005 revealed a thin notion of resolution and transition, one that clearly "favor(ed) the interest of the powerful" and neglected the role of state forms of violence throughout the conflict (2008, 197). According to Diaz, one of the key failures is the vague reference in the Law to state obligations related to truth and individual reparations to victims (2008, 203). In 2007 and 2008, the executive and legislative branches enacted various decentralizing initiatives that called on municipalities to develop land restitution and individual

[3] The sentence is based on *acciones de tutela* (writ to demand protection of constitutional rights) brought up by 1,150 forcibly displaced families. The court declared the "existence of a state of unconstitutionality in the situation of displaced populations due to the lack of accordance between the grave violation of constitutional and legal rights on the one hand; and the amount of resources and institutional capacity effectively destined to ensuring the effective adherence to those rights, on the other hand" (in Fuentes 2010, 63).

reparation programs (Lemaitre et al. 2011). However, these were rarely accompanied by a commitment of funds for this type of social investment, especially in contexts where infrastructure and services where already desperately lacking (Lemaitre et al. 2011, 91).

By 2006, the state had begun to pursue collective reparations, but again the vision failed to fulfill the broad expectations that it created. Firchow 2014 details the pilot experience of the CNRR (National Commission for Reparations and Reconciliation), a committee created specifically to implement collective reparations. The CNRR had financial and capacitation assistance from USAID and the International Organization for Migration (IOM), but the project faltered once again in the adequate delivery of funds and assistance that would signify a true guarantee of restitution, compensation, and rehabilitation to victims, and a promotion of non-repetition.[4] Much of the frustration with Law 1448 centers on the state's weak capacity to implement such a program, as well as the divisive consequences of working with a model of participation that was not well-planned out for the long-term (Berrío 2013). State notions of *concertación* with civil society groups were conceived as a starting point for negotiations, rather than as a moment to engage with the already ongoing consensus proposals from indigenous, Afro-Colombian, and other victims organizations (Brilman 2013).

The government under President Santos (2010-present) engaged in a peace agreement with FARC-EP that included the victims theme (Unidad para las Victimas, n/d). The government acknowledged the need to build trust by means of a more constructive approach to law-making that included the consensus agendas developed by grassroots organizations within the different regions (Bautista 2015). Nevertheless, networks of organizations such as the Afro-Colombian Peace Council (CONPA) denounced the government's efforts to include testimonies by victims and human rights organizations into the peace dialogues that occurred in Havana as being incomplete (Bautista 2015). This added to the sense among civil society groups in Colombia that the government's approach sought to delegitimize and repress the more contentious collective groups in Colombia (Cordoba 2015). Additionally, a recent report by Amnesty International on territorial rights noted that there is a lack of follow-up on the part of the state regarding many judicial decisions concerning the restitution of lands to indigenous, afro-descendant, and *campesino* groups (Amnesty International 2015). Regardless of the attempts to build inclusiveness into peace dialogues and the recent transitional justice accord, the predominance of repression and laws that favored private interests in regions such as Cauca, Valle del Cauca and others are challenges that cannot be well-addressed if historical and structural oppression are not acknowledged in full. In Colombia, although twenty years passed since constitutional recognition and codification of ethnic, territorial, and participatory rights of minorities, the environment of discrimination and suspicion of public deliberation and collective action still permeates (FTVD 2011).

The lack of trust, inadequate public policies, and a list of non-fulfilled accords lie behind the decision of groups to mobilize in Cauca, especially since the late 1990s. After agreeing to several accords signed in the early 1990s with civil society groups, the government was unresponsive to

[4] In 2012, the CNRR transformed into the *Unidad para la Atención y Reparación Integral a las Víctimas* (Victims' Unit), without seemingly much addressing of the disillusions (Firchow 2014).

demands to address displacement and lack of services, and *campesinos* from the Comité de Integracion del Macizo Colombiano (CIMA) organized a strike of 40,000 people in November 1999 that closed the Panamerican Highway for nearly a month. At the time, it was calculated that 73% of the population lived below the poverty level, in a department with 47% of rural lands in hands of .1% of the population (Ó Loingsigh 2011, 36-46).[5] The *paro* (strike) was perhaps the first time in the decade that many social organizations, including indigenous groups, had united in demanding government responsiveness. Though the negotiations during and following the *paro* resulted in agreements for greater resources to address poverty and access to land, the situation of violence in Cauca only intensified in the early 2000s (Ó Loingsigh 2011). Paramilitary groups such as the AUC (United Self Defense Forces of Colombia) took control of the region, and committed five massacres and hundreds of individual assassinations during the 2000-2002 period (FTVD 2011). During President Uribe's term in office (2002-2010) and under his Democratic Security doctrine, hundreds of leaders of social movements were persecuted, threatened, and killed (Ó Loingsigh 2011). Many leaders went into hiding during long periods to escape the wave of extrajudicial executions (*falsos positivos*) in which military and paramilitary personnel would kill especially young people indiscriminately, and dress them up in guerrilla-type of outfits to stage their participation in rebel actions (FTVD 2011, 6). Territories for a Dignified Life Foundation (Fundación Territorios por Vida Digna, FTVD), a local grassroots human rights organization, documented 639 total victimizations (threats, arbitrary detentions, collective displacement, torture, disappearances) and 30 cases of assassination of social movement leaders from indigenous, Afro-Colombian, student, labor, and human rights organizations, as well as youth from marginalized sectors in 2009-2011 (2011, 8). FTVD's project of documentation of human rights abuses has as an objective to "maintain alive the memory of so many victims of crimes against humanity and offer different views beyond the limits imposed by the official truth" (FTVD 2011, 6).

