

Democratization from Below: Citizen-Activated Participatory Democracy in Colombia's Extractive Industries

Thesis submitted in partial fulfilment of the requirements for the Degree of Doctor of Philosophy in Sociology

By

Jamie Lee Shenk

Department of Sociology
University of Oxford

Jesus College
Trinity Term 2022

I hereby certify that this thesis is the result of my own work except where otherwise indicated and due acknowledgement is given.

SIGNED **DATE**



20 May 2022

Abstract

Political participation is widely accepted as a crucial element of conflict prevention and successful transitions from conflict to peace. Indeed, participatory institutions are often included in peace agreements. Yet we still know little about their use in practice. How are participatory reforms activated? Can they upend exclusionary power structures? This thesis explores these questions by examining the unlikely case of civil society-led participatory democracy in Colombia's extractive sectors. Historically, contention between communities, the state, and private businesses over land use in Colombia has mirrored the country's violent conflict. Yet beginning in 2013, civil society groups began turning *toward* the state and its participatory institutions—specifically *consultas populares*—to contest the development of new mining and oil projects in rural regions. While only ten communities succeeded in implementing the *consulta*, those that did transformed exclusionary dynamics of Colombia's extractive sector, if only temporarily.

Combining analysis of an original dataset of extractive-related *consultas populares* with in-country fieldwork and online interviews, this thesis uses mixed-methods to examine when and how civil society can activate and implement participatory democracy from below. I apply the analogy of Archimedes' Lever to explain the rare successes of *consulta* implementation. With the right tools (participatory institutions) and the right circumstances (*de jure* support and weakened veto players), weak actors can lift the heavy weight of transformative participation.

Acknowledgments

When I began this journey four years ago, I could not have imagined the twists and turns that the path toward completion would take me. Many triumphs, setbacks, and one pandemic later (kind of), there are many people who have helped me see this project through.

First and foremost, I wish to thank my supervisor, Leigh Payne. I knew from the moment I decided to pursue my doctorate that I wanted Leigh to be my supervisor. Over the past four years, she has offered humor, care, and the occasional motivational speech as she has pushed me to be a better scholar, collaborator, and person. I count myself lucky to consider her both a mentor and a friend. Thank you. Thank you. Thank you.

I must also thank Leigh for assembling an incredible group of scholars who have been with me through this journey from the start. I entered my program alongside five other women who had also come to Oxford to work with Leigh. Throughout our four years together, Jessica Anania, Joana Perrone, Valentina Infante Batiste, Cynthia Kwakyewah, and Olga Velásquez have offered endless wisdom, hugs, and wine as they have supported me through various challenges—both academic and personal.

Beyond this circle of women, I am grateful to have met many more students at Oxford and beyond who I have counted on as friends. They have read drafts, listened to me work through ideas, and provided endless encouragement and laughs. Thank you: Shauna Gillooly, Gabriel Funari, Tom Evans, Mathis Ebbinghaus, Emma Mateo, Kiran Stallone, Philip Luke Johnson, Sam Ritholtz, Bård Drange, and all the participants of the 2019 Advancing Research on Conflict summer program. Special thanks to Arun Frey for answering all of my frantic WhatsApp messages about statistics.

Over the course of my research, I have been lucky to receive guidance from a number of academics whose feedback and encouragement have helped shape this thesis. Thank you to Alisha Holland, Milli Lake, Heather Hamill, Richard Caplan, Rob Karl, Lindsay Mayka, and Abbey Steele.

This thesis would not exist without the people I met in Colombia who inspired and supported my research. Thank you to Angelika Rettberg, who facilitated my stay at the Universidad de los Andes and provided crucial guidance as I embarked on my fieldwork. I am also grateful for the advice and contacts that Cecilia Roa-García, Gonzalo Vargas, Juan Diego Prieto, Juan David Gutiérrez, and Diana Dajer so generously shared with me. Thank you to the Vélez family, who always offer me a home away from home in Medellín. Most of all, thank you the individuals who collaborated in this project and who I do not name to ensure their security.

I am grateful to have received financial support from the Clarendon Fund, Jesus College, and the Malcolm Deas Fund for my research in Colombia and in Oxford.

Finally, thank you to my family and friends. I cannot imagine making it through this DPhil, and my life outside of it, without them. To my COVID bubble—Adriana, Rob, Spencer, Jess, Dave, Ricky, and Martha—I cannot imagine making it through the many lockdowns without you. Thank you, Bela, for serving as a captive audience for all my practice presentations. To Will—thank you.

To my family: I am forever grateful to my brother, Michael and his wife Sam for the endless photos of their darling Lily. They never failed to make me smile after a long day of writing.

Thank you to my dad, who proofread this entire thesis. He has been my copyeditor and cheerleader through all my academic pursuits. I am sorry that I am still so bad at spelling, but I assure you and all other readers that any remaining errors are mine alone.

Thank you to my mom. Every time she drops me off at the airport, she reminds me with only a little bit of irony to "spread my wings and fly." I have been lucky that whenever I have fallen, she has always been there to catch me.

I love you both, and I dedicate this thesis to you.

Table of Contents

ABSTRACT **2**
ACKNOWLEDGMENTS **3**
TABLE OF CONTENTS **5**
LIST OF ABBREVIATIONS **8**
LIST OF TABLES **10**

CHAPTER 1 - INTRODUCTION **12**

POST-CONFLICT PARTICIPATION **13**
THE ARGUMENT IN BRIEF **17**
CONTRIBUTIONS **24**
NATURAL RESOURCE GOVERNANCE 24
PARTICIPATORY DEMOCRACY 26
THE LEGACY OF ARMED CONFLICT 29
KEY CONCEPTS **30**
PARTICIPATION 30
POST-CONFLICT 32
CIVIL SOCIETY 34
ACCIDENTAL GATEKEEPERS 35
ACTIVATION AND IMPLEMENTATION 36
RESEARCH DESIGN **39**
THESIS OVERVIEW **40**

CHAPTER 2 - ARCHIMEDES' LEVER **43**

INTRODUCTION **43**
EXPLAINING THE "PAPER-PARCHMENT" GAP **45**
BALANCING POWERS AND INSTITUTIONAL IMPLEMENTATION **50**
DEPLOYING ARCHIMEDES' LEVER **53**
EXCLUSIONARY POSITION 56
INCLUSIONARY POSITION 58
THE REALM OF POSSIBILITY 60
CONTEXT: STATE SUPPORT **63**
CIVIL SOCIETY **65**
RESOURCES 66
MOBILIZATION INFRASTRUCTURE 69
THE LEGACY OF ARMED CONFLICT 70
ACCIDENTAL GATEKEEPERS **73**
VETO PLAYERS **77**
CONCLUSION **80**

CHAPTER 3 - RESEARCH DESIGN **82**

INTRODUCTION **82**

WHY COLOMBIA? **82**
RESEARCH METHODS OVERVIEW **85**
THE CONSULTAS POPULARES IN COLOMBIA DATABASE **87**
ACTIVATED CASES 88
CODING PROGRESS TOWARD IMPLEMENTATION 90
FIELDWORK AND A PANDEMIC **94**
POSITIONALITY 95
ADAPTATION TO THE PANDEMIC 97
CONCLUSION **102**

CHAPTER 4 – SETTING THE STAGE **104**

INTRODUCTION **104**
NATURAL RESOURCES, PEACE, AND CONFLICT **106**
EXPANDING THE EXTRACTIVE FRONTIER 107
LAND, RESOURCES, AND ARMED CONFLICT 109
THE RISE OF INFORMAL PROTEST 113
PEACE PROCESSES AND POLITICAL PARTICIPATION **115**
EARLY DEMOCRATIC REFORM 116
DECENTRALIZING DEMOCRACY 118
THE 1991 CONSTITUTION 120
EXTRACTIVES AND PARTICIPATION: THE CONTRADICTIONS OF TERRITORIAL PEACE **123**
CONCLUSION **129**

CHAPTER 5 - CIVIL SOCIETY **131**

INTRODUCTION **131**
PATTERNS OF MOBILIZATION: DESCRIPTIVE STATISTICS **132**
EXPLAINING ACTIVATION **137**
FINANCIAL RESOURCES 137
KNOWLEDGE AS A RESOURCE 139
LEGACY OF ARMED CONFLICT 141
DATA ANALYSIS **145**
ROBUSTNESS CHECKS AND FURTHER ANALYSIS 151
IS IT PRO-SOCIALITY? 153
TESTING THE EFFECTS OF REBEL GOVERNANCE 155
CASE STUDY: CAJAMARCA AND ANAIME **161**
DISCUSSION **165**
CONCLUSION **166**

CHAPTER 6 - VETO PLAYERS **168**

INTRODUCTION **168**
STAGES OF PROGRESS **171**
DESCRIPTIVE STATISTICS **177**
WHY DO MOST *CONSULTAS* FAIL? **183**
REBALANCING THE LEVER 183
DETERMINING BUSINESS STRENGTH 188

THE LIMITS OF VETO POWER **194**
COUNTERING THE VETO 195
BUILDING ON EXPERIENCE 197
CONSTRAINING CONTEXT 198
TESTING THE LIMITS 199
DISCUSSION **205**
CONCLUSION **206**

CHAPTER 7 – ACCIDENTAL GATEKEEPERS **208**

INTRODUCTION **208**
CIVIL SOCIETY ALPHABET SOUP **211**
BUILDING THE *CONSULTA* SUPPORT STRUCTURE **214**
COORDINATING SUPPORT **219**
ACCIDENTAL GATEKEEPERS **222**
WHO GETS THROUGH THE GATE? **226**
ACCESSIBILITY 227
PRE-EXISTING RELATIONSHIPS 229
LEGITIMACY 232
DISCUSSION **234**
REPLICATING STATE UNEVENNESS 234
DEMOCRACY AND DISILLUSIONMENT 236
CONCLUSION **238**

CHAPTER 8 - CONCLUSION **240**

INTRODUCTION **240**
REVISITING THE ARGUMENT **241**
PEACE AND CONFLICT CREATE OPPORTUNITIES 243
BUSINESS POWER HAS LIMITS 245
ALLIANCES ARE COMPLICATED 246
WHAT HAPPENS NEXT? **247**
IMPACTS OF THE CONSULTA WAVE 247
THINKING BEYOND THE CONSULTA **251**
DEMOCRATIZATION 251
POST-CONFLICT 253
LIMITATIONS **256**
POLICY IMPLICATIONS **258**

BIBLIOGRAPHY **261**

APPENDIX **290**

List of Abbreviations

AGA	AngloGold Ashanti
CD	*Centro Demócratico*, Democratic Center
CERAC	*Centro de Recursos para el Análisis de Conflictos*, Conflict Analysis Resource Center
CINEP	*Centro de Investigación y Educación Popular Programa por la Paz*, Center for Popular Education and Research
CPC	*Consultas Populares* in Colombia [database]
DANE	*Dirección Nacional Administrativa de Estadísticas*, National Administrative Department of Statistics
DNP	*Dirección Nacional de Planeación*, National Planning Department
DV	Dependent variable
ELN	*Ejército de Liberación Nacional*, National Liberal Army
EPL	*Ejército Popular de Liberación*, Popular Liberation Army
ESMAD	*Escuadrón móvil de antidisturbios*, Mobile Anti-Disturbances Squadron
FARC-EP	*Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo*, Revolutionary Armed Forces of Colombia—People's Army
FDI	Foreign direct investment
FPIC	Free, prior, and informed consultation
GDP	Gross domestic product
GRO	Grassroots organization
IGAC	*Instituto Geográfico Agustín Codazzi*, Agustín Codazzi Geographical Institute
ILO	International Labor Organization
INCORA	*Instituto Colombiano de la Reforma Agraria*, Colombian Institute for Agrarian Reform
INGO	International Non-Governmental Organization
IV	Independent variable

JAC	*Junta de Acción Comunal*, Community council
MOE	*Misión de Observación Electoral*, Electoral Observation Mission
MSF	*Medecins Sans Frontieres*, Doctors Without Borders
NBI	Basic Needs Index
NGO	Non-governmental organization
PT	*Partido dos Trabalhadores*, Workers' Party
RoP	Realm of Possibility
UNODC	United Nations Office on Drugs and Crime
UP	*Unión Patriótico*, Patriotic Union
ZRC	*Zona de reserva campesina*, *campesino* reserve zone

List of Tables

Table 2.1. Summary of possible fulcrum positions 56
Table 5.1. Descriptive statistics of CPC database 135
Table 5.2. Logistic regression table: community mobilization around consultas populares (full CPC) 147
Table 5.3. Logistic regression: community mobilization around consulta, restricted sample (only extractive confirmed titles) 152
Table 5.4. Armed group control (ending in 2013) and mobilization for a consulta 158
Table 6.1. The impact of business characteristics on progress toward implementation (odds ratios with robust standard errors clustered by province). 189
Table 6.2. Alliance composite score definitions 199
Table 6.3. Continuation ratio models (left) and logistic regression models (right) of alternative explanations for consulta progress (odds ratios with robust standard errors clustered by province in parentheses. 202

List of Figures

Figure 1.1 Archimedes' Lever 18
Figure 2.1. Balance of power model 52
Figure 2.2. Archimedes' Lever model 54
Figure 2.3. Archimedes' Lever model in the exclusionary position 57
Figure 2.4. Archimedes' Lever in the inclusionary position 59
Figure 2.5. Archimedes' Lever in the RoP 61
Figure 3.1. Map of mobilizations around consultas populares related to extractive projects. 90
Figure 3.2. Overview of CPC database samples used for analysis. 92
Figure 4.1. Number of protests related coal, gold, and oil extraction in Colombia between 2001-2011 114
Figure 4.2 Map of mining titles overlaid onto map of FARC-EP presence 127
Figure 5.1. Map of consultas populares and mining titles under review (2017) 134
Figure 5.2. Map of consultas populares and approved mining titles (2017) 134
Figure 5.3 Plot of coefficients for regression of community mobilization with period of armed group consolidation 160
Figure 5.4. Map of Cajamarca municipality 162
Figure 5.5. Pro-FARC-EP graffiti in Anaime (2013). Tags read "FARC-EP", "death to snitches", and "get out Anglo-Gold Achanti [sic]" 163
Figure 6.1. Stages of progress toward implementation 175
Figure 6.2. Cases of new attempts to implement consultas by year 178
Figure 6.3. Pathway of initiation 178
Figure 6.4. Target Company .....
Figure 6.5. Target project stage 180
Figure 6.6. Target mineral/material 180
Figure 6.7. Number of cases that progress through stages of implementation 182
Figure 6.8. Percentage of consultas targeting oil projects that advance past stage 3 compared to those targeting gold mining projects. 190
Figure 6.9. Comparison of most common pathway of initiation between hydrocarbon/non-hydrocarbon and gold/non-gold projects 193
Figure 7.1. Model of gatekeepers and channels in the organization of a popular consultation. 224

Chapter 1 - Introduction

On 28 July 2013, nearly 3,000 residents of a small, rice-growing municipality in the Colombian mountains made their way to the polls and cast their vote in a local referendum about the fate of a proposed gold mining project in their territory. With their vote—a near unanimous "no" against the project's development—the people of Piedras, Tolima blocked the activities of AngloGold Ashanti, one of the largest gold mining companies in the world (Registraduría de Colombia 2013). The vote in Piedras represented the first successful attempt by civil society groups in Colombia to use a mechanism in the Colombian constitution known as a *consulta popular* to try to halt the steady march of new extractive (mining, hydrocarbon, or hydroelectric) projects across the country's territory. The vote in Piedras inspired a wave of similar movements across Colombia. Between July 2013 and December 2018, nearly 10 percent of the country's 1,122 municipalities registered community-led mobilizations demanding that their local governments hold *consultas* modeled on Piedras' example.

Not all of these communities succeeded. Though over 100 local movements tried to organize *consultas*, only ten municipal governments carried out the proposed votes. The process of organizing this democratic mechanism is complex, requiring multiple rounds of approvals and coordination from local, regional, and national state actors before a vote is even scheduled. Fearing the impact of these local challenges to state policy that backed extractive development, the national government based in Bogotá supported private firms in efforts to squash proposed referenda. The country's top prosecutor threatened investigations into local mayors who supported anti-extractive votes. The National Registry dismissed citizen-led petitions for *consultas*. By the end of 2018, when

Colombia's Constitutional Court ruled that local governments could no-longer hold extractive-related *consultas,* many mobilizations had stalled at various points in the organizing process as a result of these pressures. Investigating these failures alongside the successes of Piedras and other communities, I contend, can offer important insights into the challenges of expanding political participation in areas affected by armed conflict. By analyzing the patterns of civil society mobilization around and implementation of the *consulta popular*, this thesis tackles a key question in the study of transitions from conflict: who participates in post-conflict societies and how?

Post-conflict participation

Broadening political participation is widely touted by both academics and practitioners as a crucial element of conflict prevention and transitions from violence to peace (Bell and O'Rourke 2007; Bermeo 2003; Chopra and Hohe 2004; Puljek-Shank 2017). Indeed, participatory reforms and temporary measures to expand participation are often written into peace agreements. Examples of such provisions include electoral reforms to help rebel groups transition to the political arena after various conflicts (Matanock 2017), programs to encourage women's participation in formal politics in Rwanda (Berry 2018; see also Kirby and Shepherd 2016b, 2016a), and efforts to decentralize governance in Cambodia (Blunt and Turner 2005) and Sierra Leone (Jackson 2005). These programs are often promoted from the top-down by international observers and/or transitional governments. We still know relatively little, however, about how they are implemented in practice (Bell and O'Rourke 2007:304). Who uses participatory mechanisms? What

conditions make activation and implementation more likely? How is their use conditioned by experiences during armed conflict?

I answer these questions in this thesis through analysis of a particularly hard, or least likely (Gerring 2007), case of post-conflict, participatory institutions. I use Lindsay Mayka's definition of participatory institutions, in general, to refer to "formal, institutional spaces that engage society groups in debating, deciding on, or overseeing the implementation of a public policy" (Mayka 2019a:95). Especially important in post-conflict contexts, these spaces "provide citizens with a normal politics means of interacting with the state" (Falleti and Riofrancos 2018:87) that is less disruptive and more formalized than social protest. Despite these general similarities, participatory institutions vary greatly in both strength (Brinks, Levitsky, and Murillo 2020) and their orientation toward the relationship between civil society and the state (Altman 2019:11). Where the *consulta* sits along the spectrum of these two variables has made the institution both an appealing tool for anti-extractive movements and a threat to national politicians.

On paper, *consultas populares* are notably strong in terms of the potential effects of their enforcement. Colombia's 1991 Constitution empowers mayors and other executives (e.g. governors and presidents) to convene referenda for their citizens to decide on matters "of vital importance for the future of the municipality or the wellbeing of the local population" (Dietz 2019:101). In theory, this allows local governments and civil society groups to convene referenda on any "yes/no" policy question if they can argue it has a sizeable impact on the local community.[1] Provided that the vote meets the minimum

[1] A number of activists and lawyers that I interviewed contended that the Constitution specifically mentions that municipal governments must hold local referenda before allowing the development of extractive projects or other projects that would significantly alter the land within a municipality. However, my revision of the text of the 1991 Constitution and Law 134 of 1994, which sets out the process of convening a referendum did

threshold for participation (30% of the eligible electorate), the result is legally binding and must be adapted and passed as law. The *consulta* therefore holds the potential for local citizens to have direct input on important policy questions and translate their preferences into legal statutes.