The work of creating a human rights data bank by FTVD is just one among many realms of local organizing that has occurred in Cauca, especially since October 2008. In that year, indigenous organizations led by the CRIC (Regional Indigenous Council of Cauca) organized the *Minga Social Indígena*, a march of 40,000 people and mobilizations in Cauca (based in La Maria, Piendamó, in the north part of the department) and Cali. Their aim was to denounce unfulfilled promises by the government related to land concessions and violence against its leaders (FTVD 2011, 8). Many social organizations from Cauca joined in this march, including *campesinos* who called attention to the pending free trade agreement between the U.S. and Colombia, and decried the celebrations surrounding the discovery of the New World. The groups reached Bogotá, where students and others joined in a 30,000-people protest that lasted several weeks and included marches to the National Palace, Congress, and to the U.S. embassy to read out loud the five-point agenda that had at its center a desire for structural changes (FTVD 2011). The aftermath of this Minga involved many instances of collective discussions mostly led by the organization Congreso de los Pueblos; these included the Congreso para la Paz discussions at the National University in Bogota in April 2013 and the Ethnic, Popular, and *Campesino* Agrarian Summit (Cumbre Agraria) in several regions in 2014 (Rodríguez 2016). Grassroots organizations across Colombia came together to form articulations and alliances between different sectors at the local, regional, national levels (and international as well) (Rodríguez 2016). From their inception,

[5] Cauca has the largest Gini coefficient in terms of land concentration in Colombia (.838 gini); see IGAC 2012, 218.

minga efforts "include[d] communities that up to now have not been directly engaged in the process, particularly in poor urban areas…the call for change is coming from many corners of the country, indigenous and non-indigenous" (Murillo 2008). According to a spokesperson for Minga and Congreso de los Pueblos,

> What the entire process of *minga* has helped us obtain the most is the construction of a new methodology; it comes from the *bases* (grassroots) and it is simple and every day. It has led to the realization that we can, and should, think about national level proposals, and then also about a larger Latin American and global dream. (Serna 2011)

This paper argues that documentation of human rights abuses by local and regional grassroots organizations, as well as the work within and among individual communities to develop *planes de vida* and collective consensual mandates, all reflect a turn toward broader-than-local visions of human rights from the grassroots. They represent efforts by civil society to leverage spaces of participation at multiple scales (locally, regionally, nationally, and transnationally). These spaces in turn facilitate the construction of linkages between collective territorial governance and human rights in ways that can begin to challenge the discourse of the state around human rights in significant ways. Contrary to the legalistic international human rights discourse described by Tate (2007) that predominated during the 1990s, human rights and governance is now an arena in which current movements engage to counteract the leverage of traditional actors over state decisions. The dynamics within which human rights laws develop among grassroots organizations, and how this process envisions implementation, are matters that raise important questions related to governance, conflict resolution, and participatory democracy, as we will see below. First however, this paper turns to top-down governance-legal frameworks in which social movements navigate and the limitations inherent in the "spaces of participation" offered in these frameworks.

III. Social movements, law, and governance

The relationship between law and social movements is complex, but at its core lies the questions of whether social movements accept and participate in laws that affect them, whether they seek to reform them, or whether they resist and challenge. Laws (or national constitutional-juridical processes) create unprecedented opportunities, but also constraints for claiming land rights and reparations (Franco 2008). Numerous state *and* non-state actors write, interpret, dispute and implement laws at multiple levels. Since the 1991 Constitutional reforms, indigenous, and Afro-Colombian groups have sought to engage with laws of recognition at the national level in an attempt to seek a more autonomous path to self-governance since the Constitutional reforms of the early 1990s.[6] Although the reforms seemingly opened opportunities for indigenous groups to participate via the election of local leaders at the *cabildo* level, ultimately the experience with

[6] The 1991 Constitution replaced the 1886 Constitution, and was the first to recognize the country's ethnic and cultural diversity represented by the presence of indigenous and Afro-descendant communities, and to establish the right of indigenous groups to *resguardos*, or geopolitically collective territories that can be guided by its own internal regulations. However, ensuing legislation that specified the principles by which the internal administration can occur did not get drafted until 2014, albeit again in vague terms that leaves the government agency INCORA with decision-making role in land titling decisions (Rodríguez, 2013).

ETIs revealed the inequities inherent in what Otero (2010) calls a double conceptualization of governance.

In the aftermath of recognizing *resguardos* and the formation of ETIs, two notions of governance emerged between the indigenous and the state (represented in the figures of the town *alcalde* (mayor) and the indigenous *cabildo* leaders) (Otero 2010). Indigenous socio-political actors ultimately depend on the good will of the national and municipal authorities to receive resource transfers, thereby perpetuating historical social and power inequalities and "a continued ability for [non-indigenous] officials to perpetuate monopoly over governance" (Otero 2010, 165). Troyan's (2008) work on the rise of an ethnic component in indigenous demands (such as collective land ownership) within CRIC (Regional Indigenous Council of Cauca) in the 1980s corroborates the dynamic noted by Otero. The involvement of non-indigenous state "advisors" helps in the orchestration of a state-sponsored ethnic discourse—one in which indigenous activists can "avoid the subversive label" (Troyan 2008, 187). This, however, comes at the expense of alliances with other groups, such as *campesinos* and Afro-Colombians, both of whom she argues historically espouse more class-based demands, at least throughout the 1980s (Troyan 2008).

The state's efforts to control ethnic claims to territory and to negotiate the terms of public policy toward indigenous *resguardos* in piecemeal and vague terms has deep implications for different indigenous groups and organizations within Colombia. Rappaport and Dover (1996) note for instance that indigenous leaders from ONIC (National Indigenous Organization of Colombia) came into negotiations with state actors over the terms of the 1991 constitutional reforms with an accomodationist-prone position that stemmed from years of repression and of work with government agencies, anthropologists, NGOs, and international actors around definitions of cultural difference. [Source?] Other groups, such as AICO (Movement of Indigenous Authorities of Colombia), thought that decision-making should stem from the traditional indigenous authorities within communities; AICO leaders thus took a path of different resistance toward state-centered definitions of the power and role of ETIs (Rappaport and Dover 1996). These strategies within indigenous communities illuminate the importance of examining the internal processes through which communities go through to establish postures vis-à-vis the state, but also illuminate the divisive nature of negotiations over territorial governance. It is not surprising that it has only been in the late 2000s that civil society groups began to realize the need for united demands, in the midst of policies that pay heed to extractive models of territorial governance, and that broadly repress social movements, as occurred during President Alvaro Uribe's administration. It is even less surprising that it took the state twenty-three years to enact legislation that defined the functions and administration of ETIs as autonomous territorial entities. Nevertheless, the decree made explicit reference to the implication that ETIs were neither "recognition nor non-recognition of indigenous rights to collective or individual ownership of land" (Article 3, Decree 1953, of October 7, 2014). To the state, ETI represented a mere statement that indigenous territories were administered under special autonomic administrative regimes (Article 3, Decree 1953, of October 7, 2014).

In a similar fashion, Kiran Asher (2009) described the Colombian state's crafting of laws (especially Law 70, Law of Black Communities from 1993) related to ethnic and territorial rights for Afro-Colombian communities in a way that reflected top-down notions of development and

governance. Recognition for Afro-Colombian communities did not derive the same territorial rights that indigenous *resguardos* and ETIs had. Instead, Law 70 reflects more of an acknowledgement of the right to ownership of ancestral lands and *baldios* (public land) (Ng'weno 2007). As Ng'weno (2007, 40) points out, the law started to be negotiated as a result of a project of the World Bank in 1990s related to natural resources management. This law resulted in less clarity around ethnic-based land claims among communities, especially outside of the Pacific region. Throughout the early 2000s, for instance, the Uribe government supported initiatives to engender alliances between Afro-descendant communities and business leaders, such as in Guapi, Cauca. There, hundreds of families received collective titles to land between 1998 and 2001. Additionally, the government created a program of subsidies to 117 families to begin production of palm oil in their territory, to fulfill the state's objective of avoiding the undue occupation of collective territories (Lemaitre et al. 2011). This, in the assessment of the community leaders (most of whom did not join the program) completely "ignored the collective and integral nature of territory for black communities…" (Lemaitre 2011, 74). Still today, we see that Law 70 ignored by armed paramilitary actors that only increase the vulnerability and discrimination regarding collective rights of Afro-Colombians in their territory (FTVD 2011; Cordoba 2015).

Similar experiences have occurred among Colombian grassroots-based organizations that have tried to exert influence on development policies and peace process formulations, in different regions of the country. Though groups tried to organize educational and capacity building projects in Bolivar, Cesar, Antioquia and Santander to challenge the violence affecting local rural communities in the early 2000s, the economic and security policies of President Uribe proved to be a significant obstacle. The discourse of the state around the linkages between a national development-centered communitarian state, efficiency in public resources, and security concerns served largely to disempower communities that had attempted to build alternative peace economies and greater degrees of autonomy (Mitchell and Lancock 2012). This dynamic casted a shadow over the impact of local organizing, and whether it can have national-level impact when policy-making is centralized.

Besides the obstacles inherent in the recognition and state-led territorial ordering approaches, social movements throughout the region have also faced hurdles in defending collective territorial rights framework, with its emphasis on participatory mechanisms. Rodriguez-Garavito (2011) describes the construction and implementation of free, prior and informed consent (FPIC) laws in Colombia as a socio-legal minefield, or the "juridification of collective claims of cultural identity, self-determination, and control over territories and resources" (Rodriguez-Garavito 2011, 275). In this process, the procedural approach adopted by state actors and companies in the discussions around consultation/consent "replicates a vision of the public sphere as a depoliticized space for collaboration among generic 'stakeholders'" (ibid, 278). That is, the substance of discussions excludes references to collective history, sacredness of earth and social relations, and the asymmetries of power that exists between actors in any particular conflict over territory and resources, only to favor a monetary and geographically spatial solution that devalues the sense of communal. This is something that happens not only in the particular case of the Embera-Katío territory in Northern Colombia, but that permeates other conflicts, in

Colombia and elsewhere in the region.[7] One of the biggest problems faced in the delineation of territorial rights is their superficial application. States ignore legal aspects of principles of co-participation in decision-making. The result is a practice of 'autonomy' that still depends on ad-hoc concessions by governments (Seelau and Seelau 2012).[8]

In Cauca, local organizations also often have conflicting interests, and the outside interventions by corporations and governments affect them differently. As an example, some communities do not have to deal with the presence of forestry companies, while others have to deal with forestry and impending mining concessions. The leaders of one organization, the Campesino Movement of Cajibío (MCC) have wrestled with this situation, as they attempt collective agreements on how to fight together as c*ampesino*s, as well as in interethnic coalitions.