In practice, *consultas* were called infrequently and concerned relatively apolitical policy questions until the wave of anti-extractive votes began in 2013. Before Piedras, Colombia's Mission for Electoral Observation (MOE; *Misión de Observación Electoral*) registered only 23 attempts by municipalities to hold *consultas populares*, many of which addressed administrative functions—changing the local market day or revising municipal borders (see appendix table A.1 for a list of completed *consultas populares*) (Misión de Observación Electoral 2012). The apparent strength of the *consulta* as an institution did not pose a threat to the political or economic status quo in Colombia in the examples mentioned above. Rather, the institution in those cases can be classified as a "conservative" or "ambivalent" institution—a mechanism that seeks to preserve or at least not disrupt the status quo in the face of potential change (Brinks et al. 2020:9).

When civil society groups invoked the *consulta* in Piedras and other municipalities to decide on extractive development, those movements imbued the institution with *transformative ambition*. I borrow this concept from Daniel Brinks, Steven Levitsky, and María Victoria Murillo (2020:7–13), who propose that institutions can be made transformative when those who use it "seek to move outcomes away from the status quo" or in other words, seek to change "outcomes relative to what they would otherwise be." The ambition of civil society in Piedras and other municipalities, was to relocate decision-

not find any such provision (https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=330 and https://pdba.georgetown.edu/Constitutions/Colombia/colombia91.pdf).

making regarding territorial development from the centralized state in Bogotá to the communities directly affected by extractive policy. Successful implementation of the *consulta* in these cases sought to disrupt the inequities that have characterized the extractive sector in Latin America (Falleti 2020:255) and upend the historical power imbalance between the national government on one side and historically marginalized, rural communities on the other. I call this form of post-conflict participation "transformative participation."

Extractive-related *consultas* also constitute a least-likely case of post-conflict participation because of *how* the institution is implemented. Participatory reforms, like combatant participation in post-conflict elections (Matanock 2017) or victim representation in government bodies (Call 2012), are often promoted by national governments or external peacekeepers. Extractive-related *consultas*, by contrast, are activated and implemented *from below*—that is, by conflict-affected and rural communities themselves. As more communities turned to the *consulta* after 2013, Colombia's national government actively discouraged and tried to block communities from implementing votes (Dietz and Engels 2017; McNeish 2017a). This places *consultas* in a category of participation known as "society-driven participatory institutions" (Mayka 2019b) or "citizen institutional activation" (Rodriguez-Franco 2017:28).[2] As Mayka (2019b:93) describes, "civil society actors, rather than the state, undertake the core tasks involved in implementing

[2] This category of participation is wider than David Altman's understanding of "citizen-initiated mechanisms of direct democracy" (CI-MDD) (Altman 2019:7). His definition is procedural. To count as a CI-MDD, the use of a mechanism must be initiated by gathering signatures rather than "top-down" executive or constitutional mandates. The concept I develop in this thesis is more relational than procedural. Citizen-activated institutions are defined by where the *demand* for implementation originates and the level of support that civil society receives from state agents. Local mayors (or other executives) may initiate the formal process of implementation and administration but only after significant civil society mobilization specifically calling for the institution in question. In Altman's words, civil society is the *proactive* player initiating the process, rather than a *reactive* or *veto player*.

participatory institutions." Those tasks include educating participants about how the institution works, channeling collective action into institutional participation, and navigating logistical and technical requirements to ensure legal enforcement.

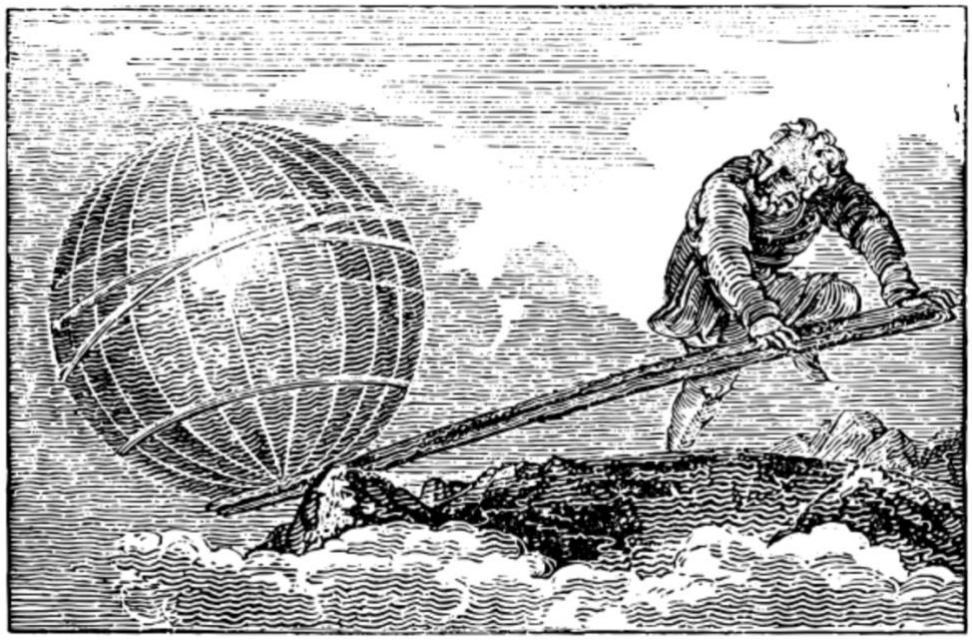
Mobilization and coordination of the *consulta* had to be initiated from the grassroots level, making extractive-related *consultas* unlikely, but powerful, cases of participation. Civil society-led activation in the words of Thea Riofrancos (2017:682) serves as a way for civil society to "democratize democracy", as social movements take institutional implementation into their own hands. This process also suggests a degree of hope among civil society leaders in the promise of democratization. Turning toward the *consulta* signaled that those citizens believed in the legitimacy and efficacy of participatory reforms. Understanding patterns of activation can therefore help us understand how democratization may be built from the ground up in areas affected by conflict. The high degree of failure that movements faced when implementing *consultas*, however, underscores the difficulty of this process. How, then, can we explain the rare successes?

The argument in brief

The argument at the core of this thesis is that democratization from below in the form of transformative participation relies on three conditions: 1. Leadership and coordination among local movements and formal NGO and expert coalitions; 2. The power of veto players to block civil society participation, and 3. The legal and political opportunity structures that condition the relative force of civil society versus vetoes

players. I propose that the best way to visualize the interaction of these three conditions is through the analogy of Archimedes' Lever.[3]

Figure 1.1 Archimedes' Lever



Source: https://freesvg.org/archimedes-lever, creative commons licensed.

Archimedes of Syracuse famously proclaimed, "give me a place to stand on, and I will move the Earth" as he demonstrated the ability of weak actors to lift impossibly heavy weights with the tool of the lever (Toomer and Jones 1986). I adapt this concept from Payne et al. (2020) and argue that we can apply this analogy to understand variation in the outcomes of civil society's attempts to implement *consultas populares*. Archimedes' Lever consists of three components: the fulcrum, the weight, and the force on either side of lever. As the fulcrum moves closer to the weight, less force is needed on the opposite side of the

[3] Leigh Payne, Gabriel Pereira, and Laura Bernal-Bermúdez (2020) use Archimedes' Lever to explain the few cases of accountability for corporate complicity in human rights violations during transitional justice processe. Nancy Tapias Torrado and other authors also apply Archimedes' Lever to explain the actions of various economic actors across Latin America (see Tapias Torrado 2022; Payne, Pereira, and Bernal Bermúdez 2022).

fulcrum to lift it. In this thesis, the weight to be lifted is transformative participation. Holding down the weight is the power of veto players—business interests in the case of *consultas*. Lifting it requires coordinated efforts from local movements working with NGOs and individual experts in their support structure to demand participation. The position of the fulcrum is determined by the alignment of *de facto* and *de jure* attitudes toward participatory democracy; in other words, the combination of judicial and legislative actions that create the legal framework for broadening political participation with the political will to support enforcement of those institutions.

The empirical chapters of this thesis explore each element in turn and demonstrate how subtle changes in the above conditions between cases leads to variation in activation and implementation. First, civil society groups require leadership that has some level of familiarity with the *consulta* and is willing to dedicate time and social capital to mobilize and channel collective action into activating the institution. As local movements shift from initial stages of mobilization toward full implementation of a vote, their ability to resist challenges from multinational and domestic business vetoes relies on their ability to coordinate with members of the *consulta* support structure—the epistemic community (Haas 1992) of national NGOs, professionals, and academics that lend their skills and resources to community-led efforts to organize *consulta*. Throughout the implementation process, veto players and allies sought not only to apply force on either side of the lever but also worked to shift the position of the fulcrum by filing legal challenges and pressuring politicians. It is the combination of all of these forces—on either side of the lever and on the fulcrum's position—that can explain why the movements in Piedras and elsewhere succeeded in holding *consulta* while so many other local efforts failed.

The Archimedes' Lever framework is also useful for explaining when civil-society institutional activation is likely to occur compared to other forms of participation. Citizen-led efforts to implement participatory institutions are but one way that civil society groups in Latin America have innovated to combine formal institutions and direct action to force political change. Socio-legal scholars studying movements across the region have sought to challenge traditional distinctions between "legal/nonlegal" challenges to the exclusionary systems that characterize much of Latin American politics. Rallies, strikes, civil disobedience, and sometimes illegal forms of direct action, sociologists Boavista de Sousa Santos and Cesar Rodríguez Garavito (2005:16) write, are "part and parcel of counter-hegemonic movements that simultaneously pursue institutional avenues such as litigation and lobbying. In fact, the deep power asymmetries that exist between the "hegemonic" political and economic elite and "counter-hegemonic" everyday citizens require collective action to force sustained legal change. This combination of what Sonia Álvarez calls the "*permitido* and *no permitido*"—the permitted and not permitted—is a core feature of contentious politics and democracy in Latin America (Alvarez 2017).

The timing and relative emphasis of movements' use of the *permitido* vis-a-vis the *no permitido* reflects differences in the legal and political opportunity structures that Archimedes' Lever can help illustrate (Burstein 1991; Hilson 2002; McAdam 1986; McCarthy 1996; Tarrow 2011; Vanhala 2018b). When both structures are exclusionary—that is, political actors reject broadening participation and legal frameworks do not offer institutional pathways for participation—direct action offers the only pathway for civil society groups to make their voices heard. The lever of participatory democracy cannot lift the weight of transformative participation, and we are most likely to see extra-institutional

mobilization—an emphasis on the *no permitido*. In contrast, favorable political actors and legal frameworks may encourage civil society to channel demands through institutional channels implemented from the top-down if they believe they will be taken seriously. The promotion of participatory budgeting by political parties and the local government in Porto Alegre, Brazil is an oft-cited example of this scenario. Legal and political structures place the fulcrum in Archimedes' Lever in an inclusionary position, allowing civil society to access transformative participation via *permitido* pathways without engaging in the heavy lifting of institutional implementation. The fulcrum shifts closer to the weight, and less pressure has to be applied to lift participation from under the weight of veto players.

More often than not, political and legal opportunities in Latin America reflect a fulcrum position that lies somewhere between the exclusionary and inclusionary ideal types, leading to the combination of legal/illegal repertoires of social movement action that scholars have documented. Where political structures lag behind legal expansion of rights, movements may frame direct action to highlight this mismatch and demand enforcement of new rights. Honor Brabazon demonstrates how Landless Peasants and Workers' groups in Bolivia and Argentina engage in sit-ins and land grabs as a means of "breaking the law to enforce the law" (Brabazon 2017). *Campesinos* and industrial workers purposely violate property rights to highlight business' nonenforcement of workers' rights; their direct action violates some laws with the goal of legitimizing laws that protect their own rights. Wendy Wolford's 2010 study of land invasions by Brazil's Landless Peasants Movement illustrates a similar strategy. When government officials lack the resources and technical capacities to carry out participatory reforms, they "are forced to rely on social movement actors who demand attention by routinely transgressing at the margins of acceptable (and

legal) behavior" (Wolford 2010:92). Implementation of participatory democracy from the top-down occurs "by default rather than design" as a response to nonlegal action.

The above examples describe direct action that precedes institutional action to open political opportunities. Other civil society actors may focus their attention on influencing the legal structure. Much of the existing literature on legal mobilization focuses on strategic litigation as an example of such actions (e.g. Edelman, Leachman, and McAdam 2010; Epp 1998, 2009; Vanhala 2018b; Zemans 1983). Strategic litigation, or the use of one legal case to enact broader societal change, allows activists to directly open legal opportunities for civil society to expand their rights, including the right to participation. In this way, legal mobilization through the courts offers an alternative pathway for democratization beyond formal political contests and electoral cycles. In the words of Frances Zemans, strategic litigation "provides a uniquely democratic (as opposed to republican) mechanism for individual citizens to invoke public authority on their own and for their benefit… [by invoking legal norms, actors] employ the power of the state and so become state actors themselves" (Zemans 1983:692). In other words, civil society can use relatively small legal openings to create larger political and legal opportunities for later action. Legal activism, it is worth noting, is particularly prevalent in Latin America, as the judiciary branch in many countries has, in numerous countries, taken an activist stance toward social rights. Activists have often sought allies in more liberal constitutional courts to make structural changes to promote enforcement of rights (see González-Ocantos 2016; Rodriguez-Garavito 2011).

Strategic litigation requires a high degree of specialized knowledge and resources that makes it less accessible than direct action for many groups (Galanter 1974; Vanhala

2012). At the same time, legal mobilization through court proceedings can help activists mitigate collective action problems that plague social movements pursuing change through direct action (Olson 1971). Court cases may entail high costs in terms of knowledge and labor for a handful of individuals, but the potential payoff is great, as favorable rulings can improve future access to justice on similar issues (Vanhala 2012). Sometimes, strategic litigation can become a form of collective action. The *tutela* system in Colombia, which serves as an easy process for everyday citizens to file written and oral complaints of rights violations with their local institutions of justice, has occasionally been used by activists as a way of signaling issues across society. For instance, the filing of millions of *tutelas* related to the health system was interpreted by the country's Constitutional Court as the sign of a state health crisis, turning incidences of individual participation into a form of collective action to change state capacity and commitment to rights enforcement (Herrera and Mayka 2020). In the language of Archimedes' Lever, each instance of individual legal mobilization—be it a *tutela* or a Supreme Court case—serves as a chance to shift the lever's position closer to civil society's favor.

Civil society activation of participatory institutions can occur alongside either of the two strategies above and often benefits from existing collective action and litigation. Chapter five of this thesis, for instance, suggests that preexisting movement infrastructures (McCarthy and Zald 1977) and local leadership are important variables that can determine the strength of civil society pressure on Archimedes' Lever. When the lever's position sits somewhere between exclusionary and inclusionary positions, civil society groups may include participatory democracy as part of their repertoire of contention. This is especially true where state repression makes collective mobilization and direct action a high-risk

activity (Loveman 1998; McAdam 1986; Zulver 2022). Referenda and participation through formal institutions, such as the *consulta*, offer venues for civil society to engage in "civilized action" (Hoetmer 2017); that is, action that follows the letter of laws written by the state. Meanwhile, connections with NGOs and experts in constitutional law and litigation, chapter seven shows, are crucial for local leaders to ensure *consultas* comply with the technical legal restrictions governing the use of the institution. By highlighting the synergies between collective action and the state's legal framework, civil society institutional activation proves that protest and democratic participation can be compatible, despite concerns raised by scholars of democratization from Samuel Huntington's *Political Order in Changing Societies* (1968) and onward.[4]

Contributions

This thesis address three major issues facing the world today: natural resource governance, democratization, and peacebuilding. Ample scholarship explores each theme separately. This thesis, however, shows how studying their intersection can challenge common assumptions in each.

Natural resource governance

My investigation of Colombia's *consultas populares* builds on a previous wave of scholarship on extractive-related consultations. Various scholars have documented the use of *consultas populares* as a tool to block extractive development across Latin America

[4] See Carew Boulding's (2014) *NGOs, Political Protest, and Civil Society* p. 21-23 for an overview of this argument and recent literature.

(Falleti and Riofrancos 2018; Walter and Urkidi 2017) and in Colombia, specifically (Dietz 2019; Dietz and Engels 2017; García and Dietz 2020; Hincapié 2017; Le Billon, Roa-García, and López-Granada 2020; Roa-García 2017). Almost all of these studies have focused on the few successful cases of *consulta* implementation, particularly the cases of AngloGold Ashanti's operations and the *consultas* in Piedras and its neighbor, Cajamarca. (Dietz 2018; McNeish 2017a; Rodriguez-Franco 2017; Specht and Ros-Tonen 2017).

These studies highlight the surprising nature of the success of Piedras and Cajamarca in countering the power of a major multinational corporation through the *consulta*. A dominant narrative that runs through this work celebrates *consultas* as a kind of catalyst for what María Cecilia Roa-García (2017) calls "environmental democratization." This concept presents mechanisms of direct democracy as opportunities to put "decisions about the transformation of nature-society relations" into the hands of a broader range of social actors (Roa-García 2017:60). The environmental democracy narrative thus taps into an undercurrent both celebrated (Montambeault 2016; Riofrancos 2017; Wright 2010) and criticized (Baiocchi and Ganuza 2017; Balderacchi 2016) by scholars and practitioners suggesting that participatory democracy can offer a "utopian" vision for enhancing the quality of democracy.

I do not discount the transformative potential of *consultas* to contribute to broader democratization; indeed, this assertation underpins the theoretical narrative of this thesis as well. That said, this thesis seeks to complicate the narrative presented by Roa-García and others by considering the cases that failed to hold *consultas* alongside the few successes. To my knowledge, this thesis is the first systematic study of *all* attempts to organize extractive-related *consultas populares* in Colombia, including movements that were never

formalized and counted by the National Registry. Expanding analysis of the *consulta popular* to include failed cases serves two purposes. First, it makes clear the difficulty of demanding democracy from the "bottom up", setting realistic expectations for the potential of participatory mechanisms to contribute to democratization. Second, in uncovering the key role that external allies—NGOs and experts based in the capital—play in securing successful implementation of the *consulta*, my analysis adds nuance to the idea that participatory mechanisms level the playing field of democratic participation. Tools like the *consulta* may give marginalized groups an opportunity to weigh in on natural resource governments, but these groups still rely on connections to the centers of power to make sure their voices are heard. Pereira, Payne, and Bermúdez (2020) refer to these networks as part of a "domestic boomerang" in an adaptation of Keck and Sikkink's (1998) original model.

Participatory democracy

While my argument offers a moderate challenge to the optimism of environmental democratization, it simultaneously counters the pessimism of the broader field of participatory democracy and extractives in Latin America. Numerous scholars have tried to account for the difference between the inclusion of participatory measures in law versus their implementation in practice (e.g. Balderacchi 2016; Cameron, Hershberg, and Sharpe 2012; Goldfrank 2011; Mayka 2019a). Studies have examined, for example, the institutional origins of policy-reform projects (Mayka 2019a), national party politics (Goldfrank 2011), and state support (Wampler 2007) to explain why institutions are adopted and whether they impact civil society and politics. Nearly all these studies

converge in both their premises and findings that the transformative potential of participatory democracy is rarely matched in practice. Within this field, scholars of participatory democracy have tended to overlook the field of extractives. The relatively few studies that do engage with the issue of extractive development (Bebbington and Bury 2013; Falleti and Riofrancos 2018; Jaskoski 2020, 2022; Rodriguez-Garavito 2011) most often frame consultation as a toothless mechanism in conflicts between local communities and multinational firms (with the obvious exception of the studies mentioned in the previous section). The field of extractives is plagued by the proliferation of "ghost institutions" that are rarely implemented in practice and "ritualized" forms of participation, where participants are expected to go through the motions of consultation with no expectation of a meaningful outcome (Alvarez 2017:320).