> Conflicts emerge in part because there is scarcity of lands. If someone sells a piece of land, we are always all paying attention. In Cajibío, this fight happened, it is still happening. In 2015, a nearby *campesino* organization started a campaign against indigenous groups. It became a problem across the municipality, because they ordered that no land be sold to indigenous peoples, that the first priority needs to be *campesinos*. But this created and enormous problem because the phobia against the indigenous is still very strong here. Instead, we have taken a more political route, without violence. We propose that we are class brothers and sisters, and that the idea is to unite for the most important territorial struggles. In Cajibío we have big multinational corporations Anglo Gold Ashanti and also Cartón de Colombia, a forestry company. So we cannot fight one another, knowing that these multinationals are taking over our lands (G.J. 2016).

The impediments to accessing laws lend relevance to a consensus-dialogue approach in sustaining change. Peoples' Congress organizations have mobilized to strengthen grassroots solidarity, especially around common projects for change and around the incongruence of institutional responses that target and criminalize non-violent movements. The promotion of communities' *planes de vida* gives foundation to the mobilizing and to alternative ways of thinking about reparations to victims of the armed conflict, and about living in territories. As Oviedo points out, it is possible to work in the margins of the state, and in challenge to it (2014, 20).

[7] In Cauca, *campesino* groups understand FPIC as one aspect of the territorial rights they fight to obtain, but it is not a central demand. They are skeptical of its significance, having understood the depoliticizing nature of the state's grasp on negotiations over FPIC with indigenous and Afro-Colombian communities. Marylén Serna, interview with author, July 7, 2014.

[8] In the case of Chile, as Fernández and Salinas (2012) note, the right to co-govern hinges on the maintenance of good relations in the institutional political arena, while more confrontational communities remain marginalized and criminalized by the state. An emblematic case is the process of negotiations leading to the Ley Lafkenche in 2008, in which indigenous communities in the south of Chile obtained the right to maintain control over indigenous coastal lands and territory (Delamaza and Flores 2012). These authors noted that although Ley Lafkenche broadly recognized customary law rights to territory, it nevertheless established a process in which communities still needed to apply to receive state concessions to coastal lands. The purposeful weakening of collective territorial rights during the implementation processes seems to plague Colombian communities in much the same ways.

Below, this article looks in greater depth at the conceptualization of human rights that is embedded in the *plan de vida*, of one indigenous community in Cauca, Kitek Kiwe. The local-level work on human rights and historical memory is reflected in these (and other) communities' life plans, which have been constructed collectively despite complicated negotiations over land restitution or reparations with state institutions like INCODER and the Unit of Attention to Victims. The work also explores wider national-level proposals developed in consensus dialogues by CdP, in complement to local-level life plans.

IV. The "*Plan de Vida*" and Historical Memory

Oviedo (2014) examines the organizing process among the community of Kitek Kiwe in the municipality of Timbío, Cauca, in the aftermath of its displacement from the Naya region in Valle del Cauca after a massacre in April of 2001 (Oviedo 2014). As a result of the violence, seventy families (out of nearly 20,000 people displaced) eventually resettled in Timbío (280 km distance from Naya) (Oviedo 2014). The resettlement occurred only after a three-year judicial process related to the final titling of the unused lands, previously granted to the University of Cauca in 1827.

The decision-making process around the land transfer illustrates the difficulties surrounding the negotiations with INCODER (Colombian Institute of Rural Development) regarding *resguardo* land, and the land restitution processes envisioned in Law 1448. According to INCODER authorities, the land was provisionally transferred to the organization ASOCAIDENA (Association of *Campesinos* and Indigenous Peoples Displaced from El Naya) – and not specifically to Kitek Kiwe *cabildo* authorities (Oviedo 2014, 58). The reason INCODER gave was that Kitek Kiwe was legally constituted as a *cabildo* only in 2005-- under the condition that the community engage in productive entrepreneurial projects that would guarantee the principles established by the state (equity, sustainability, efficiency) (Oviedo 2014, 59). According to Oviedo, in the minds of the *cabildo* authorities and members, this requirement (that ended up with titling the land to ASOCAIDENA, rather than Kitek Kiwe) violated the rights to unconditional reparation from the displacement suffered. This was one of the reasons for their request to state authorities to be recognized as a *cabildo* indigena in 2005. From this initial organizational moment, the community had strengthened their identity as an indigenous community with a history previous to the violence, a de-territorialization process, and a collective experience in the past that coexisted with other communities in lands rich in biodiversity. They worked as a community on a "*plan de vida*." The *plan de vida* was characterized by the Cabildo Kitek Kiwe as:

> collective thought that preserves the ethnic integrity of the community, is designed by community itself under the guidance of its authorities, and that has the purpose of creating conditions to confront the present and future as a community (in Oviedo 2014, 99).