Critiques of participatory mechanisms in the extractive sector tend to focus on the most commonly invoked institution: prior consultation (also known as free, prior, and informed consultation—FPIC). Most countries in Latin America have adopted international conventions (ILO 169) that require states to ensure that companies consult with and inform indigenous communities before developing projects on their territory. Though mandated by the state, FPIC is almost universally considered to be a weak institution that companies engage in, but where communities are not offered the option to veto outright a project or change the course of policymaking and implementation. Cesar Rodríguez Garavito documents how processes of FPIC in Colombia are often co-opted by private actors:

> "De facto, if not de jure, the company interested in executing operations in indigenous territory administers, funds, and controls the consultation process. On more than one occasion, I have traveled to consultation sites on transportation chartered by the company, accompanied not only by the latter's representatives, but

> also by public officials who are required to attend the consultation, and who have neither the funds nor the means to arrive at such isolated places (where, moreover, they have never visited before)." (Rodríguez-Garavito 2011:299)

Other scholars have documented instances where companies have simply not engaged in FPIC or excluded relevant communities from the process (Jaskoski 2020; Negrete Montes 2013; Tapias Torrado 2020; Vasquez 2014). Also of note is that not all populations are eligible to engage in FPIC when consultation does happen. In Colombia, only recognized indigenous groups and Afro-Colombian settlements are legally assured the right to FPIC. *Campesino* communities, despite their claims for recognition as a group with deep connections to their land[5], are not afforded the same right to consultation.

Citizen-led activation and implementation of the *consulta popular* demonstrates that participatory democracy can provide pathways for transformative participation in a notoriously difficult industry. Furthermore, even if most community-led efforts to find innovative pathways around FPIC fail, attempts of implementation may still offer citizens opportunities for social learning through civil society action. Diana Rodríguez Franco's 2017 doctoral thesis, which includes ethnographic analysis of the *consultas* in Piedras and Cajamarca, highlights how the efforts in both municipalities fostered the creation of connections and coalitions between *campesinos* and elites within the community that could facilitate later democratic practices. The "democratic educational effects" of *consulta* attempts therefore may persist as communities turn to other democratic mechanisms when

[5] *Campesino* communities successfully mobilized in the 1990s to demand special recognition of their land as Reserved *Campesino* Zones (*Zonas de Reserva Campesina*—ZRCs), which, in theory, grants them special consultation rights on issues that affect their land (see Quijano-Mejía and Linares 2017). Six such zones exist across the country, one of which successfully activated and implemented a *consulta popular* (Cabrera, Cundinamarca). In 2018, thousands of *campesinos* filed *tutelas* in the Colombian justice system asking for the country's National Department of Statistics (DANE) to include a separate demographic category for their communities in census data. Groups have subsequently filed petitions asking the government to guarantee rights (including to land) specifically for *campesino* communities. See Dejusticia's ongoing coverage: https://www.dejusticia.org/colombia-tiene-la-primera-radiografia-de-su-poblacion-campesina/.

the *consulta* fails (Abers and Keck 2013; Rodriguez-Franco 2017). This insight challenges the field of participatory democracy to reconsider metrics of success around "difficult" (Goldfrank 2021) topics.

The legacy of armed conflict

Finally, this thesis takes seriously the context of Colombia's transition from armed conflict as an instrumental variable that shapes the use of participatory democracy in areas historically affected by violence. As such, it seeks to expand our understanding of post-conflict participation and peacebuilding beyond its traditional focus on electoral politics and reforms promoted from above (e.g. Blunt and Turner 2005; Call and Wyeth 2008; Jackson 2005; Matanock 2017) or individual-level participation in community associations and local politics (Bauer 2001; Blattman 2009; Grossman, Manekin, and Miodownik 2015; Hadzic and Tavits 2019; Hager, Krakowski, and Schaub 2019; Voors et al. 2012). By framing civil society-led participatory institutions as a form of post-conflict participation, I encourage the field to expand our understanding of what "counts" as political participation.

By emphasizing civil society agency in post-conflict participation, my application of the Archimedes' Lever framework builds on recent insights from the burgeoning field of studies concerning the localized impact of armed conflict. Numerous studies have uncovered how subnational variations in conflict affect socio-political processes from local governance (Arjona 2016; Mampilly and Stewart 2020) to civil society resistance (Burnyeat 2013; Kaplan 2017a; Masullo 2018; Uribe de Hincapié 2006). Other research has tried to explain how the conflict experience might inform post-conflict reconstruction in terms of democratization on the national (Huang 2016) and local levels (Vargas Castillo

2019), victims, combatants and transitional justice (e.g. Cronin-Furman and Krystalli 2021; Hancock and Mitchell 2018; Kaplan and Nussio 2018; Kreft 2019; Prieto 2012), and the possibility of conflict recurrence (Zuckerman Daly 2012).

Scholars have yet to thoroughly explore how far-reaching the legacy of armed conflict might be when civil society mobilizes around issues that do not explicitly reference violence or the conflict. This thesis aims to close this gap, if only slightly. Activists leading local movements around *consultas populares* have been careful to distinguish their opposition to extractive projects from narratives related to Colombia's armed conflict. Chapter five of this thesis illustrates how communities' experiences during conflict are, nonetheless, correlated with mobilization around participatory mechanisms. As I untangle these connections in this thesis, I hope to improve our understanding of how the legacy of armed conflict can condition seemingly unrelated social processes (Balcells and Stanton 2021; Wood 2008).

Key concepts

Before moving on to discuss this study's research design and the chapters that follow, this section clarifies a few key concepts that are central to my theory and analysis.

Participation

When referring to "participation," I employ a broad definition of political participation outlined by Patrick J. Conge and his co-authors (1988:247) as "individual or collective action at the national or local level that supports or opposes state structures, authorities, and/or decisions regarding allocation of public goods." This definition includes

actions through institutional channels, such as voting, and extra-institutional channels, such as demonstrations or strikes. It excludes 'community behavior' that is not oriented toward the state, such as belonging to neighborhood associations. It remains sensitive, however, to the possibility that community behavior may later become state-oriented, for example if neighborhood associations begin to make demands on the state to provide better security, sanitation, etc.

Some scholars of participatory democracy—most notably Archon Fung and Erik Olin Wright—consider participatory reforms to represent a kind of "empowered participatory governance" (Fung and Wright 2003:5). They suggest that some participatory institutions like planning councils, participatory budgeting, or local education boards are empowering because they allow citizens to make their own decisions about what is best for their communities. This power to directly change policies and practice is presented as a contrast to representative democracy, where citizens delegate their power to elected officials. Skeptics have questioned this narrative of participatory democracy as an emancipatory tool. Participatory reforms might be stripped of their decision-making power, giving citizens space to deliberate and discuss but not meaningfully influence policy and practice (Baiocchi and Ganuza 2017:135). Participatory institutions may also be subject to cooption and diversion. Yanina Welp and Juan Pablo Milanese (2018), for instance, show how former state contractors have used mayoral recalls to help reach their strategic, political goals. Used this way, participatory institutions become simply another tool to reinforce existing power imbalances rather than to empower marginalized groups. Underlying all these discussions is the question of whether participation is, in and of itself, normatively good.

In general, I try to leave the question of whether participation is "empowering", "emancipatory", or "good" to the side in this thesis.[6] The type of participation that I consider in this thesis—civil society-activated participatory democracy--escapes concerns about cooption and diversion because it is explicitly activated from below. Implementation, in itself, upsets the traditional balance of power, as civil society must act either against or without the support of the state. I refer to participation as "transformative" when the actors involved seek to shift policy or power away from the status quo. In the case of *consultas*, this entails shifting power to the countryside and away from economic and political elites based in Colombia's major cities. I am aware that my definition of transformative participation leaves to the side questions of representation and power dynamics *within* rural communities. For reasons I describe in detail in chapter three, I was unable to collect data to consider these local dynamics for this thesis project, but I hope to return to this question in future research.

Post-conflict

Although I seek to contribute to literature on post-conflict participation, I refer to Colombia during my period of study (2013-2018) as a "post-accord" or transitional society rather than "post-conflict". President Juan Manuel Santos's government began peace talks in secret with the Armed Revolutionary Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia Ejército del Pueblo*: FARC-EP), then the country's largest guerrilla group, in September 2010. On September 2012, both sides stated publicly that they would pursue formal negotiations in Havana, Cuba, and the FARC-EP announced its

[6] Though I revisit this discussion in the concluding chapter of this thesis.

first unilateral ceasefire in November that year. Over the next four years until the final peace agreement was signed in November 2016, violence in many regions of the country declined, particularly after the FARC-EP declared a final, indefinite cease-fire in December 2014 (Segura and Mechoulan 2017).

In spite of this recent history and the fact that the 2016 peace accord still formally remains in place, many in Colombia disagree with the characterization of Colombia as "post-conflict." One Colombian researcher I spoke to as I was beginning this project corrected me when began introducing my study of post-conflict participatory democracy. "*Ya no se habla del posconflicto"*—no one talks about post-conflict—she warned.[7] Rates of violence quickly increased in many regions after the FARC-EP demobilized, and a number of non-state armed groups continue to operate across the country's territory (International Crisis Group 2018). Moreover, the 2016 peace accord only secured the demobilization of one guerrilla group. Other groups, including the National Liberation Army (*Ejército de Liberación Nacional*: ELN) remain active and continue to stage attacks against the state. Colombians more often refer to the post-2016 period as the "post-accord" period than "post-conflict."

That said, Colombia can be considered "post-conflict" in some respects in line with existing academic understandings, allowing me to consider the implications of the Colombian case for other countries in this thesis's conclusion. Scholars of conflicts across the world have long recognized that post-conflict periods are not necessarily peaceful. Macro-level peace may not immediately bring a sense of personal safety or calm for its citizens at the micro-level (Cheng 2018). Violence may continue at a low level or in some

[7] Personal communication with Natalia Ruiz Morat, March 2019.

pockets of the country (Brown, Langer, and Stewart 2008). Open conflict often fully resumes after a short period or even long bouts of relative peace, as has been the case recently in Ethiopia (BBC News 2021). Post-conflict is therefore best represented as a spectrum, and despite persistently high rates of violence, the combination of formal cessation of hostilities, demobilization of the FARC-EP, and the widespread political acknowledgement of the peace accord place Colombia firmly on this spectrum.

Civil society

I employ a variation of Carew Boulding's conception of civil society as comprised of both formal associations and organizations and informal interactions between friends, neighbors, and acquaintances outside of formal organizational activities (Boulding 2014:24). Civil society thus includes everything from professionalized NGOs, agricultural associations, community councils, to neighborhood groups. I use this term specifically in the vein of Payne et al.'s (2020) discussion of civil society demands for justice in cases of corporate complicity as a shorthand way to refer to the set of actors involved in implementing the *consulta popular*. Used this way, the term civil society distinguishes between the traditional economic and political elite in Colombia and citizens that have traditionally been left out of state decision-making. Civil society refers to members of what historian Robert Karl refers to as Colombia's *país nacional*—the popular, organic nation—compared to members of the *país politico* located in the halls of power and business in Bogotá (Karl 2017:16–17).

Community

Within the broader category of civil society, I often refer in thesis to "local communities." The term "community" means different things relative to the issue at hand. Colombian political scientist Ana Arjona makes the case that "community" in Colombia often refers to the inhabitants of a relatively small geographic unit who "interact directly, frequently, and in multi-faceted ways" (Arjona 2016:24). She therefore uses the *vereda*—hamlet—to delineate a community instead of the larger unit of the municipality to describe the extension of rebel governance across territory during Colombia's armed conflict.[8] The extractive projects examined in this thesis tend to have an impact beyond the *vereda.* This suggests that I consider a broader "community" in my study. Marta Conde and Phillippe Le Billon define this community as the "groups of lay people with links to the surrounding area of mining projects" (Conde and Le Billon 2017:682). Thus, Conde and Le Billon's community could potentially extend beyond the municipality. To reconcile these two possible definitions, I consider the group of people eligible to participate in extractive-related *consultas*. All of the *consultas* included in my analysis were organized at the municipality-level. Therefore the "community" I refer to is comprised of the residents of a municipality eligible to vote in a *consulta,* without assuming that the group is homogenous or cohesive.

Accidental gatekeepers

Beyond the community, the other important set of actors that makes up civil society is the network of individual experts and NGOs that provide local activists with the

[8] Colombia's territory is divided into 32 administrative units called "departments." Departments are further subdivided into municipalities, which are comprised of the *cabecera municipal* (municipal seat or administrative center) and surrounding *veredas* (villages or hamlets).

knowledge and resources needed to implement the *consulta popular*. Described elsewhere as norms entrepreneurs (Finnemore & Sikkink 1998), institutional innovators (Payne et al. 2020), policy (Mayka 2019a) and legal (Vanhala 2018a) entrepreneurs, and support structures (Epp 2009), these actors can increase civil society pressure on Archimedes' Lever by teaching them the legal and technical language and tools needed to counter the power of veto players. They can also act as a kind of "domestic boomerang" (Pereira et al. 2022), amplifying communities' demands and working to shift the fulcrum of Archimedes' Lever by influencing *de jure* and/or *de facto* state support for participation through advocacy and court filings.

Support from these actors may be crucial to communities' success in implementing participatory mechanisms from below, but NGOs and individuals also face constraints in their work. Limited time and resources force these actors to concentrate their efforts in a limited number of cases; they simply cannot attend to the many demands for their services. This places them in the role of "accidental gatekeeper"; their support helps determine where communities can access tools for transformative participation, and while they would ideally offer their services to all who ask, they too face complications as they carry out their role. This thesis's attention the complexities that accidental gatekeepers must navigate is a significant contribution to the existing scholarship, which examines why external actors support grassroots movements, but does not often ask why external actors *cannot* provide support even when they want to.

Activation and implementation

Activation of the *consulta* refers to the process through which members of civil society are made aware of the participatory institution and incorporate its use into the community's repertoire of contention (Rodriguez-Franco 2017; Tilly 2006). In the words of Steven Levitsky and María Victoria Murillo (2013), activation occurs when an institution moves from being "dormant"—existing only on paper—to an institution that citizens recognize as existing in practice. Activation, however, does not immediately translate to an institution's use in practice. In each instance of use, actors must engage in a process of implementation. This concept is synonymous in many ways to what institutional scholars refer to as "enforcement" (Amengual 2016; Brinks et al. 2020; Fernández Milmanda and Garay 2020; Holland 2020; Htun and Jensenius 2020). Implementation entails making sure that the relevant actors abide by the formal rules of use (Mayka 2019a:5): the Ministry of Finance funds electoral infrastructure; the National Registry sets up voting booths; citizens cast only one ballot, and so on. Throughout this thesis, I often refer to civil society's use of extractive-related *consultas populares* interchangeably as "citizen-activated institutions," "civil society institutional implementation," or some variation of the two. Some may take issue with this and contend that activation and implementation are analytically distinct concepts. I agree in theory, though I argue here and emphasize in chapter five that activation through civil society mobilization is a necessary first step when explaining variation in *consulta* implementation. Simply put, communities cannot put the *consulta* into practice unless they overcome the initial barrier of articulating demands for its use.

When civil society moves beyond activation to implementation (chapter six), I refer to each step toward holding a *consulta* vote as "progress toward implementation." I explain

my coding of cases in further detail in chapter six, but to summarize here: I measure progress along a zero to five scale according to the bureaucratic milestones that pro-*consulta* movements must achieve in order to hold a legally recognized referendum. This process primarily involves obtaining approvals from various levels of local, regional, and national government bodies before the vote can be held. While progress cannot be reversed, efforts can get "stuck" at various points along the way. For example, civil society may successfully organize protests calling for the implementation of a *consulta* (thereby reaching stage one), but be unable to collect enough signatures to register a formal petition with the National Registry. This case, would therefore end up "stuck" at stage one of implementation.

As a final note, this thesis leaves to the side what scholars like Lindsay Mayka have identified as the final step in building participatory institutions—routinization or institutionalization. This step is reached when "use of the institution is routinized so as to become the normal rules of the game, even taken-for-granted venues for state society negotiation on policy issues" (Mayka 2019a:5). In October 2018, Colombia's constitutional court ruled that the use of *consultas* to block extractive projects violated Colombia's constitution (M.P Cristina Pardo Schlesinger 2018). All pending *consultas* would henceforth be cancelled and no future extractive-related *consultas* could be scheduled. In part because the use of the institution provided such a strong challenge to the status quo, *consultas* never got to the stage of routinization.

Research design

How are participatory reforms activated and by whom? What conditions make civil society-led activation and implementation of participatory institutions more likely? How is this process affected by contexts of historical and active violence? I employ a mixed-methods research approach to answer these questions in the chapters that follow. Through an analysis of local press and government documents, I constructed an original dataset of 102 attempts to implement municipal-level referenda related to extractive projects in Colombia between 2013 and 2019. This dataset serves as the backbone of my first two empirical chapters (five and six) as I seek to understand the roles of civil society and veto players in Archimedes' Lever and pinpoint the conditions that make institutional activation and implementation more likely through different forms of regression analysis.

The results of these statistical chapters inform the data analysis that follows in my final empirical chapter (seven). Over three months of fieldwork in 2019, I conducted interviews with local activists, NGO representatives, academics, and politicians based in both the capital city of Bogotá and outer lying regions. When my plans for additional fieldwork were disrupted by the COVID-19 pandemic, I had to shift my plans. Rather than returning to Colombia, I augmented my existing data with online follow-up and original interviews with NGO representatives and activists to answer a nagging question that emerged from my statistical findings: if connections to NGOs and expert allies are so crucial to democratization, how do NGOs with limited funding triage requests for support and justify their decisions? I answer this question by analyzing all in-person and online interviews, field notes, and documentary evidence using an inductive approach.

Thesis Overview

This thesis presents a model to explain how civil society can (sometimes) activate and implement democratic reforms from below to challenge national government policies and priorities. Chapter two situates this argument in the existing literature of democratic participation and social movements before explaining the Archimedes' Lever model in further detail. It describes how variation in conditions related to business power, local movements, accidental gatekeepers, and the state come together to explain the rare successes in *consulta* implementation across Colombia, as well as outlining the scope conditions of my theory. The thesis then turns to empirical data and analysis.

Chapter three describes the methods and samples that I leverage to develop and provide evidence for my theory. It explains how I constructed the *Consultas Populares in Colombia* (CPC) database, including a description of inclusion and exclusion criteria. The chapter also justifies my decision to focus on Colombia as my primary case study; I explain why civil society activation of *consultas populares* represents a least-likely case that is useful to tease out the conditions and causal mechanisms that drive democratization from below. The chapter concludes with a discussion of how my approach to qualitative data collected evolved in response to the global coronavirus pandemic and related ethical concerns.

Chapters four, five, six, and seven examine the different components of Archimedes' Lever: the position of the lever (four), civil society (five), veto players (six), and allies (seven). Chapter four offers a background on participation, extractives, and Colombia's armed conflict that helps explain how the fulcrum of Archimedes' Lever for civil society-led institutional activation has changed over time in Colombia. I contextualize

my study of *consultas populares* by weaving together the histories of Colombia's armed conflict, the development of the mining and oil sectors in the country, and the national government's attempts to introduce participatory reforms. These histories explain both why participatory reforms like the *consulta popular* have been "dormant institutions" in Colombia, and why communities have been motivated to activate them to stop extractive development.

Chapters five and six apply statistical analyses to the CPC dataset to identify the factors associated with institutional activation and implementation, respectively. Chapter five has two main goals, both of which aim to answer the research question: where do communities choose to implement participatory reforms? The chapter's primary focus is on community mobilization and activation of the institution as the first step toward local participation. Chapter six of my thesis asks, what happens after activation? Its analysis focuses on the role of veto players on the lever. It begins by outlining the steps community groups must confront as they coordinate with local, regional, and national government bodies to organize and carry out their proposed vote on extractive development. After identifying potential obstacles posed in each step of the process, I examine the conditions under which are able to block progress move through each subsequent stage of progress toward implementation. My final empirical chapter, chapter seven, zooms in on the civil society side of Archimedes' Lever to delve deeper into the relationship between local movements and their support structures. The thesis concludes with a summary of the most salient findings of this study and a reflection on their practical implications for Colombia and beyond. The research presented here looks specifically at the Colombian case, but some of its findings could apply more broadly. Common processes of consultation have

failed in conflicts over extraction (and other sensitive issues) in Latin America and the rest of the world. Understanding the conditions under which other forms of democratic participation have succeeded for communities in Colombia can help scholars and activists envision alternatives to conflict elsewhere.

Chapter 2 - Archimedes' Lever

> "That was the real discussion we believed was behind the issue, beyond mining itself—it was about participatory mechanisms in Colombia and how they have been conceived … [other mechanisms] didn't have the kind of force of participation that the *consulta* allowed, or at least in the way that the *consulta* emerged to block mining projects… We have a ton of participatory mechanism, but they have only been applied as mechanisms for the socialization of information. But participation where people's opinions really have an impact or achieve a change in public decisions? That doesn't happen*." Interview with NGO staffer.*

> "It isn't just that the people are voting. It's that the people are *deciding*… in a country with so many years of political violence—which continues today despite the demobilization of the FARC—it is really important and significant that people try to resolve their differences through a vote*." Interview with NGO staffer*

Introduction

As the people of Piedras, Tolima cast their ballots in Colombia's first mining-related *consulta popular*, they set an extraordinary message about the potential for participatory mechanisms to channel civil society grievances into formal democratic institutions. It was not only the target of the vote that was significant but also the *nature* of the institution. The *consulta* provided an opportunity for the citizens of Piedras to have a direct say in the development of their territories, as the result of the vote, per the constitution, would become law. Citizen-activated participatory institutions hold the potential to transform public policies. The example of Piedras offered a rare glimpse of hope for some communities in Colombia that similar activation of participatory institutions could lead to empowerment in areas historically isolated and repressed by political violence.

But while the vote in Piedras may have instilled hope, the difficulties that other communities faced when organizing their own *consultas populares* reflected a common challenge of implementing participatory institutions. Since Latin America's inclusionary

turn in the 1990s (Kapiszewski, Levitsky, and Yashar 2021), numerous scholars have attempted to explain the persistent gap between the provision of participatory mechanisms in law and their implementation and enforcement in practice. Participatory institutions are often seen as either inherently weak or weakly enforced, leaving the promise of reform unfulfilled in most cases. How have civil society groups in some communities in Colombia escaped this paper-parchment gap to implement the *consulta popular?* What conditions make this type of transformative[9] participation more likely?

This chapter establishes the theoretical framework that this thesis uses to answer the above questions. In brief, my main argument asserts that we need to reconceptualize the struggle between those in favor and against the implementation of participatory institutions. Scholars often invoke language of a "balance of power" between these two factions, analyzing the relative motivations and force of actors on either side. I do not outright reject this framework. What I argue is that instead of seeing this balance of power as one that occurs across even scales, we are better served by thinking of this contest as taking place across a lever—Archimedes' Lever. What matters, therefore, is not only the force on either side of the issue, but also the position of the fulcrum.

The chapter undertakes four tasks as it develops the Archimedes' Lever framework. First, I provide an overview of how existing scholarship has accounted for variation in the implementation of participatory institutions across the region by invoking a balance of power framework. I argue that this framework provides a useful starting point to explain

[9] As I note in the introductory chapter to this thesis, I use the term transformative along the same lines as Brinks et al. (2020:7) to mean having the potential to "move outcomes away from the status quo." They act in contrast to conservative institutions or mechanisms that "seek to preserve the status quo in the face of potential change" or whose outcomes are nonbinding and therefore do not have the power (alone) to change the status quo. Goldfrank (2021:119) calls this "meaningful" participation.

variation in the implementation of citizen-activated participatory institutions. It assumes, however, that activation and enforcement are ultimately carried out by state agents responding to pressure from either side. Instead, I suggest that citizen-activated institutions require us to center the agency of civil society groups and their allies. With this in mind, I propose that we are better served by visualizing the contest over institutional implementation through the metaphor of Archimedes' Lever. The rest of the chapter is devoted to developing the lever analogy, defining each component and scope conditions to set out the analytical scaffolding for the rest of the thesis. I conclude by expanding on how this chapter's theory ties into the thesis's concept of democratization "from below."

Explaining the "paper-parchment" gap

The transition away from authoritarian politics during Latin America's "third wave of democracy" ushered in a period of democratic reform; new constitutions or significant constitutional reforms introduced direct and participatory institutions into the legal frameworks of most countries across the region (Brinks et al. 2020; Cameron et al. 2012; Kapiszewski et al. 2021; Mayka 2019a). Yet as Lindsay Mayka notes, (2019a:2) "[s]imply passing initial legislation is not enough to ensure that a participatory institution becomes a space in which civil society can have a voice in policy-making." Indeed, the quotations that opened this chapter indicate that this has been the case in Colombia. In some instances, participatory institutions have remained "dormant" (Levitsky and Murillo 2013), existing only on paper with no or few efforts to implement them in practice. Others have been invoked frequently but only have had a weak impact on related political decisions. Instead, they have served to "socialize information" rather than directly influence policy. The result

of participatory reforms introduced in the 1990s and 2000s, therefore, has been a mismatch in the transformative potential of participatory institutions on paper and their use in practice.

Ironically, it is precisely the transformative potential of participatory institutions that many scholars pinpoint as the root of the paper-parchment gap in participation. By offering greater agency and influence to members of civil society, participatory institutions threaten to upend traditional political and economic power structures. Brinks et al. (2020:2) outline the wide-reaching potential of these reforms, illustrating both the breadth and depth of potential areas of reform: "if laws aimed at eliminating corruption, clientelism, racial discrimination, or violence against women, or rules designed to redistribute income to the poor, enforce property rights against squatters, or protect the environment were actually complied with over time, the social and distributional consequences would be enormous. So the stakes of institutional compliance and durability are high." As participatory or direct democracy[10] reforms hold the potential to transform politics at the local, regional, and national levels, existing scholarship addressed opposition and support for reform at each of these levels of analysis. I separate these approaches into those that address macro-level political cleavages and those that focus on local-level institutions and bureaucrats charged with enforcement on the ground.

The first camp includes studies that attribute variation in implementation to political ideology and party politics (Balderacchi 2016; Barczak 2001; Goldfrank 2021;

[10] Direct democracy is often used to refer to electoral mechanisms (e.g. referenda, plebiscites, and recalls), whereas participatory institutions may include spaces for consultation rather than direct change, such as FPIC (Altman 2011). I use the terms "direct democracy" and "participatory democracy" interchangeably in this thesis, as I am primarily concerned with participatory institutions that are transformational rather than consultative.

Rhodes-Purdy 2017; Wampler 2007) and the embeddedness of institutional design in broader reform efforts (Abbott and Goldfrank 2021; Mayka 2019a; Montambeault 2016). Given that many institutional reforms were first introduced by Leftist governments, one hypothesis is that countries were more likely to see general implementation by administrations along the left of the political spectrum (Goldfrank 2021:119). This has indeed been the case when the party in power has explicitly backed or introduced particular reforms, Brazil's Workers' Party (*Partido dos Trabalhadores*; PT) promotion of participatory budgeting programs being a quintessential case of the latter (Baiocchi 2005; Rhodes-Purdy 2017; Wampler 2007).

General support for some participatory institutions does not necessarily imply a full embrace of wholesale reform implementation. Incumbents are often wary of expanding participation beyond their base. Especially in contexts of significant political polarization, governments have tried to limit implementation of participatory venues for the entire population to forestall their use by political opponents (Balderacchi 2016). In these cases, the implementation of participatory mechanisms can serve as a strategy to bolster the incumbent rather than offer an avenue for political transformation. Politicians like Hugo Chávez in Venezuela or León Febres Cordero in Ecuador used direct democracy mechanisms to legitimize their regimes and erode representative institutions (Altman 2011; Barczak 2001). By bypassing recalcitrant legislatures to elicit the "will of the people" in plebiscites, these leaders on both the left and the right have ignored the idea of participatory mechanisms as a complement to representative democracy by replacing the latter with the former.[11]

[11] Infusing participatory mechanisms with party politics does not always result in the perversion of the participatory ideal. Indigenous groups in Bolivia, for example, recognized the importance of political

It is intuitive that the implementation of participatory reforms would be more likely when the parties or leaders in charge promote their use and less likely when existing power structures seek to maintain the status quo. Nonetheless, some scholars have noted that the institutional design can help dismantle opposing power structures, resulting in surprising cases of implementation. Mayka (2019a) points to the origins of institutional reforms as a crucial factor for implementation; when participatory institutions are designed as part of sectoral reform, they can disrupt the status quo by breaking existing alliances. The resulting institutions are more likely to approximate the type of inclusive or transformational participation that interest this thesis. In contrast, when reforms are "layered on" (Mahoney and Thelen 2009) to existing institutions, opponents are easily able to undermine institutional implementation once the political spotlight fades (Mayka 2019a:7). To illustrate the difference between these two processes, Mayka compares the widespread adoption of health councils across Brazil as part of a broader sectoral reform to the uneven and weak implementation of planning councils in Colombia after the 1991 Constitution introduced a less targeted package of reforms. Stephanie McNulty (2019) also emphasizes the importance of these "critical junctures" in overcoming vested political opposition to participatory institutions.

The above-mentioned scholarship tends to focus on the implementation national-level reforms—that is, those that elicit participation from the national electorate (e.g. plebiscites) or are adopted across a nation's territory (e.g. Mayka's health councils). Meanwhile, scholars of institutional weakness in Latin America have sought to expand the

incorporation as a way to strengthen the institution of prior consultation. Social movement leaders thus sought to build political parties and run for election in order to enforce prior consultation from *within* government (Falleti and Riofrancos 2018). It is important to note, however, that political incorporation in this case happened *after* implementation.

literature on participatory reforms to examine variation in local-level implementation across a country or region. In these studies, meso- and micro-level interactions between local elected officials, local constituents, and bureaucrats from agencies charged with enforcement are highlighted to account for variation in activation and/or implementation.[12]

Understanding these interactions requires acknowledging the agency and motivations of particular government officials. In this view, the policies of government decentralization that accompanied many of the participatory reforms of the 1990s and 2000s were both a blessing and a curse. Institutional implementation requires a baseline degree of local government capacity and resources that depend on decentralization (Goldfrank 2011). At the same time, decentralization may actually make enforcement *more* difficult in some cases. Decentralization increases local government resources, but it also weakens oversight. This poses problems when the implementation of participatory institutions requires cooperation from bureaucrats and politicians who may not hold strong ideological commitments to expanding participation (McNulty 2019). When lack of oversight translates to weak incentives from party officials either in favor or against implementation, variations from official to official are likely to reflect local-level political calculations. Alisha Holland's (2017, 2020) work in Peru and Colombia, for example, demonstrates how government officials tasked with enforcing policies governing eviction or street vending in particular neighborhoods can be deterred from carrying out their duties

[12] As discussed in the introduction to this thesis, I understand the use of *consultas* and other participatory mechanisms to be a two-step process, along the lines of Rodriguez-Franco's (2017:50) distinction between activation vs. enforcement. Activation is the process through which an institution becomes known and emerges as part of an actor's repertoire of action. In Levitsky and Murrillo's (2013) words, activation is the moment when an institution changes from being "dormant" to used in practice. Implementation (used interchangeably with enforcement) refers to the process by which an institution's function is carried out "by the usual enforcers—the bureaucracy and the judiciary)". As Rodríguez-Franco notes, activation can be the result of enforcement, but they are conceptually distinct.

when they perceive high political or social costs from doing so. Importantly, these costs are distinct from partisan concerns. Rather, they reflect a combination of citizen contestation and local electoral incentives—local being a function of the relevant voter base. Similar logics underpin Yanilda Gonzalez's (2021:29) investigation of the (non)implementation of police reforms in Brazil, Argentina, and Colombia.

At the heart of both these macro- and local-level explanations of institutional implementation is the notion of a balance of power between two opposing camps. At the level of political parties, the organization of a plebiscite may signal the strengthening executive power of a populist leader over a recalcitrant legislature (Barczak 2001). At the neighborhood level, mayors may choose to let squatter settlements stay on public lands in order to build goodwill among potential voters, despite pressure from national policy-writers (Holland 2020:132–33). Each instance of institutional (non)implementation reflects the relative strength of one side of the balance. The next section of this chapter describes this balance in more detail.

Balancing powers and institutional implementation

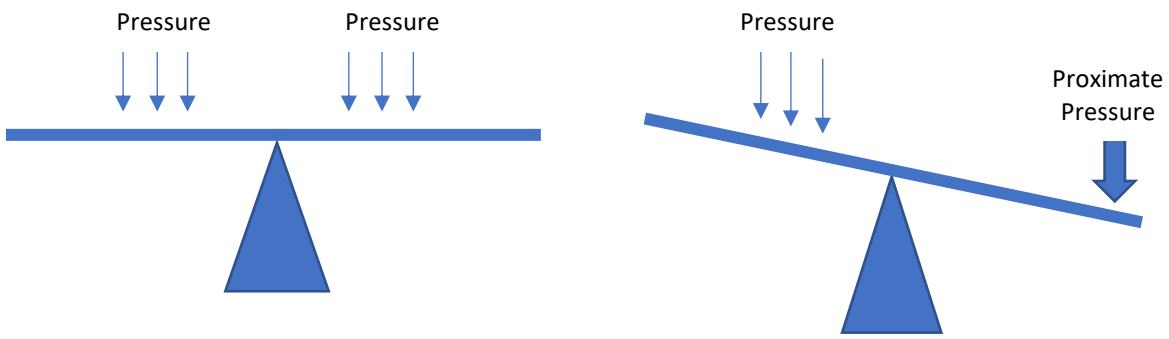
In their edited volume on institutional weakness in Latin America, Brinks et al. (2020:24–25) propose a general framework for understanding institutional strength that we might apply to institutional activation and implementation. Their model assumes "that for every institution, there exists one coalition of actors that supports it and another coalition that opposes it and prefers an alternative outcome." Institutions are activated and then enforced when the "coalition supporting the institution strengthens such that it either gains control of enforcement or exerts greater influence over those who control it" either through

electoral success, intense social pressure, or a combination of the two. According to this model, pressure on either side of the balance is additive. Enforcement depends whichever side can exert greater force.

Matthew Amengual and Eduardo Dargent (2020:164–65) refine this model by distinguishing between two types of pressure that may tip the balance in favor/against institutional implementation (see figure 2.1). The balance of diffuse pressures—those that influence the overall political calculus of enforcement—determines general trends of enforcement. Examples of diffuse pressure might include a politician's decision to reduce or increase enforcement of labor regulations across an entire sector to win the support from important business leaders (Amengual 2016; Amengual and Dargent 2020). Diffuse pressure, as the most consistent type of pressure, sets overall trends of enforcement. Actors with vested interests in particular instances of enforcement can apply proximate pressure to upend the balance of power. This type of highly coordinated pressure can momentarily upset the general diffuse power of opponents but does not change the overall balance of power. To use Amengual and Dargent's example, "a firm that violates environmental regulations may take action to avoid enforcement on that firm, without taking actions that alter the political costs or benefit of enforcement overall in the firm's industry (e.g. advocating against enforcement on the firm's competitors). Civil society groups can also take advantage of opportunities for proximate power to mobilize around particular instances of enforcement. By concentrating mobilization around one instance of enforcement—for example, enforcing environmental protections after a major oil spill—civil society forces state agents to override the preferences of business actors.[13]

[13] In contexts of low state capacity, Amengual and Dargent (2020:165) contend that a lack of diffuse opposing pressure may not necessarily lead to enforcement. Officials may choose to avoid enforcement and

Figure 2.1. Balance of power model



(Author's elaboration adapted from Amengual and Dargent 2020)

According to the balance of power framework, we should expect the implementation of participatory institutions to depend on how state agents respond to the combination of diffuse and proximate power acting for/against implementation. In the case of *consultas populares*, the match-ups between rural communities and business elites engaged in conflicts over extractive development are likely to skew to the side of businesses as the stronger source of diffuse power. Businesses, in general, should be able to counteract civil society's diffuse demands for mechanisms of accountability. However, when civil society coalesces around a particular point of implementation (e.g a mining project in one municipality) and builds coalitions with NGOs and other actors to strengthen its proximate pressure, we may see some examples of success where local mayors and relevant state agencies implement the relevant institution. Indeed, this story seems to resemble that of the few successful *consultas populares* in Colombia.

Yet there are some notable empirical examples that challenge this framework. The attempted *consultas* in Cajamarca, Tolima and Jericó, Antioquia, for example, targeted the

allocate limited funds elsewhere unless there is also proximate or strong diffuse societal or political pressure *in favor* of enforcement.

same multinational company and concerned gold mining projects of comparable sizes and phases of exploration. On the side of civil society, local communities forged alliances with a near identical set of NGO and expert allies to exert proximate pressure on the proverbial scale. Cajamarca's *consulta*, however, proceeded to completion, while Jericó's effort stalled at initial stages of implementing the institution. With different outcomes despite near equal pressures on either side of the scale, the comparison of Jericó and Cajamarca illustrates a possible problem with the balance of power framework. Why does the "right" amount of pressure not tip the scale in both cases?