Communities envisioned the *plan de vida* of Kitek Kiwe as an educational and participative process. It centered on analysis of historical processes of being driven out of their territories—especially the displacements that happened during the years of La Violencia in the mid-1940s,

and the massacre in 2001 that led to the community's latest displacement. [Source?] This analysis constituted a ritual of memory that helped the community to know its historical roots, to build an identity (*auto-definición*), and to extract what formed community from these experiences, in a "transformative process for those who participated in it" (Oviedo 2014, 105). Kitek Kiwe's *plan de vida* also had a detailed description of 16 episodes of violence and genocide in past and recent history in Cauca and Colombia. It referenced specific laws and international treaties (ILO Convention 169 and the UN Declaration of the Rights of Indigenous People's) that spelled out fundamental collective and individual rights that the Colombian state needed to abide by (Oviedo 2014). For instance, the *plan de vida* document called for several preventative mechanisms that would be required to fulfill the community's understanding of just and fair reparations and guarantees of non-repetition. This included public pardons by perpetrators; assured funds for the *"planes de vida*" designed by communities; guaranteed participation in the design of laws having to do with territory, resources, and land; promotion and education related to human rights and humanitarian law; and guaranteed access of victims to national and international universities. In addition, it suggests that a "cure" within community could happen only with integral reparations and restitution of land guarantee permanence, and judicial processes after the truth is revealed about all the crimes committed by armed actors of all types (Oviedo 2014).

The *planes de vida* within different communities were part of the construction of autonomous ways of legislating. They went hand-in-hand with the notion of popular territorial ordering and a new model for regionalization that is based on the cultures, characteristics, and dynamics of the populations. It rejected decisions concerning land, territory, and conviviality based on old models, that is, on the existence of traditional political power. Therefore, the *planes de vida* were a key part of a different type of institutionality around post-conflict transitional justice. In the struggle for the possibility of remaining on the land and making a living as small farmers, communities fought against notions of territoriality that gave precedence to the agrarian capitalist development plans of the latest governments of Presidents Uribe and Santos. Instead, the CdP at a national level proposed the recognition of several forms of territoriality, including Forestry Reserve Zones, Biodiverse Zones, Zones of *Campesino* Reserve and Agro-ecological Zones, all of which intended to enable local economies to grow in autonomous ways.

These struggles for territoriality took organizations beyond the local, and toward the building of consensus mandates at the national level around the ground rules for such territorialities. This is why the organizations have worked on a set of popular mandates for a post-conflict period that center on Truth, Justice, Reparations, and Guarantees of Non-Repetition. Recently (September 2017), Congreso de los Pueblos teamed up with international NGO International Network of Human Rights (RIDH) to present an alternative report to the UN Committee on Economic, Social, and Cultural Rights. This report called on the UN to pressure the Colombian government about the impunity and unacceptable increase in repression and criminalization of protest on the part of the state (Cdp/RIDH 2017). In addition, it critiqued a political economy approach that increased conflicts over who has territorial control, and that "darkens the possibility of Peace with social and environmental justice, as well as the full guarantee of economic and social rights" (Cdp/RIDH 2017).

V. Truth, Justice, Reparations, and Guarantees of Non-Repetition: Popular Mandates

The grassroots work of establishing a voice in issues related to human rights is difficult at best. It is a field that Tate (2007) described as dominated by codes of professionalism by human rights NGOs and by a push toward institutionalization to ensure wider adherence to international human rights norms, but one that ultimately contributed to impunity for the most egregious crimes. McEvoy (2008) echoed this perspective when describing the excessive legalism of transitional justice advocates, and the tendency to see justice "as quintessentially the business of the state or 'state like' institutions" (28). Cases of analysis and praxis "from below" have been noted, as in Catalina Diaz's (2008) case study of 'localized sites of transition' whereby local government administrators (in Medellín) or community organizations (in Antioquia) have designed collective reconciliation and catharsis projects that indeed move local groups beyond the limits of state legalisms on issues of truth, justice, and reparations.

The consensus dialogues produced under the umbrella of Congreso de los Pueblos (CdP) go further than the localised sites of challenge from below described by Diaz. In April 2013, in the aftermath of at least three years of organizing in distinct dialogue forums throughout the nation, CdP organized a national gathering of approximately 20,000 people at the National University in Bogota, where grassroots organizations discussed Human Rights (among other themes) with the objective of delineating a consensus proposal of minimal policies to be taken up in national negotiations with the government. The outcomes of the collective discussions were reflected in the document, *Memorias del Congreso para la Paz.* They were also included in a document produced by a group of 48 movements throughout Colombia (Movement of Victims and Colombian Movement of Human Rights). In the document "Minimal Proposals about Truth, Justice, Reparations, and Non-Repetition, these organizations delineate in detail the main demands emerging from this sector of civil society. One of the main points in both documents is the emphasis on the need to curb the partiality of the state as a key element in constructing the new ground rules for the envisioned "new" living in the territories.

In the realm of "Truth," a central proposal is the right to *full* truth as established by international law mechanisms (such as IACHR, Inter-American Commission on Human Rights).[9] According to laws developed in such international arenas, the state has the clear obligation to specify the circumstances that led to human rights crimes, as well as identify the people responsible for such crimes, especially in the case of military, police, and paramilitary personnel. The documents prepared by the Colombian grassroots organizations insisted on the importance of truth as a basis for doing justice (Propuestas Minimas 2013). The document call for the immediate declassifying of secret intelligence and police documents that pertain to massacres, individual killings, and disappearances. It is the responsibility of the state to reveal the full truth, and to abide by international law related to these revelations. The organizations insist on the creation of an independent Truth Commission to investigate all grave human rights crimes, crimes against humanity, and crimes of war since 1945. The Truth Commission would be charged with "identify(ing) the policies, doctrines, norms, practices and mechanisms that promote these crimes, and their impunity, as well as the victimisation of parties, political opposition, and *campesino*, labour, ethnic and human rights organizations" (Propuestas Minimas 2013, 21-22).