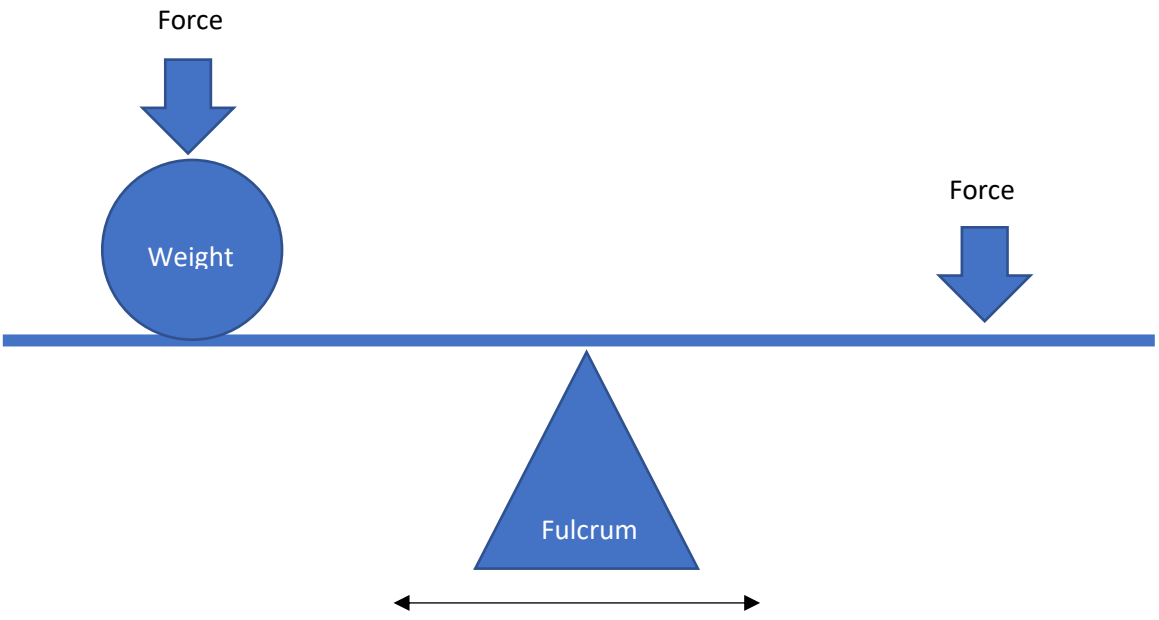
Deploying Archimedes' Lever

What the balance of power framework misses is an important aspect of *consultas populares* and other instances of citizen-activated participation: that the bulk of implementation is actually carried out by civil society (See Rodriguez-Franco 2017:ch.2). Members of civil society take the lead in identifying a dormant institution, socializing information about the institution's purpose and appropriate use, and normalizing use of the institution within and outside of the community. Put differently, civil society is the agent of implementation for these institutions, not simply a source of pressure on state agents. With this in mind, I argue that we must rethink how we conceptualize institutional implementation for citizen-activated institutions.

I contend the balance of power for citizen-activated participatory institutions occurs across a lever, rather than a scale. I borrow and adapt this framework from Leigh Payne, Gabriel Pereira, and Laura Bernal-Bermudez (2020), who invoke the analogy of Archimedes' Lever to explain why weak groups are sometimes able to overcome

overwhelming odds to achieve justice in human rights trials against businesses. “It is a framework,” they offer, “for putting in the hands of actors the right tools to lift the weight of impunity and promote accountability for victims” (Payne et al. 2020:24). The lever consists of three components: “the weight to be lifted; the force applied to lift the weight or to keep it down, and the placement of the fulcrum. By moving the fulcrum closer to the weight, Archimedes showed, less force is necessary to lift even very heavy weights” (see figure 2.2) When the fulcrum is in the neutral position, the lever may appear similar to the scale in figure 2.1. The key distinction between the two frameworks is that the position of the fulcrum determines the overall impact of pressure on either side of it. In other words, pressure is not necessarily additive.

Figure 2.2. Archimedes’ Lever model



Source: adapted from Payne et al (2020:50).

In Payne et al.'s analogy, the weight represents accountability for corporate human rights violations. In this thesis, the weight is micro-level democratization through transformative civil society participation. Lifting it requires the activation and implementation of participatory mechanisms that allow citizens to meaningfully contribute to policy decisions from which they have historically been excluded. What holds the weight down is pressure from veto players—in the case of *consultas*, pressure from business interests.

In adapting Payne et al.'s Archimedes' Lever analogy from the context of transitional justice to the issue of democratization, I consider different determinants of context and power on either side of the fulcrum. Whereas Payne et al. (2020) look to the international context as the main factor that determines the position of the lever's fulcrum, I look to domestic, democratic conditions. I argue that, when the analogy is applied to participatory democracy, the fulcrum's position reflects the the alignment of *de facto* and *de jure* support State support for participation; in other words, the combination of political, judicial, and legislative support/opposition to broadening political participation either in general or on a particular policy issue. This position is particularly sensitive to the "deep power asymmetries" between the business and political elite compared to civil society groups that determine access to the public sphere in most countries, but especially those in Latin America (Rodríguez Garavito and Santos 2005:8). In this way, the fulcrum's position mirrors what James Mahoney and Kathleen Thelan (2009:19) describe as the political context for institutional change in general.

As in Payne et al.'s (2020) application, the position of the fulcrum is not necessarily deterministic for the outcome of a particular attempt to activate transformative

participation. Rather, fulcrum position serves as a potential scope condition for the likelihood of success for citizen-activated institutions. I view this as another benefit of the lever framework over the traditional balance of power. While the amount of pressure on either side of the lever provides an indication of likelihood of institutional activation in any one instance, the position of the fulcrum signals to civil society when civil society-activated institutions are an appropriate tool to begin with. In the following sections, I examine three different positions where the fulcrum can sit—exclusionary, inclusionary, and the Realm of Possibility—that determine the possibilities for participation.

Table 2.1. Summary of possible fulcrum positions

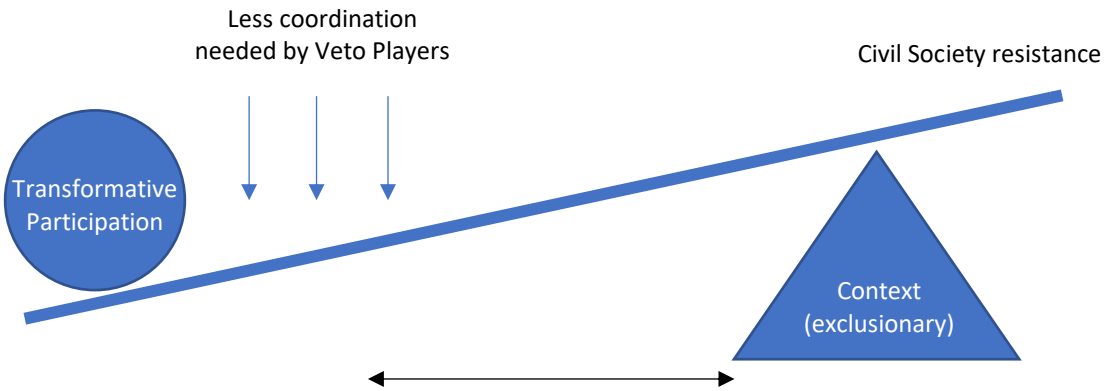
Fulcrum position	Political context	Legal framework
Exclusionary position	Exclusive	Exclusive
Inclusionary position	Inclusive	Inclusive
Realm of Possibility (RoP)	Exclusive	Inclusive

Exclusionary position

The fulcrum sits in an exclusionary position when political power structures are unfavorable toward citizen participation and there is either no legal framework for participatory democracy or participatory institutions are purposefully designed to be weak and non-binding. There are few political incentives for state agents to initiate or facilitate participatory institutional implementation from the top-down, and citizens cannot themselves identify institutions to activate from the bottom-up. An extreme example of where we would see the fulcrum in this position is under an authoritarian regime that depends on an elite ruling coalition, like those that characterized Latin America's Southern Cone in the 1970s and 1980s. Citizens may be called on to participate in some arenas, but this form of participation is unlikely to be transformative. Plebiscites will likely only be

called when the outcome is guaranteed (Altman 2011). The result of Chile's famous 1988 referendum that ended the rule of General Augusto Pinochet, for example, seemed unlikely when the vote was first organized. Indeed, opposition parties were initially hesitant to even participate (Kornbluh 2013:430–34).

Figure 2.3. Archimedes' Lever model in the exclusionary position



We also see the fulcrum sit in this position when certain sectors that have resisted democratization or where elite interests are particularly influential. Yanilda González (2021) documents how civil society convergence has failed to move reform efforts in the "authoritarian enclave" of the police in Brazil and Colombia. Politicians' reliance on the police to maintain rule of law helps support police resistance to institutional reform from challenges by civilians. Spaces for participation are rendered "window-dressings" and do not lead to substantive reforms. In sum, when the fulcrum is in the exclusionary position, the outcome of any form of institutional participation will tend toward maintaining the status quo.

When the fulcrum sits in an exclusionary position, civil society demand and coordination are unlikely to engender transformative participation through institutions. Citizens will therefore turn to other channels to make their voices heard and may even opt

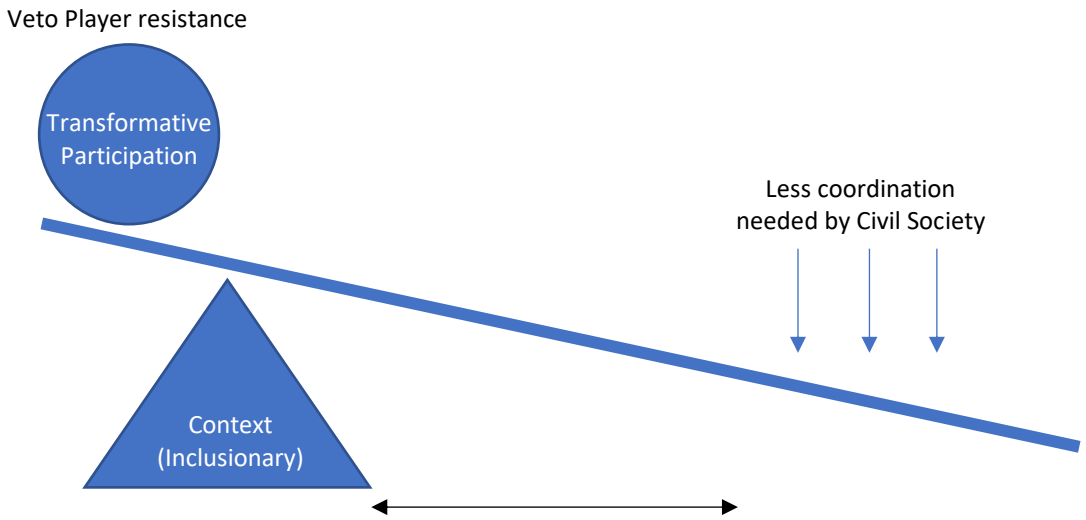
out of existing participatory processes. This has been the case for some indigenous communities frustrated by the weakness of processes of free, prior, and informed consultation. For instance, members of the U'wa community in Colombia refused to engage in prior consultation over construction of the Occidental oil pipeline through their lands, as they viewed the process as illegitimate due to its non-binding nature (Jaskoski 2020). Instead, community members turned to forms of direct action—blocking pipelines, protesting, and threatening collective suicide—to halt development on their territory. Their refusal to be consulted was explicitly aimed to highlight the exclusionary nature of the institution of prior consultation and delayed project progress. Weak participatory institutions may provide reference points for action, but civil society may find that refusal to engage rather than participation serves as a more powerful means to their ends.

Inclusionary position

When participatory reforms were introduced as part of Latin America's "inclusionary turn", the writers of these new constitutions attempted to move the fulcrum of transformative participation to the inclusionary position. In this position, the fulcrum is located very close to the weight, and the lever requires relatively little force from civil society groups to activate transformative institutions for participation (see figure 2.4). The fulcrum sits in this position when a country's legal framework creates participatory institutions that are broadly inclusive and that allow citizens to directly influence state policies or actions. This legal framework is complemented by the existence of politically powerful actors within the state who promote participatory reforms from the top-down and/or are highly receptive to civil society demands for participatory reforms. Some degree

of civil society coordination is required for citizens to understand how to participate, but the bulk of resources and technical support is provided by local and/or national governments. In sum, both *de facto* and *de jure* state support exists for transformative participation.

Figure 2.4. Archimedes' Lever in the inclusionary position



When the fulcrum sits in this position, we are less likely to see civil society activate participatory institutions by themselves, as they are more easily able to channel participation into state-backed institutions. The implementation of participatory budgeting in Porto Alegre, Brazil and by the PT more broadly throughout the county is likely the closest approximation to this ideal in practice. Civil society's demand for implementation did not meet massive resistance from political officials. Instead, local party leaders and government officials worked with civil society to design and put into place participatory policies (Baiocchi 2005; de Sousa Santos, Boaventura 1998; Wampler 2007). Fully inclusive contexts, however, are rare in practice. Even in the case of participatory budgeting, observers have raised questions about how inclusive and impactful the institution truly is (e.g. Wampler 2008). Members of civil society may still be excluded

(intentionally or unintentionally) from state-backed participation due to their gender or economic barriers (McNulty 2015).

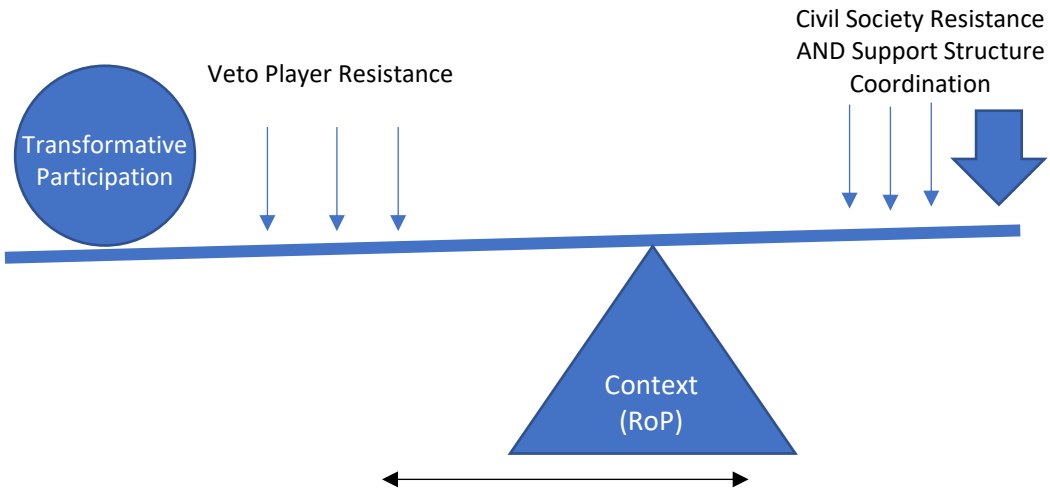
The Realm of Possibility

I argue that, in most cases, the fulcrum lies somewhere in between the above extremes in what I call the Realm of Possibility (RoP). This is the case in Colombia today. Steve Levitsky and María Victoria Murillo (2013) suggest that the country's 1991 Constitution, like many participatory reform efforts in Latin America, was built on "weak foundations." Governments were eager to introduce new participatory institutions into law but reluctant to address the underlying power imbalances and exclusive political structures that would make reforms difficult to implement. The result is an "incongruence between formal rule-making processes and de facto power holders" that shifts the fulcrum away from inclusion despite *de jure* support for transformative participation (Levitsky and Murillo 2013; Rodriguez-Garavito 2014:10).

The reality of Latin America's "inclusionary turn" has therefore been one of piecemeal shifts with many legal institutions and provisions representing "aspirational laws" (Htun and Jensenius 2020) rather than a true shift in the position of the fulcrum. Institutions implemented from above (by state actors) are those that "seek to achieve less change—are less likely to trigger opposition from informal veto players and are thus more likely to take root. By contrast, institutions that are ambitious in their design—those that seek to achieve greater change—are more likely to threaten the interests of powerful actors" (Levitsky and Murillo 2013:106). While the discussion in this thesis is focused on Latin America, it is by no means unique in this form of "layered on" or piecemeal

institutional change. We can see similar patterns in the roll-out of decentralizing reforms in post-conflict Sierra Leone, for example (Casey, Glennerster, and Miguel 2012; Jackson 2005).

Figure 2.5. Archimedes' Lever in the RoP



This is the position where civil society is most likely to activate participatory mechanisms from the bottom up, as they must use their own resources to force implementation. The absence of political support for transformative participation in the RoP resembles the exclusionary position. Meanwhile, the existence of legislation supporting strong participatory institutions moves the fulcrum toward the middle of the lever. Put differently, *de facto* state support for transformative participation is absent, but *de jure* support is present. The fulcrum is neither fully exclusionary nor fully transformative, but it can be swayed slightly in either direction in particular instances.

Looking at figure 2.5, the lever in the RoP looks strikingly similar to Amengual and Dargent's balance of power framework. Yet the key to the RoP lies in how shifts in the position of the fulcrum within the RoP across space and over time can contribute to variation in the implementation of citizen-activated institutions. We can look to the case of

Colombia to see how this works empirically. For instance, mining titles in the department of Antioquia are governed by a separate entity—the Mining Secretary of the Department of Antioquia (*Secretario de Minas del Departamento de Antioquia*)—rather than the National Ministry of Mines. This difference in the bureaucratic structure of extractive policy development seems to have pushed the fulcrum of Archimedes' Lever toward the more exclusionary position in Antioquia compared to the rest of the country; mobilizations for *consultas populares* in that department have struggled to progress beyond initial stages of mobilization. Put differently, de facto support for participation within government entities looks different across regions of Colombia.

The fulcrum can also change positions within the RoP over time. In 2015, a ruling by Colombia's Constitutional Court allowed civil society groups to organize *consultas pouplares* through petitions. Rather than waiting for their mayors and municipal councils to approve a *consulta*, local leaders could gather signatures from local voters and submit their petitions directly to the National Registry to kickstart the bureaucratic process of institutional implementation. This change in the *de jure* rules governing institutional implementation shifted the position of the fulcrum within the RoP toward the inclusionary position and may help explain the dramatic increase in municipalities mobilizing to hold *consultas populares* from 2015 onward. Continued resistance to participation from national-level politicians, however, kept the lever's macro position in RoP, preventing most of these movements from achieving full institutional implementation.

These subtle movements of the fulcrum within the RoP, along with the force of veto players and civil society on either side of the lever, is what explains variation in the

implementation of citizen-activated institutions. The rest of this chapter and chapters four through seven develop each of these components in depth.

Context: state support

I begin this section by discussing the main variable that determines the position of the fulcrum: state support. I understand state support as a dynamic concept that is determined by the interaction between different state actors and agencies. The state is not a monolith; different branches may take different stances toward citizen participation on various policy issues. Even if the national executive branch is hostile toward the implementation of participatory institutions, the fulcrum may still be pulled toward the inclusionary direction if the legislature, judiciary, or bureaucracy is more amenable to civil society demands. Likewise, pressure from firms or other opponents to participation may sway local officials toward exclusion despite a supportive judiciary. Different actors within the state therefore, can be influenced by the other components of the lever as each side jockeys for leverage. Competition and incoherence *between* state institutions, however, make major shifts in the fulcrum's macro position less likely (e.g. from exclusionary to inclusionary, or from the RoP to exclusionary) and grant a degree of independence from civil society and veto players. Such large swings tend to accompany broader political transitions. Chapter four examines how these shifts in the macro-position of the fulcrum have occurred in Colombia.

In the Archimedes Lever framework, I place special emphasis on the judiciary as a possible check on the executive within the state. Numerous studies (González-Ocantos 2016; Rodriguez-Garavito 2011; Rodríguez-Garavito 2014) have cited Latin America's

constitutional courts as bodies that have taken activist positions in protecting and expanding civil society's rights. Decisions that reinterpret constitutional provisions may open legal opportunities (Vanhala 2012, 2018b, 2018a) for citizens to pursue institutional activation from the bottom-up. That said, there are constraints on the power of the judiciary to support citizen-activated institutions. Judicial activism requires a strong separation of powers in government—a condition that is not always present in Latin America and other regions of the Global South (Balderacchi 2016). Furthermore, judicial interpretations of a particular provision in support of participation can be reinterpreted by later iterations of the court. Indeed, Daniel Brinks and his co-authors (2020:23) cite judicial interpretation as a key source of institutional instability. This push and pull—between the executive and the judiciary and members within each branch—influences the position of the fulcrum between and within the three positions laid out above.

State support may also change over time as a direct response to citizen-led institutional activation. In her study of civil-society led implementation of planning councils under President Álvaro Uribe, Lindsay Mayka (2019b:109) observes that civil society's success in early cases precipitated stronger government opposition to the institution. In her words, "society-driven participatory institutions that succeed in developing policymaking roles can trigger a backlash. After all, a participatory institution that exists solely on the books does not threaten a government's agenda and does not need to be shut down." Executives threatened by participatory institutions will move quickly to limit their use (Balderacchi 2016). Early attempts to implement institutions, therefore, may enjoy an early mover advantage. Citizens activating the *consulta popular* in Piedras, for example, were able to "take the state by surprise" (Rodriguez-Franco 2017) through their

adaptation of the *consulta*. Later mobilizations had to face government opposition from the starting stages of mobilization. As social movements scholars would put it, the political opportunity (McAdam 1986; Meyer and Minkoff 2004; Tarrow 2011) for civil society to activate the *consulta* had begun to close.

In sum, state support for transformative participation serves as both a determinant of institutional activation and a potential battleground as the actors on either side of the lever compete for influence. The state, however, is comprised of many different actors, each of which must navigate power relations within the state and may respond differently to influence by civil society and/or veto players. State support, therefore, may respond to external actors, but it is also constrained by its own internal structure and dynamics.

Civil Society

I turn now to the actors on either side of Archimedes' Lever. As discussed in my introductory chapter, the most fundamental actor in the implementation of citizen-activated institutions is civil society. Numerous scholars have noted that social mobilization is often key to the activation of participatory institutions in general (Donaghy 2013; Falleti and Riofrancos 2018; Goldfrank 2011; Wampler 2007), but this is especially true when state support and resources are absent (Mayka 2019b). The concept of civil society can often seem vague or all-encompassing, including, for example, "all associations and networks between the family and the state" (Boulding 2014:24). For the purposes of this thesis, I focus on two main components: 1. The informal networks of citizens within a defined locality (e.g. a municipality) who engage in collective action to demand activation of the participatory institution; and 2. the more formal support structure comprised of NGOs and

experts who facilitate institutional implementation. This section explains how each component contributes to the implementation of citizen-activated institutions, such as the *consulta popular*.

Informal interactions between friends and acquaintances, along with the social networks that individuals are enmeshed in within their communities serve as the backbone of political participation—whether through direct action (Goodwin 1997; McCarthy 1996) or electoral politics (Boulding 2014). Benjamin Goldfrank (2011:18), for example, emphasizes the relative consensus among participation scholars "that the existence of community organizations is not only helpful, but a requirement of participation programs… with some recent researchers suggesting that for successful programs, local civil society organizations be especially vigorous, autonomous, and capable of contentious collective action." But how do strong informal networks translate into mobilization around citizen-activated institutions? Implementing institutional channels for participation takes significant coordination and persistence to overcome state opposition or apathy, which means that mobilization around these instruments may not be the obvious choice. To explain why communities may choose this difficult path, I turn to two broad theories from the fields of social movements and legal mobilization. I then consider how the context of Colombia's transition from armed conflict with the FARC-EP might act upon each of these theories.

Resources

A great number of scholars have attempted to explain the emergence and dynamics of social mobilization, but the most fundamental element that most scholars agree on is the

importance of a movement's ability to access and mobilize resources (McCarthy and Zald 1977). This is especially true for movements that seek to mobilize *within* the state—through the legal system (Felstiner, Abel, and Sarat 1980; McCammon and McGrath 2015; Vanhala 2012), for example—or to activate institutional reforms as is the focus of this thesis. The most basic resources are financial. Community activists seeking to implement *consultas populares* in their municipalities need money to book venues for town hall events, buy materials for posters and banners, and pay for experts to consult on legal or technical components of institutional activation. But financial resources are not the only resources that matter. Strong leadership and knowledge are also crucial for institutional activation and implementation.

Leadership is an essential resource that can take various forms within a local movement. On the most basic level, leadership is comprised of the individuals who possess the skills and social capital to convince both members of their informal networks and potential bystanders to join in the movement (Ganz 2009). They must be willing to do this when the prospects of success are unclear or even unlikely. As Jonathan Fox (1996:1090) notes, "leaders are those who pay the 'irrational' start-up costs of mobilization, long before collective action reaches the critical mass needed to produce any tangible results for participants." Leaders in some instances of collective action can come from outside of the community. In the case of extractive-related *consultas* and other instances of institutional activation in areas affected by conflict, however, I argue that effective local leaders are required for successful institutional activation. When movement participants may face repression or other serious consequences after challenging the state, personal or kinship

ties help keep the movement together (Goodwin 1997; Goodwin et al. 2001; Parkinson 2013).

Movements must also possess a minimal knowledge of the institution to demand its implementation. Accessing this information is not always easy. Colombia's 1991 Constitution outlines hundreds of new participatory mechanisms—so many in fact, that the director of the national government's Directory of Democracy, Citizen Participation, and Communal Action told me in November 2019 that her team had just recently began to map out the various institutions available to citizens.[14] Diana Rodríguez-Franco calls the people who have this information "knowledge-bearers" (2017:50) and considers them an essential resource for citizen-activation of participatory institutions. Local movements also require leaders who can translate this knowledge into action. These people are analogous to "institutional innovators" (Payne et al. 2020) or "policy" (Mayka 2019b) or "strategy" entrepreneurs: "those agents who may play a role in introducing new tactics into an organization's repertoire and promoting the use of particular strategies" (Vanhala 2018b:398). Leaders, knowledge-bearers, and strategy entrepreneurs may be the same or different people within a community. Sometimes, movements they may call on individuals from outside the community to fill these roles. I discuss how this occurs in chapter seven of this thesis.

Resources, and specifically leadership, may act at both the activation and implementation stages of *consulta* organization. Communities need strong leaders and relevant knowledge to channel grievances specifically toward institutional implementation rather than other, perhaps more familiar, channels of direct action. Resources are thus

[14] Interview with Hilda Gutiérrez, 8 November 2019, Bogotá.

crucial for initial stages of mobilization. I test this relationship in chapter five. Resources remain important as movements come up against challenges from political and business actors when they move from activation to implementation. When companies file legal challenges to block the scheduling of *consultas* or government agencies throw out signatures on a petition to hold a *consulta,* movements may need to obtain legal counsel and a degree of specialized knowledge to counter opposition and maintain civil society momentum. Insufficient resources may, therefore, preclude civil society's efforts to implement participatory institutions unless external allies provide assistance. I describe potential movement allies—which I refer to as both movement support structures and accidental gatekeepers— later in this chapter.

Mobilization infrastructure

Movement leaders cannot effect change on their own. They need people to mobilize alongside them. According to traditional social movement scholars, this is often easier to accomplish when a community has displayed a history of collective action. Previous protests create "mobilizing structures" (McCarthy 1996; Staggenborg 2020) or patterns of information dissemination and trust that can provide a framework for future action. These pre-existing networks have also been shown to facilitate civil society engagement with participatory institutions implemented by state actors (Montambeault and Dias Félix 2021). Movement leaders are more likely to find success if they are able to tap into existing movement infrastructure while they seek to expand civil society's repertoire of actions (Tilly 2006) to include mobilization around institutional channels.

It is important to note that mobilizing structures born from protest can be adapted to support various causes. The mobilization of *campesinos* during Colombia's 2007 and 2013 *paros agrarios* (agrarian strikes) helped socialize the language and organizational skills needed for *campesinos* to create local collectives that could lobby local governments to promote their interests (see chapter 5). The adaptation of these infrastructures is often an ongoing process. The *paros* themselves were facilitated by previous efforts to organize Colombia's rural producers around various coordinating *mesas* (Cruz Rodríguez 2017). Put simply, the existence of mobilizing infrastructures developed from either previous protest or other forms of collective organization makes mobilization to activate participatory institutions easier.

The legacy of armed conflict

In countries like Colombia and others around the world, we cannot ignore communities' history of armed conflict and its effects on civil society. Violence can impact mobilization in various ways, including civil society groups' resources, repertoires, and perceptions of opportunities for action (Lemaitre and Sandvik 2015). I focus on two main pathways through which the legacy of armed conflict can influence citizen-led efforts to activate and implement participatory institutions.

The first pathway relates to the effect of armed conflict on civil society cohesion. As discussed previously, the social fabric and social ties that constitute civil society can either help or hinder mobilization around participatory institutions. Communities' experience during armed conflict may directly affect those ties. Wars sever and remake social ties in ways that can have lasting impacts when violence abates (Wood 2008). We

often think of these effects as being detrimental to communities, but recent scholarship has also highlighted how war can help foster social cohesion. Studies have examined numerous examples of individuals and communities resisting violence during wartime (Burnyeat 2018; Kaplan 2017a; Krause 2016; Masullo 2018, 2020). These efforts span from the creation of "peace communities" where entire towns attempt to expel armed actors from their territory to everyday, individual practices of resistance. These cultures of resistance can be enduring (Spalding 2014).

There is also evidence to suggest that exposure to violence may increase pro-social tendencies on the individual level.[15] Survey experiments conducted with former combatants in Sierra Leone (Bellows and Miguel 2009), Burundi (Voors et al. 2012), and Uganda (Blattman 2009) indicate that individuals who were exposed to more violence during wartime were more likely to engage in both formal political participation and local collective organizations. What drives this effect is unclear. Studies that have tried to replicate these findings in the context of Colombia's armed conflict have tried to pin down the mechanisms driving greater political participation. Margarita Gáfaro, Patricia Justino, and Ana Ibañez (2014) have argued that increases in political participation in areas controlled by armed groups reflect individuals' fear of violence or desire to form political alliances more than their pro-sociality *per se*. I would argue that the exact mechanism—pro-sociality or otherwise—may not matter for the purpose of mobilizing civil society around citizen-activated institutions. Instead, what matters is whether these forms of wartime participation lead to social learning among participants and if the resulting

[15] See Bauer et al. (2016) and chapter five of this thesis for a more detailed overview of this field of study.

mobilization infrastructures can be reactivated by leaders seeking to implement participatory institutions.

This brings me to the second pathway through which armed conflict can affect post-conflict mobilization: its impact on civil society's organizational capacity. To understand the influence of conflict on potential leaders, I turn to the growing field of studies on rebel governance and its insights into how different armed groups exert control. The consequences of different forms of rebel governance are less studied than its causes and features in wartime (Arjona 2016; van Baalen 2021; Breslawski 2020; Mampilly and Stewart 2020). Still, some studies (Huang 2016; Vargas Castillo 2019) suggest that different forms of governance have distinct impacts on civil society. Reyko Huang (2016: ch 3), for example, points to variation in rebel governance as the key explanatory variable driving differences in postwar democratization across 127 cases of civil wars.

Following this field of literature, I argue that certain forms of rebel governance are more likely to benefit post-conflict citizen-activated institutions. Non-state armed actors often face a choice between disrupting and replacing existing civilian institutions as they take over territory or co-governing with civilian leaders using existing institutions. Ana Arjona (2016) refers to these options as "rebelocracy" versus "aliocracy." When non-state armed actors choose to maintain civilian institutions more or less in place, this governance strategy leads to stronger post-conflict communal authorities (Vargas Castillo 2019). The mechanism as it relates to mobilization around *consultas populares* is two-fold. In the specific case of anti-extractive mobilizations, the messages conveyed by environmental and *campesino* organizations leading pro-*consulta* movements largely aligned with the FARC-EP's ideology of rural empowerment. Therefore, it is possible that these groups

were more likely to survive largely intact the FARC-EP's presence during armed conflict. Second, leaders of civil society groups in areas governed by aliocracy had to find ways of negotiating and interacting with rebel leaders. These repeated interactions may serve a social learning function (Bandura 1977), building leadership skills that could be applied later on. I explore these pathways empirically in chapter five of this thesis.

Accidental Gatekeepers

So far, this chapter's discussion of civil society has focused on the role of local community members and leaders driving the process of institutional implementation. As I allude to earlier, however, local civil society members are often unsuccessful if they work alone. Alliances and coalitions are key to institutional implementation. In her investigation of the *consulta popular* in Piedras, Rodríguez-Franco highlights the importance of "cross-cleavage coalitions of actors" within a community for citizen institutional activation. Building on her insights, I argue that coalitions must look beyond their local communities as the challenges to institutional activation increase.

The importance of allies is a view widely supported by the legal mobilization literature, which acknowledges that social movements and civil society groups need specialized knowledge to activate legal mechanisms (Burstein 1991; Galanter 1974; Hilson 2002; Htun and Jensenius 2020; Vanhala 2018b). I refer to the NGOs and individuals who provide this knowledge as civil society "support structures." Developed by Charles Epp (1998, 2009), the term support structures refers to the crucial role that external actors take on as civil society groups mobilize to take on difficult opponents, such as the state or businesses in the case of citizen institutional activation. In the realm of legal mobilization,

support structures generally consist of "cause lawyers"—in house lawyers or pro-bono legal counsel that can help social movement groups litigate on a particular issue (Vanhala 2018b:398).

Who comprises *consulta* support structures? I identify three categories of actors that contribute to pressure on civil society's side of Archimedes' Lever. First are regional allies. Local movements can seek horizontal linkages with peer communities as they pursue institutional activation. These alliances typically do not involve the transfer of resources, but rather resemble opportunities for activists and community members to share common experiences, best practices, and solidarity (Spalding 2014). These linkages may be the easiest for community members to form. They are often coordinated first across smaller geographic areas, such as between a handful of neighboring municipalities. They may then organically grow linkages with groups in other areas of the country or region. With few resources between them, however, horizontal linkages are unlikely to be the deciding factor for institutional implementation by civil society.

More important than regional allies are national NGOs. In contrast to international NGOs (INGOs) that work across a few or many different countries, national NGOs include organizations that work within a single country where they are also headquartered (Stroup 2022). National NGOs are also different from grassroots organizations (GROs), which are smaller, membership-based organizations that usually operate without a paid staff (Mercer 2002). In a few words, national NGOs are formalized groups that are usually better resourced than grassroots organizations (GROs), but often work within a highly competitive national environment where they must compete for a more limited pool of donors than INGOs (Stroup 2022).

Social movement scholarship often points to transnational activists and INGOs as playing an important role in amplifying the concerns of local movements (e.g. Keck and Sikkink 1998; Smith, Chatfield, and Pagnucco 1997; Tarrow 2001). But international groups may have a limited interest in involving themselves in local efforts to implement participatory institutions. Payne et al. (2020:48) contend that "local-level mobilization and innovation does not always or even often receive this kind of international attention and support." Instead, movements turn to domestic NGOs to serve similar functions. A rural community's alliance with Dejusticia, a Bogotá-based NGO that receives significant international funding, can serve a similar function to Margaret Keck and Katherine Sikkink's (1998) boomerang model as what Pereira et al. call a "domestic boomerang" (Pereira et al. 2022). Dejusticia, in addition to providing legal support, can lift one community's objections to a mine site to a national-level discussion of extractive development and deficits in community consultation.

Also relevant are members of what I call the *consulta* "epistemic community" (Haas 2008). This community is comprised of knowledge-based experts with an authoritative claim to policy relevant knowledge in their domain of expertise, be it environmental activism, geology, or the inner workings of government agencies. They can carry out multiple tasks, including the provision of technical support and granting public visibility to local mobilizations. Some may make their support public. Others may prefer to remain anonymous in their contributions (Rodriguez-Franco 2017). What is most helpful for institutional implementation is a support structure comprised of a diversity of actors who can provide support at different stages of the process (Hoetmer 2017; Kapiszewski et al. 2021; Rodriguez-Franco 2017). This group can include lawyers, but also academics

(Abers and Keck 2013), technocrats (Arriscado Nunes, Matias, and Costa 2005; González-Ocantos 2016; Rich, Mayka, and Montero 2019), or even bureaucrats (Mayka 2019b; McNulty 2019; Rich 2019). These individuals may work alongside NGOs to elevate an issue of institutional activation to a national audience, or they may provide more discrete, technical advice.

Because of the information and support that they can offer, NGOs and individual experts are attractive allies for community leaders and activists. Their support, however, has limits. While they may have access to more resources than rural communities, NGOs and individuals still face constraints—pressures on their time, finances, and security—that can prevent them from accepting a community's request for support. For this reason, I refer to this set of allies as "accidental gatekeepers". Their support can make a substantial difference for communities seeking access to transformative participation, but they are unable to ally with all communities. Their decisions on where and how to work, therefore, can serve a gatekeeping function in limiting the number of communities that are able to implement participatory mechanisms.

Where they do work, NGOs and individual experts contribute to civil society pressure on Archimedes' Lever to lift the weight of transformative participation. In some instances, they may also help move the fulcrum within the RoP. Strategic litigation facilitated by legal NGOs and experts may help strengthen the legal framework that determines the accessibility of participatory mechanisms. This was the case in 2015 in Colombia, when that country's Constitutional Court issued a decision that opened a pathway for communities to convene *consultas populares* by citizen petition. The court's ruling was a direct response to a complaint filed by local activists in Pijao and Dejusticia.

The ruling not only helped motivate activists in other communities to mobilize around the *consulta,* it also altered the calculation of *de facto* and *de jure* state support for *consultas populares* that those mobilizations would face. But support structures are not the only actors that can influence the position of the lever. That power also lies in the hands of veto players.

Veto players

The previous sections have described the actors involved in promoting citizen-activated institutions. This section turns to the other side of the lever. Scholars of both social movements and institutional weakness have noted that certain issues and policies are able to withstand even strong pressure by civil society actors (Amenta et al. 2010; González 2021; Levitsky and Murillo 2013). This relates to the relative strength of veto players (Tsebelis 2002) in diffusing and countering civil society demands. For the *consultas populares* I examine in this thesis, the most significant veto players we must consider are the businesses invested in extractive development.

There is an expansive field of literature on the role of business in human rights, armed conflict resolution, and environmental concerns (e.g. Banfield, Haufler, and Lilly 2005; Brown, Vetterlein, and Roemer-Mahler 2010; Haslam 2021; Idemudia 2017; Jamali and Mirshak 2010; Oetzel et al. 2009; Payne and Pereira 2016; Bernal-Bermudez 2017; Tapias Torrado 2020). In this thesis, however, I am less interested in firms' specific actions than the overall nature of their interactions with the state and civil society. I am specifically concerned with their ability to influence political actors charged with responding to civil society demands. In the Archimedes' Lever analogy, pressure by business can act both to

hold down the weight of transformative participation and determine the position of the fulcrum within the RoP.