[9] See IACHR's *The Right to Truth in the Americas*, http://www.oas.org/en/iachr/reports/pdfs/right-to-truth-en.pdf.

The Truth Commission would be composed of 60 people, which is not to include anyone who has been implicated in any of the crimes. The government would be required to guarantee full impartiality and independence to the members of the Commission.[10]

In the theme of "Justice," both grassroots documents reveal an even larger institutional challenge. The Popular Mandates on justice reveal language which describes the urgency of establishing autonomy to decide within communities, and its intricate link to a rejection of the punitive logic behind the current "hegemonic, repressive, and elitist justice model." The steps to changing the dynamics range from the demand for demilitarization of rural and urban areas, via a significant reduction of military physical and infrastructural presence, to a reduction in its budget that could be redirectioned toward social wellness of the population. The return of civilian police under directions from the Ministry of Justice, and the dismounting of the ESMAD and of paramilitary squads, and the release of all political prisoners are steps proposed as methods to significantly diminish the current situation of criminalization by the government of social protest and its military territorial control. In addition, the Popular Mandates call for the abolition of obligatory military service, and its replacement with not just voluntary military service but with a recognition and promotion of civilian guards implemented by communities themselves. The Mandates include an explicit rejection of the Militar Penal Forum as an arena to judge state and non-state military personnel who have been involved in extrajudicial killings, as well as a revision of the doctrine of national security. As the Congreso de los Pueblos popular mandates document reveals:

> For years we have withstood the social, political and armed conflict that derives from a National Security Doctrine that is a result of collaboration with the government of the United States. As peoples who have fought for a different nation, we are apalled [*indignados*] that the state's understanding of good living among its population is one in which necessitates an exponential increase of the repressive institutions against the people' (Congreso de los Pueblos 2013, n/p).

The mandates call for a political solution to the conflict that includes the presence and voices of a broad range of civil society sectors, including those of the current political prisoners, alongside

[10] The agreement on the 'Victims' theme that was announced on Sept 23, 2015 by the government and FARC-EP negotiators in Havana adopts a transitional justice model that also envisions the creation of a Commission for Clarifying Truth, Harmony, and Non-Repetition, as well as a Special Judicial Process for Peace. However, at least the initial announcement of this model is completely devoid of a deeper analysis of the reasons behind the crimes. The announced objective of such accord is to "do away with impunity, obtain truth, contribute to the reparation of victims, and judge and impose sanctions on those responsible for serious crimes committed during the armed conflict, particularly the most serious and representative ones, thus guaranteeing their non-repetition" (USIP 2015). The accord contemplates short prison terms of 5-8 years, and alternative sentencing (such as house arrest) for those perpetrators who acknowledge responsibility and reveal the truth, although it stipulates that the most serious crimes will not be the objects of amnesty or pardon. Although the language of the proposed accord transcends the very limited requirements on revealing of truth in exchange for pardons that existed in the Justice and Peace Law (2005), there is little mention of the role of state actors during the conflict, nor is there a clear delineation of its role in guaranteeing non-repetition in the post-conflict period.

government and all insurgencies, including the ELN. Most recently, in November 2015, Congreso de los Pueblos called for a national dialogue as "complementary to the government's dialogues with insurgencies, in the sense that it can approach and resolve problems that cannot be discussed in the government-FARC table of negotiation" (Congreso de los Pueblos 2015).

With respect to 'Reparations,' the Popular Mandates document makes specific reference to the need for state-level reparations that reach a multiplicity of actors that have been victimized. It also speaks to the need to guarantee full restitution, indemnity, medical and psychosocial rehabilitation, and access to social services, guarantees of free university education for youth victims and relatives, and funds that would truly enable the reestablishment of life projects. In addition to a reformulation of Law 1448 that includes participatory mechanisms, the document calls for collective reparations to groups of people, including women, indigenous, Afro-Colombians, labour, *campesino*, and other political organizations. In the realm of Guarantees of Non-Repetition, the establishment of laws to commemorate dignity, and that celebrate collective struggles of the above mentioned popular sectors, as well as the establishing of human rights education at all levels are demands that emerge out of the Popular Mandates.

VI. Conclusion

Social movements in Colombia are not dismissive of an engagement with the state, or in politics. The movements engaged in and with the Peoples' Congress adopt a legal-political strategy that is not a collaboration with the state per se, but instead a challenge to a current institutionality in which existing laws are not implemented adequately nor with broad inclusion of civil society sectors. The above discussion serves to point out that at the basis of any possibility to conform policies that truly open space for greater pluralism and political participation of communities is the need to establish juridical and legislative basis that address structural impediments to self-governance and peaceful coexistence of multi-ethnic territorial entities. Civil society organizations seek the creation of wide bases that can open new spaces of engagement that have the potential to end the assymetries of power at national level, and overcome fragmented positions in order to build shared views of development needs. The chance for permeability in national policy-making is strengthened by the constant mobilising of masses of people, and by the call for unified demands and national negotiation over important policies, as represented in the Peoples' Congress November 2015 call for national participation in the dialogues for peace.