I build on the concepts of structural and instrumental power (Fairfield 2015a, 2015b; González 2021; Lindblom 1977) to understand the role of business as a veto player. In the words of Tasha Fairfield (2015b:413), "capital votes twice: once through the organized pressure it can bring to bear on the political process, and again through its investment decisions. These two modes of influence correspond to the classic concepts of instrumental and structural power." A firm's degree of structural power depends on the importance of that business to the economy in terms of the impact that its withdrawal of investment would have on the economy. A firm may have weaker structural power if it has a relatively small share of the market or if it works in a sector of relatively little importance to the economy. In contrast, if a firm's sector is important and the company in question is a major player or stands to become one in the future, it will have a strong hand to play by threatening to pull its investment. The importance of future potential is worth emphasizing; unlike in studies of business accountability for past abuses (including Payne et al. 2020), the use of Archimedes' Lever to the expansion of extractive development concerns future earning potential from proposed projects. Structural power, therefore, is linked to future prospects as well as current market position.

Structural power can apply at either the local or national level. Firms might pressure local government officials to resist civil society demand for participation by dangling a prospective infusion of mining royalties in municipal budgets. This would increase pressure on the lever against transformative participation. Structural power will have a bigger impact, however, when it influences the position of the lever's fulcrum

through influence on national politics. Part of the force pushing the fulcrum toward the exclusionary end of the RoP for *consultas* is related to the national government's reliance on extractive revenue for future economic projections. The threat of extractive firms pulling investment is a strong incentive for the national government to maintain exclusionary political conditions for participation.

Businesses can complement their structural power as veto players by exerting instrumental power. This power relates to the direct pressure that companies can put on politicians or community members. They may, for instance, take direct action through lobbying, orchestrating counter-mobilization against participatory institutions, financing campaigns, or seeking to influence policy debates (Fairfield 2015b). In the context of active or post conflict, they may employ state or non-state actors to carry out violence against activists (e.g. Bernal-Bermúdez 2017; McNeish 2017; Vélez-Torres 2014; Tapias Torrado 2020). Instrumental power can also play out at the elite level of politics. Business leaders in many counties are part of what Charles Wright Mills (1956) calls the "power elite." Where business leaders share class, education, and social networks with politicians, they are able to exert subtle instrumental power. This is not limited to the national scale; we can also see this play out in regional politics when socioeconomic inequality makes some regional politicians particularly influential (Carroll 2011).

Instrumental power can even work as a direct pressure on the lever against institutional implementation on the local level. Extractive firms in particular appeal to local community members by promising to expand access to public goods, services, and economic opportunities. These promises may be broadly distributed to pull support away

from pro-participation movements or target a few key actors who can derail the mobilization (Amengual 2016, 2018).

In sum, firms as veto players can try to influence either the position of the fulcrum through structural power, exert pressure against civil society through instrumental power, or engage in a combination of the two.

Conclusion

The theory presented in this chapter suggests that citizen-led activation and implementation of participatory institution appears different from institutional enforcement by state actors. Existing theories insist that state actors must evaluate the relative balance of power between veto players and proponents of an institution when they decide on issues of enforcement. I argue that civil society-led implementation depends on an additional factor on top of the balance of power: how state support mediates force on either side of the balance. For this reason, I argue that a more appropriate analogy to for understanding institutional implementation is that of a lever—Archimedes' Lever—rather than an even scale. Implementation is conditioned by a triadic relationship between state actors, veto players, and civil society rather than a simple dyadic model.

While the Archimedes' Lever framework in general acknowledges the state and veto players as central actors that can either block or facilitate institutional implementation, transformative participation within the RoP centers the actions and power of civil society. Activation of participatory institutions originate from "*la base*"—the base—made of historically marginalized populations working with the help of external allies. The combination of these groups, as civil society, both places pressure on the lever to lift the

weight of participation and can try to shift state policies and attitudes to create opportunities for later movements. This action generated from below rather than from within the state is why this thesis presents civil society-led institutional implementation as a form of democratization from below.

The notion of "from below" also refers to where this form of institutional innovation occurs—in the Global South rather than the Global North. Scholars have long recognized participatory budgeting as a unique democratic innovation in that its use began in places like Porto Alegre in Brazil and only then spread to the "northern" cities of Chicago and Córdoba in Spain (Baiocchi and Ganuza 2017). *Consultas* too, have spread across Latin America with potential applications in other extractive conflicts (Walter and Urkidi 2017). This thesis, therefore, joins a growing field of studies (Alvarez et al. 2017; Payne et al. 2020; Roa-García 2017; Rodríguez Garavito and Santos 2005; Rodriguez-Franco 2017) that challenge assumptions that innovations in democracy, human rights, and justice must "trickle down" from the Global North and instead suggests that the Global South may hold lessons for others.

The rest of this thesis turns to operationalizing this chapter's theoretical framework into testable hypotheses. Chapter five focuses on local movements and the power of civil society in activating participatory institutions. Chapter six emphasizes the role of veto players and allies in implementation. The final empirical chapter—chapter seven—dives deeper into the relationship between allies and the *consulta* support structure within civil society. Before I get to this analysis, however, the next chapter provides an overview of the methods and sample employed in this thesis.

Chapter 3 - Research Design

Introduction

What kinds of communities engage in civil society-activated institutional implementation? Where does activation take place? How do we explain the few cases of successful implementation? How do support structures become involved with local movements? The remaining chapters of this thesis answer these questions using different subsets of empirical data and research methods. This chapter describes the research process itself.

The chapter begins by discussing why the *consulta popular* in Colombia is an illustrative case of a citizen-activated institution for participation. What kind of case is the *consulta popular*? And why focus on the single case of Colombia? I quickly move on to discuss the thesis's overall mixed-methods approach and how the two methods—Large-N regression analysis and grounded theory rooted in interview and observational data—build on one another. This section is followed by a deep dive into the construction of the *Consultas Populares in Colombia* (CPC) database. The final section narrates how I approached my fieldwork and how the COVID-19 pandemic shifted my qualitative data collection plans. Included in this story are considerations of my positionality in the field and the methodological and ethical challenges posed by my later shift to online and remote research.

Why Colombia?

Before delving into the specific research methods used in this thesis, a few words are required to explain why I focus on the *consulta popular* and Colombia in the first place. I focus on Colombia and its *consultas* as an ideal test case for my theory of citizen-activated participatory democracy for a number of reasons. First, *consultas populares* related to extractives represent a least-least likely case (Gerring 2007) of institutional implementation. Anti-extractivism is a "difficult issue" (Goldfrank 2021) that challenges national priorities. The communities seeking to implement this institution are often located in areas that have been impacted by armed conflict and can count on limited resources and technical training. Most importantly, the *consulta* is a particularly strong institution in the field of extractives. Unlike other participatory mechanisms like town halls and assemblies, the majority decision in a *consulta* is legally binding; it can stop a project in its tracks. This is what makes it an especially strong example of transformative participation.

Second, while communities across Latin America have implemented *consultas populares* in response to extractive projects (Walter and Urkidi 2017), focusing on a single country case controls for cross-national variation that could confound analyses of sub-national conditions. Of the countries that have registered *consultas populares*, Colombia has the highest number of both votes carried out and attempts to hold *consultas*. National-level conditions also make Colombia and ideal case for analysis. Between 2013 and 2018, national-level conditions regarding the government's attitude toward extractive development remained unchanged despite a change in presidential administration in 2018. The mobilizations themselves also exhibited sufficient variation to confer statistical power to the analysis.

Finally, Colombia is a substantively important case for the study of post-conflict participation. Colombia has experienced over 50 years of internal armed conflict with much of the violence stemming from issues related to both land and political marginalization (Karl 2017; LeGrand, van Isschot, and Riaño-Alcalá 2017; Palacios 2006). For many, the country's 2016 peace accord with the FARC-EP represented an opportunity to build a new political culture where participation from victims, minorities, and other previously excluded groups would be centered. Political participation by these marginalized groups represents a cornerstone of the peace accord's vision of "territorial peace" (Cairo et al. 2018). To outside observers, Colombia has also represented a case where implementation of participatory reforms is possible. Despite its decades of violence, Colombia's core political institutions and its economic development have remained relatively stable (Ciurlizza 2016). Democratic elections continued to take place throughout the armed conflict, albeit with varying degrees of cooption and violence in some regions. The country's transition from armed conflict to relative peace occurred under a stable democratic regime. In fact, some still refer to Colombia to as "Latin America's longest-running democracy" (Bushnell 2003; Palacios 2006). In other words, international facilitators like the United Nations and Organization of American States have not faced the arduous task of rebuilding a democratic society in post-peace accord Colombia, as they have in other conflicts (Bermeo 2003; Call and Wyeth 2008; Paris 2004). Challenges facing civil society groups activating participatory reforms in Colombia, therefore, are likely a harbinger for what civil society in post-conflict contexts more hostile to democratic reforms might face.

Research Methods Overview

This thesis employs a mixed-methods research design that combines different forms of data collection and analysis to construct a narrative of civil society institutional activation in Colombia. I began by constructing an original dataset of all attempts to implement extractive-related *consultas* across the country between the start of 2013 and the end of 2018. I use this data to conduct various statistical regression analysis to identify key variables associated with *consulta* mobilization and implementation. The purpose of these statistical tests is to answer two crucial components of my research questions: *where* does civil society seek to activate participation institutions from below, and *what conditions* are associated with successful institutional activation.

The results of these statistical tests inform analysis of observational and interview data that I collected during a fieldwork trip to Colombia in Autumn 2019 and remotely through Autumn 2021. In general, the purpose of this research approach hews more toward complementarity than confirmation (Small 2011). Some interview data is interspersed with discussions of my statistical results to provide context to my findings and probe possible causal pathways driving regression results (Gerring 2007). The majority of my qualitative analysis, however, is used to inform the exploration of a research question related to the thesis's overarching theoretical framework: how do support structures interact with local movements to put pressure on Archimedes' Lever? In theoretical terms, my qualitative analysis serves to help interpret the results derived from large-sample data and to understand *why* we see certain patterns (Small 2011:63). One method, therefore, helps further develop theory derived from another (Greene 2008).

This research design represents an adaptation of Evan Lieberman's (2005) nested analysis, which consists of an in-depth study of one or more cases contained within a large sample. I identified individuals to interview and sites for field visits through data collection for my Large-N dataset. My qualitative analysis, therefore, uses evidence from the same cases included in my statistical analysis. Where I differ from Lieberman's method is in the motivation behind my case selection. Lieberman advises conducting Large-N analysis first so that the researcher can choose cases purposefully to test the models suggested by statistical results through causal inference and process tracing (Lieberman 2005:437). This was originally the research design I had planned to follow but was required to rethink, as I discuss below, as a result of the COVID-19 pandemic. Instead of using interview and observational data to confirm my entire theoretical model, I decided to use these data to explore variation in one part of the model—the presence of *consulta* support structures. Chapter seven of this thesis therefore uses a different unit of analysis—the organization or individual rather than community-level attempt—than the statistical chapters. This method resembles Lieberman's model-building process but uses a more inductive approach.

Before delving into my statistical and qualitative methods in detail, it is first worth noting that the mixed-methods research approach has been viewed with skepticism by some scholars. Those who take a purist stance toward research design believe that combining positivist and interpretivist research designs violates assumptions about the nature of truth in social science inquiry embedded in each approach (Guba and Lincoln 2013). I follow an alternative stance (see Greene 2008:12) that views research paradigms as guides but not rigid rules for practice. I believe that appropriate methods *follow* "from

inquiry purpose and questions" (Greene 2008:13), and we can combine methods to capture both the magnitude of phenomena and contextual narratives of lived experience.

The Consultas Populares in Colombia Database

The first stage of research for this thesis involved the construction of an original database, the *Consultas Populares in Colombia* (CPC) database. I provide a detailed overview of how I operationalized these data for the relevant statistical analyses in chapters five and six, but I provide an overview of the data collection process here.

The full universe of cases in the dataset follows James Mahoney and Gary Goertz's (2004) "possibility principle", including all municipalities that are "at risk" of holding a *consulta*. I define "at risk" as those municipalities where the national government has either already granted concessions for extractives or where the National Mining Agency and/or National Hydrocarbon Ministry has advertised territory as eligible for extraction. Some communities conduct "preventative protests" before mining titles have been granted in their territory, so the inclusion of these cases captures the potential for these communities to implement *consultas*. I exclude municipalities where the area of land reserved for ethnic (indigenous or Afro-Colombian) communities exceeds 10 percent of the municipality. In accordance with international conventions, the Colombian legal code requires both private companies and the state to consult ethnic minorities (also known as free, prior, and informed consultation) before developing projects that will affect their designated lands (Rodríguez-Garavito 2011). As these communities have access to a designated (albeit weak) tool for consultation, I assume that civil society groups will turn to this guaranteed pathway of participating rather than undertake the more demanding

process of mobilizing local government officials and eligible voters to hold a *consulta*. This assumption is supported by Figure 3.1. Areas with high concentrations of ethnic communities, such as the Pacific coast and the Amazon do not register any attempts to organize a *consulta.* The total number of municipalities included the dataset is 985.

Case coding entailed a two-step process. First, I combed through both regional and national media for any mentions of *consultas populares.* I began with keyword searches in Spanish for "*consulta*", "*consulta popular*", "*referendo*", and "*minería/hidrocarburos*" in the online archives of four of Colombia's major national media outlets: *El Tiempo, El Espectador, Semana*, and *El Colombiano.* I conducted similar keyword searches for local outlets based in Tolima (*El Nuevo Día*), Santander (*Vanguardia*), and Casanare (*Prensa Libre Casanare*), where I knew from press and academic reports that there were clusters of pro-*consulta* movements. I also searched the press archives of international (Business and Human rights Resource Centre) and Colombian organizations (e.g. CENSAT Agua-Viva, *Observatorio de Conflictos Mineros de América Latina*-OCMAL) that collect information and business and human rights abuses and/or environmental conflicts.

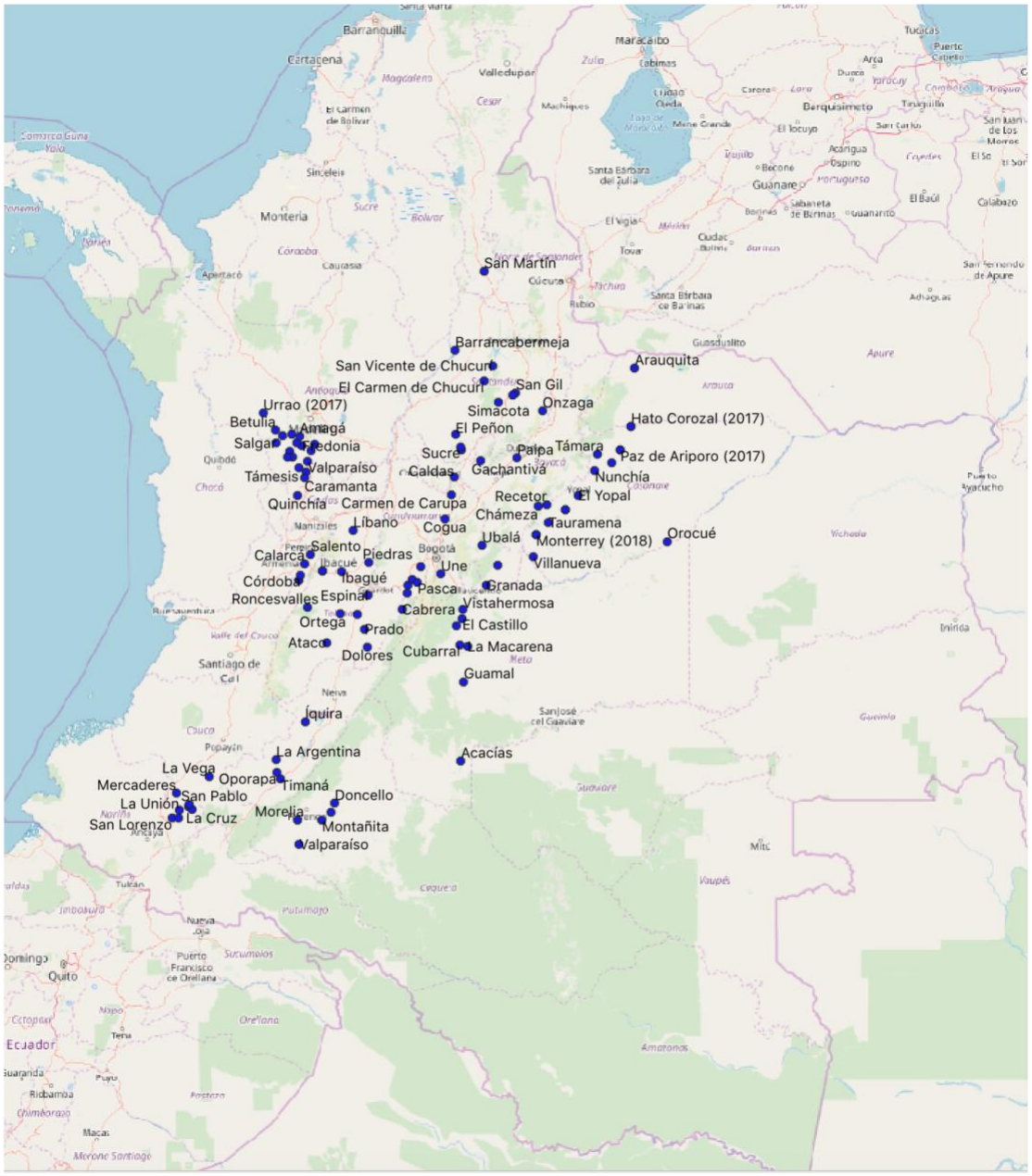
Activated cases

If a municipality is mentioned in the media has having any sort of community action demanding a *consulta* (e.g. community members have demanded a town hall to discuss whether or not to organize a vote), I include that municipality as a positive case, even if local officials have not begun any institutional action. I also include municipalities as positive cases if they are explicitly mentioned in a press article as one in a list of municipalities with pro-*consulta* movements (e.g. in the national outlet *BluRadio*: "The

phenomenon has not stopped this year, as the municipalities of Fredonia, Jericó, La Pintada, […], and Venecia in Antioquia are in the process of discussing, collecting signatures, or lobbying authorities to organize *consultas* about mining or hydrocarbon projects"[16]). The decision to include these municipalities as positive cases stems from multiple conversations I had with academics and activists in Colombia. All I spoke to agreed that given the Colombian media's tendency to underreport activist in rural territories, coverage in media reports can be interpreted as an indication that a movement is real and significant on the ground. In other words, false negatives are unlikely. Ninety-five municipalities identified from press reports were coded as "mobilized" attempts to implement a *consulta*. This coding creates the binary variable "*mobilized"* that I employ as my primary dependent variable in chapter five.

[16]See https://www.bluradio.com/nacion/en-10-dias-se-realizara-la-octava-consulta-popular-minera-en-colombia-en-este-ano. Accessed 15 March 2022.

Figure 3.1. Map of mobilizations around consultas populares related to extractive projects.



Source: Author's own elaboration.