At the local level, where land or property-based conflicts between different ethnic groups and state and private sector actors exacerbate the animosities (Ng'weno 2007; Lopez 2014), a civil society-based territorial governance approach can help build conviviality if not coalitions. This is especially so when territorial ordering has 'flexible authority structures' (and not rigid rules that abide by state-led equations regarding multiculturalism and territoriality) (Rappaport and Dover 1996, 36). As a *campesino* organization from Cauca notes, "when we ourselves recognize that certain territory belongs to the indigenous, or to Afro-descendants, they also recognize us as *campesinos* with rights to our territory" (G. J. 2015). The local collective work on *planes de vida*, human rights, territoriality, and development is not limited to a struggle for the state's adherence to established rights, but a struggle to enter previously non-permeable realms of State

policy making and thereby "increase the infrastructural power of the state" (Keck 2015, 222). This includes local pressures to transform security within the territories not just in the name of national development, but as a way to achieve local sustainable communities based on dignity for everyone.

Bibliography

Acemoğlu, Daron, and James Robinson. 2015. *State-Building: A Political Economy Perspective*. Guillermo O'Donnell Memorial Lecture. Kellogg Institute for International Studies/University of Notre Dame. September 30. http://kellogg.nd.edu/news/acemoglu2.shtml

Amnesty International. 2015. *Colombia, Restoring the Land, Securing the Peace: Indigenous and Afro-descendant Territorial Rights.* London: Amnesty International.

Asher, Kiran. 2009. *Black and Green: Afro-Colombians, Development, and Nature in the Pacific Lowlands.* Durham: Duke University Press.

Barton, Jonathan, and Alvaro Román. 2012. Social Movement Strategies for Articulating Claims for Socio-Ecological Justice: Glocal Assymetries in the Chilean Forestry Sector. *Globalizations* 9(6): 869-885.

Bautista, Diego. 2015. http://www.usip.org/events/colombia-peace-the-regions.

Bebbington, Anthony, et al. 2013. Anatomies of Conflict: Social Mobilization and New Political Ecologies of the Andes. In A. Bebbington and J. Bury, eds., *Subterranean Struggles: New Dynamics of Mining, Oil, and Gas in Latin America*, 241-266, Austin: University of Texas Press.

Berrío, Julian M. 2013. Las mesas de participación de victimas: una frustración más o un mecanismo de transformación social. *Revista de Derecho Público* 31: 1-33.

Brilman, Marina. 2013. La Mesa Permanente de Concertación con los pueblos y organizaciones indígenas. *Revista de Derecho Público* 31: 1-23.

CODHES. 2005. *Desplazamiento forzado: hasta cuándo un Estado de Cosas Inconstitucional*? Bogotá: Consultoria para los Derechos Humanos y el Desplazamiento.

Congreso de los Pueblos. 2013. *Memoria del Congreso para la Paz*. Bogotá. www.congresodelospueblos.org

Congreso de los Pueblos. 2015. *Llamamiento a fortalecer la participación de la sociedad en los diálogos de Paz.* www.congresodelospueblos.org

Congreso de los Pueblos/RIDH. 2017. Resumen Ejecutivo: Informe del Congreso de los Pueblos ante el Comité de Derechos Económicos, Sociales, y Culturales de las Naciones Unidas.

http://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/COL/INT_CESCR_CSS_COL_28555_S.pdf.

Cordoba, Marino. http://www.usip.org/events/colombia-peace-the-regions.

Delamaza, Gonzalo, and Fabian Flores. 2012. Incidencia del movimiento indígena en la ley que crea el espacio costero marino de los pueblos originarios en Chile. In Margarita Fernández and Javier Salinas, *Defensa de los derechos territoriales*, 93-128. Santiago: Ril Editores.

Diaz, Catalina. 2008. Challenging Impunity from Below: The Contested Ownership of Transitional Justice in Colombia. In K. Mcevoy and L. McGregor, eds. *Transitional Justice from Below: Grassroots Activism and the Struggle for Change*, 189-215. Oxford: Hart.

El Tiempo. 2015. "Faltan $33.6 billones para reparar a victimas". 23 August.

Fernandez, Margarita, and Javier Salinas. 2012. La defensa de los derechos desde las comunidades locales en latinoamerica: experiencias y lecciones de la acción territorial. In Margarita Fernandez and Javier Salinas, *Defensa de los derechos territoriales*, 13-28. Santiago: Ril Editores.

Firchow, Pamina. 2014. The Implementation of the Institutional Programme of Collective Reparations in Colombia. *Journal of Human Rights Practice* 6(2): 356-375.

Franco, Jennifer. 2008. Making Land Rights Accessible: Social Movements and Political-Legal Innovation in the Rural Philippines. *Journal of Development Studies* 44(7): -1022.

Fuentes, Adriana. 2010. *Marcos legales de acceso a la tierra: caso Colombia*. Bogotá: CINEP/Programa por la Paz.

FTVD/Fundación Territorios por Vida Digna. 2011. *Descubriendo territorios: violaciones a los derechos humanos y violencia política en el departamento de Cauca*. Informe no. 5. Popayán: FTVD.

G.J. 2015. *Campesino* leader from Cauca, interviewed by author, Popayán, Colombia. July 2.

G.J. 2016. *Campesino* leader from Cauca, interviewed by author, Popayán, Colombia. June 9.

Garay, Luis, and Fernando Vargas. 2012. *Memoria y reparación: elementos para una justicia transicional pro-victima.* Bogotá: Universidad Externado de Colombia.

Haugaard, Lisa. 2017. Peace Accord Implementation Advances in Colombia: Progress but Challenges Abound. http://lawg.org/action-center/lawg-blog/69-general/1822-peace-accord-implementation-advances-in-colombia-progress-but-challenges-abound.

Ibañez, Ana M., and Pablo Querubín. 2004. *Acceso a tierras y desplazamiento forzoso en Colombia.* Bogotá: Universidad de los Andes (CEDE).

IGAC/Instituto Geográfico Agustín Codazzi. 2012. *Atlas de la distribuición de la propiedad rural en Colombia*. Bogotá: Imprenta Nacional de Colombia.

Keck, Margaret. 2015. Weaving Social Movements Back In. In Federico Rossi and Marisa von Bülow, *Social Movement Dynamics: New Perspectives on Theory and Research from Latin America*, 215-227. Burlington, VT: Ashgate.

Lemaitre, Julieta, et al. 2011. *Derechos enterrados: comunidades étnicas y campesinas en Colombia, nueve casos de estudio.* Bogotá: Universidad de los Andes/USAID.

López, Daniela. 2014. Historia de los conflictos interétnicos por el territorio en Chocó y Norte de Cauca. *Memoria y Sociedad (Pontificia Universidad Javeriana)* 20 (37): 34-52.

McEvoy, Kieran. 2008. Letting Go of Legalism: Developing a 'Thicker' Version of Transitional Justice. In Kieran Mcevoy and Lorna McGregor, eds., *Transitional Justice from Below: Grassroots Activism and the Struggle for Change*, 15-45. Oxford: Hart.

Mitchell, Christopher, and L. Hancock (eds). 2012. *Local Peacebuilding and National Peace: Interaction Between Grassroots and Elite Processes.* London: Bloomsbury Academic.

Movimiento de Víctimas y Movimiento de Derechos Humanos de Colombia. 2013. *Propuestas Mínimas sobre verdad, justicia, reparación y garantías de no repetición.* Bogotá: n/p.

Murillo, Mario. 2008. *What Next for the Popular and Indigenous Minga in Colombia?* Accessed October 2015. Mamaradio.blogspot.com/2008/11/what-next-for-popular-and-indigenous.html.

Ng'weno, Bettina. 2007. *Turf Wars: Territory and Citizenship in the Contemporary State.* Stanford: Stanford University Press.

Ó Loingsigh, Gearóid. 2011. *Una mirada desde el sur: huellas de lucha y resistencia*. Bogotá: Impresol.

Otero, Silvia. 2010. Entre la autonomia y la integración: dos nociones de gobernanza entro los indigenas y el estado. In Fernán Gonzalez and Claire Launay-Gama, eds., *Gobernanza y conflicto en Colombia: interacción entre gobernantes y gobernados en un contexto violento*, 157-167. Bogotá: CINEP/Universidad Javeriana.

Oviedo Ospina, Carlos A. 2014. *Cabildo indígena e construcão do estado-nação: etnografia do processo organizativa de vitimas da violencia em Cauca, Colombia*. Thesis, Anthropology, Universidade de Brasilia.

Rappaport, Joanne, and Robert Dover. 1996. The Construction of Difference by Native Legislators: Assessing the Impact of the Colombian Constitution of 1991. *Journal of Latin American Anthropology* 1(2): 22-45.

Restrepo, Esteban. 2010. El desplazado como paria: la garantía de los derechos de las víctimas del delito de desplazamiento forzado en Colombia. In Cesar Rodriguez-Garavito, ed., *Más allá del desplazamiento: políticas, derechos y superación del desplazamiento forzado en Colombia.* Bogotá: Uniandes.

Rodríguez, Patricia. 2013. Bridging the Social and the Political through Alternative Visions of Development and Peace: Minga, Congreso de los Pueblos, and Marcha Patriotica in Colombia. *MACLAS Latin American Essays* 26/27: 115-143.

Rodríguez, Patricia, 2016, Cumbre Agraria Strikes Again. *NACLA Report on the Americas*, August 25. https://nacla.org/news/2016/08/25/cumbre-agraria-strikes-back

Rodríguez-Garavito, Cesar. 2011. Ethnicity.gov: Global Governance, Indigenous Peoples, and the Right to Prior Consultation in Social Minefields. *Indiana Journal of Global Legal Studies* 18(1): 263-305.

Seelau, Laura, and Ryan Seelau. 2012. Protegiendo sus territorios: coadministración entre comunidades atacameñas y el estado chileno en Valle de la Luna. In M. Fernandez and J. Salinas, *Defensa de los derechos territioriales*, 129-167. Santiago: Ril Editores.

Serna, Marylén. 2011. Congreso de los Pueblos spokeswoman, interview with author, Bogotá, Colombia, June 13.

Swyngedouw, Erik. 2004. Globalisation or 'glocalisation'? Networks, territories and rescaling. *Cambridge Review of International Affairs* 17(1): 25-48.

Tate, Winifred. 2007. *Counting the Dead: The Culture and Politics of Human Rights Activism in Colombia*. Berkeley: University of California Press.

Unidad para las Victimas. n/d. http://www.unidadvictimas.gov.co/es/reparacion/38948