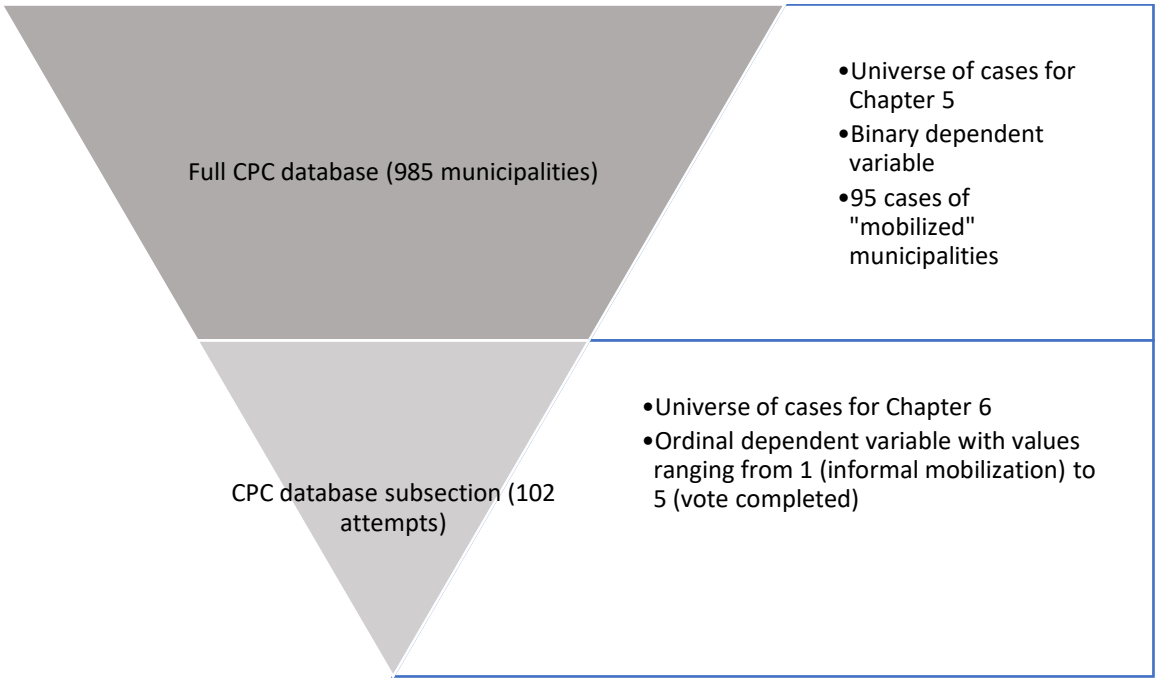
Coding progress toward implementation

After identifying mobilized cases, I then coded positive cases according to what stage of implementation they reached (described in more detail in chapter six). In addition

to the qualitative descriptions of each attempt I gathered from press reports, I also collected information from the National Registry's online database. That agency is legally required to publish its decisions validating signatures on civil society petitions to hold *consultas populares*, which allowed me to identify both the pathway of initiation and phase of implementation up to approval by the National Registry. Of the 95 municipalities and 102 individual attempts included in the dataset, 37 had information listed on the National Registry's website. All cases with data from the National Registry were also captured by news reports. Some municipal governments released informational videos on YouTube announcing upcoming election days. Local activist groups also sometimes set up public Facebook pages with information on upcoming votes. These additional sources of date informed my coding decisions. The result of this coding process was the creation of an ordinal variable for institutional implementation that I used as my dependent variable to test the hypotheses presented in chapter six. Unlike the dependent "*mobilized*" variable, this dependent variable measures "attempts" rather than the municipality as its unit of analysis.[17] Statistical analysis using the dependent variable for implementation employs a smaller sub-section of the full CPC database, as I seek to compare variation in implementation among cases that have mobilized to demand a *consulta* (depicted in figure 3.2).

[17] Chapter 5 uses municipalities as its unit of analysis. Chapter 6 uses "attempts" as its unit of analysis. Some municipalities experienced more than one attempt to hold a *consulta popular*. I code these as different attempts because either the pathway for activation is different, the movement leaders are different, or both.

Figure 3.2. Overview of CPC database samples used for analysis.



It is important to mention that my reliance on media reports introduces the possibility of bias. While the database may be unlikely to include false positive cases, Colombia's media landscape makes it possible that municipalities are classified as false negative cases. The country's limited state capacity and ongoing violence in its periphery leave some areas of the country—such as the eastern regions of Caquetá, the Amazonas, and Guaviare—chronically under-covered by online and print media.[18] This issue is exacerbated by the threat of violence that journalists in Colombia face doing their work. According to the organization Reporters without Borders, Colombia ranked 130 out of 180 countries in freedom of the press in 2020. It is possible that movements for *consultas* in

[18] The issue of collecting data from rural regions is not unique to my research. During discussions with the data team at CINEP, one of Colombia's leading research organizations, their experts warned me that their data from rural territories was severely limited by the remoteness of some areas and the inability of media or human rights workers to effectively cover those regions. María Clemencia Ramírez's (2011b) *Citizens' Media Against Armed conflict: Disrupting Violence in* Colombia documents how communities use tools like the radio to circumvent local gaps in information. Accessing these radio stations from Bogotá or abroad, however, proved impossible as a way to identify cases.

these areas are not captured by my dataset. That said, the fact that all cases listed on the National Registry were also covered by media sources indicates that the media's reach may still be further than the national government, making it the best available source for information. I consider how possible missingness in my data affects my results in the chapters that follow.

Additional municipal-level data was collected from a variety of sources. I use the Universidad de los Andes' 2019 version of CEDE panel dataset for socioeconomic, violence, and geographic indicators. CEDE collates socioeconomic and demographic information from Colombia's National Department of Statistics (DANE). Geographic variables, such as distance from Bogotá and departmental capitals, as well as altitude and municipality size, are sourced from the Geographic Institute Agustín Codazzi (IGAC)—the Colombian government agency charged with producing official country maps and managing the country's land cadaster. CEDE uses violence indicators from a variety of government agencies, including the National Police, Department of Defense, and Human Rights Office. I collected data on local politics from another Universidad de los Andes dataset—the CEDE electoral database. This database includes vote totals, percentage participation, and other indicators from local, regional, executive, and legislative elections from 1958 to the present. Finally, I collected data on extractives, including royalties and titles from the relevant government ministries and the National Planning Department (DNP). Other sources of data used in each chapter are described where relevant.

The reason I focus on the municipality-level data for the CPC database is three-fold. The first reason is administrative. The municipality-level is the smallest

organizational level for which authorities can call for a *consulta*.[19] Thus, the 'community' that a *consulta* aims to poll is comprised of all towns, villages, and rural settlements within the municipal boundaries. The second reason is theoretical. Smaller communities within the municipality may have experienced slightly different levels of conflict (Arjona 2016; Kalyvas 2006) and feature their own internal politics that are not captured with municipality-level data. Nonetheless, to mobilize for a *consulta*, activists must coordinate across this spectrum of experiences. How residents of these smaller administrative units interact and coordinate between themselves determines the feasibility of *consulta* mobilization. The sum of this interaction and coordination is captured by my municipality-level measure. Finally, the municipality level is simply the smallest administrative unit for which data is consistently collected across Colombia.

Fieldwork and a Pandemic

The second portion of my mixed-methods research design consists of interview and observational data, much of which was collected during an initial, three-month fieldwork trip to Bogotá in autumn 2019. These data include transcriptions of 27 semi-structured interviews with various academics, activists, and officials, field notes from two one-day or weekend-long trips to field sites outside of Bogotá, and participant observation from a mining conference in Medellín and various Ministry of Mines presentations for industry officials in Bogotá. Also included are numerous observations gleaned from instances of

[19] The *consulta* must be convened by the relevant executive authority for each administrative level (i.e. the mayor for a municipality-level *consulta*, the governor for a department-level *consulta*, and the president for a national-level *consulta*.

"accidental ethnography" (Fujii 2015)—conversations and interactions I had outside of "formal" data collecting activities but that nonetheless led to important insights.

During this fieldwork trip in 2019, I identified initial interview participants through the process of constructing my database. As names of certain organizations and individuals consistently cropped up across cases, I noted these actors as important points of contact. After reaching out to a handful of initial contacts, I employed a snowball sampling strategy to connect with other individuals to interview. Aware the snowball sampling can sometimes lead to biased samples, I also reached out to activists and individuals directly by identifying administrators of local environmental committee Facebook pages, for example.

Positionality

My position as a foreign student from a widely recognized international university gave me access to spaces I likely would not have had access to otherwise. I found this to be especially true when I reached out to government officials and mining executives. I recall one episode in particular: my registration for a Ministry of Mines event to launch its new online system for mining companies to apply for extractive titles. When I arrived at the marbled entrance of a posh private club in the north of Bogotá, I was greeted and checked-in by a formally dressed security guard who had no problem finding my name and welcoming me to the event. As I made my way upstairs to the event hall, I noticed that two other security guards had appeared at the reception to escort two men out of the building. Their registration had been denied for the event. As I enjoyed a two-course plated breakfast while waiting for the event to start, I asked the woman next to me why access to the event was restricted when I had found the sign-up link on the ministry's public Twitter

page, she told me that the ministry's events were always like this; people within the industry were always kicked out or barred from attending. I expressed surprise that I had no problems registering as an outsider student, she laughed and told me that was precisely why I had no problem—I was not a threat.

Once in these restricted spaces, my identity as a young, foreign woman also helped spur conversation. While at a two-day long conference for gold mining firms in Medellín, I counted myself as one of fewer than 10 women in a sea of men and the only academic who was neither a geologists nor a lawyer. The executives I interacted with seemed to view me as someone who was both harmless and an oddity—various individuals approached me to express surprise that I was there. They were happy to answer my questions, even when I asked them questions about more sensitive topics, such as illegal mining. It is possible that they perceived a certain power imbalance between us (them—as male executives of a large national or multinational firm, and me—as a young, female, graduate student) that made them more willing to talk about sensitive subjects. I am by no means the only female researcher who has found gender and their performance of gender to impact access to interview subjects (Felbab-Brown 2017; Krause 2021; Wood 2003:ch2, 2006).

All of this is to say that my understanding of the corporate and government actors and the relationships between them that underpin this study is likely very different to that of researchers, organizations, and individuals who take a more activist view toward extractives. I am not neutral toward the concept of democratic participation. I did, however, try to approximate a neutral approach to the question of what role mining should play in Colombia's economy. This differentiates my work from some of that carried out by scholars of extractives in Colombia whom I greatly admire (e.g. Roa-García 2017; Ruiz

Ruiz, Castillo de Herrera, and Forero Niño 2018) and who have undertaken research on *consultas*. This also may have played a role in shaping the questions I asked each interviewee, both on the business side and the activist side.

My identity as a university student and my decision to affiliate with a local university (the Universidad de los Andes) also likely facilitated my engagement with interlocutors in the activist space. One youth activist I spent time with expressed surprise and delight that we were similar in age. Our similarity in age also provided a useful cover when someone interrupted our conversation at a local bakery and asked how we knew each other. The activist said that we were friends from university working on a group project, which made it easier to talk without raising suspicion of what I, "as an outsider," was doing in the town.

Adaptation to the Pandemic

The original purpose of my initial, three-month trip to Bogotá was to focus on building a network of interlocutors and testing out my interview questions in sites near to the capital city before engaging in longer-term ethnographic fieldwork in purposefully sampled field sites during follow-up trips to Colombia. These anticipated longer stays were intended to allow me to carry out the kind of paired-case comparison and process tracing encouraged by Lieberman's (2005) nested analysis method. The onset of the COVID-19 pandemic in March 2020 radically changed this research plan. No longer able to return to Colombia for the foreseeable future, I had to embrace flexibility in my research design and casing (Soss 2018). Rather than focus on a single or two municipalities, I decided to use the data I had already collected, online materials, and interviews with people I could

contact online (MacLean, Lauren et al. 2021) to hone in on the role of one variable across cases: the role of support structures (chapter seven). I therefore changed my main research question for this portion of my research to understand how actors in the *consulta* support structure decide how and where to use their limited resources.

I realized that I had inadvertently structured early interviews conducted with officials from NGOs, individual experts, and activists in Bogotá and my two, short field trips to answer questions about local movements' relationships with actors in the *consulta* support structure. I began each interview with open-ended questions to my interlocutor about how the individual or the organization he/she worked for had become interested in working on extractive-related *consultas*, asking about their background, previous work, and what they saw their role in the *consulta* movement. These initial interview questions drew upon an oral history technique to interviewing (Blee 1993; Lake 2022; Shesterinina 2021). My interviews with activists were focused on their work within their own communities, but connections with NGOs or experts always came up. This was sometimes because it was an NGO or individual expert who had passed me their contact, but NGOs also came up in interviews I set up through cold calling (or more accurately in Colombia, WhatsApp and Facebook messages).

I approached all of my interviews following an interpretivist method, using grounded theory to explore the process of relationship formation between local movements and organizations and individuals based in Bogotá (Yanow and Schwartz-Shea 2014). This approach moved away from the "hypothesis testing" employed in chapters five and six, as I searched for patterns through multiple rounds of coding of interview transcripts and field notes (Birks, Mills, and Askews & Holts Library Services 2011; Tarozzi 2020). Interviews

generally lasted around one hour in length. Online interviews were audio recorded and then transcribed using transcription software and by hand. Coding and analysis were carried out using NVivo. In total, I conducted 17 interviews in person and 10 additional interviews online.

Ethics and Limitations

Shifting to online interviews posed its own methodological and ethical challenges, many of which have been described and documented by other scholars (e.g. Bond, Lake, and Parkinson 2020; Jowett 2020; MacLean, Lauren et al. 2021). I provide a short summary of some of a few of these challenges here. Many of the challenges relate to the basic logistics of connecting to interlocutors via online modalities. Part of the reason I chose to focus on the actions of NGOs and national experts is that I was confident that those individuals would be fairly accessible and familiar with online tools, such as WhatsApp and Zoom.

This choice, however, creates the possibility of two issues. The first problem is methodological. It is possible that this interview strategy introduced sampling bias into my study (Geddes 1990). Researchers of political violence have often noted that sampling bias is a common problem in areas marked by insecurity (Bell-Martin and Marston 2019; de Vries and Glawion 2021). Interlocutors who are most accessible—either because of concerns related to safety or (in this case) reliable internet access—might not be representative of the entire universe of cases. Research that relies on limited populations, furthermore, can create blind spots that replicate social marginalization (Bell-Martin and Marston 2019). My interview sample may overrepresent the most well-established NGOs

that I was able to identify from press reports and my initial fieldwork and underrepresent smaller groups whose work flew more under the radar.

I attempted to get around this selection bias by continuing to cold-email possible participants instead of relying solely on the snowball method I had begun in Bogotá, but these emails often (understandably) went unanswered. As I was following up with initial contacts and trying to form new ones, I was self-conscious about the fact that the individuals and organizations I was contacting were still grappling with the personal and professional effects of the ongoing pandemic. This knowledge made me reluctant to push too hard to follow-up on unanswered emails or messages in order to respect the space and time of potential participants (Jowett 2020). I closely monitored case counts and other news in Colombia throughout my period of data collection to remain sensitive to potential participants' potential concerns. In fact, I paused data collection for around six weeks in late spring 2021, as an eruption of large-scale protests swept across Colombia's cities and rural regions (Pardo 2021). Civil society groups' focus was concentrated on the *Paro Nacional*, as the protests were known, and the police violence that accompanied mobilizations. I deemed the ethics of contacting organizations as a foreigner, far removed from the *Paro*, to talk about events that occurred years previously to be dubious at best.

For the participants I was able to reach, issues with internet access could also lead to two related issues: response bias and privacy. Smartphones and WhatsApp are ubiquitous in Colombia's urban areas and many outer lying regions, but people may be limited in terms of where they can access the internet. I did interview a couple of local activists after I had left the country, but I noticed that some interviewees answered my calls in public offices or meeting centers. These locations may not be fully private, which could

limit what participants are willing to say or not say. Furthermore, online modalities limited my ability to build the kind of "offline" connections that lead to trust. Without "being there" in Colombia, the rapport that I could establish with interviewees to determine what was *not* being said was limited (Mwambari, Purdeková, and Bisoka 2021). This important "meta-data" (Fujii 2010) is generally missing from my online interviews. I have tried, when interpreting my interview data, to keep in mind the context that I was able to glean from my three months in Colombia in 2019, as well as knowledge of the country built from previous extended research trips that I took to Colombia in 2015 and 2016. Given that I spent the majority of my time in the major cities of Bogotá and Medellín, I acknowledge that my knowledge of the very different context of Colombia's countryside is not as strong. This is something I acknowledge and hope to correct in future research projects.

I conclude this section with a note on confidentiality. I have chosen to anonymize all participants with the exception of government officials who spoke to me in their official capacity. I asked each person I interviewed what their preference was regarding anonymity at the start of each session. Many told me that they were happy to be identified by name or had no preference either way. Those who wished to be identified posed an ethical quandary for me as a researcher. Colombia consistently ranks as one of the most dangerous places in the world to be an environmental activist (Griffin 2020). Some activists view publicity, either through news coverage or academic collaborations, as a form of protection; if they are known to people outside their community then people will pay attention if something happens to them.[20] Being identified in research can also serve as a way for individuals to claim agency, as they can be identified as collaborators rather than mere participants in

[20] Personal communication with Professor John-Andrew McNeish.

someone else's narrative (Wood 2006). Some participants also viewed their risk of participating as being relatively low due to how the levels of violence where they lived compared to other regions in the country. Individuals based in Bogotá or parts of Boyacá that had not experienced violence for years, for example, understood their risk of violence as being substantially lower than the risk faced by activists in "hotter" regions of Cauca, Putumayo, or Southern Tolima, where activists are frequently targeted.

The issue with all these arguments in favor of identifying participants is that security risks can change, creating new vulnerabilities for those who previously felt comfortable sharing information (Brigden and Gohdes 2020; Krystalli 2018). As Kai Thaler notes (2019 in Brigden and Gohdes 2020), "any geographic and social setting in which research was conducted will change, in both subtle and overt ways, after the researcher leaves the field. These temporal changes make it difficult to anticipate potential downstream risks of research conduct and participation, rendering 'transparent' sharing of data and research procedures problematic." Assessments of relative risk can also be misleading when the point of comparison is so extreme. In a country where political and criminal violence remains extremely high, relative safety still entails risk. Paramilitary successor groups, such as the Águilas Negras, have issued threats to activists and social leaders in Bogotá and other areas deemed "relatively safe."[21] Therefore, I err on the side of caution and apply Elisabeth Wood's (2006) research principle of "do no harm" and, thus, maintain anonymity for all sources.

Conclusion

[21] See https://verdadabierta.com/liderazgos-locales-en-bogota-bajo-estigmas-y-amenazas/panfleto-aguilas-negras-bogota-2/ for one example.

This chapter provided an overview of the mixed-method research design employed by this thesis. The research project first employs regression analysis of an original dataset of attempts to implement extractive-related *consultas populares* in Colombia to determine what variables are associated with variation in civil society mobilization around and implementation of the participatory institution. I complement this quantitative analysis with an in-depth investigation of one important actor in the process of implementation: support structures. I employ an interpretivist, grounded theory approach to analyze a range of interview, participant observation, and field note data to explore how NGOs and individual experts make decisions about where and how to work with local movements. While this mixed-method approach may diverge slightly from established research designs like nested analysis, it represents a practical and ethical response to the challenges posed by the COVID-19 pandemic.

The following empirical chapters (chapters five, six, and seven) describe the methods I used to collect and analyze the data featured in each and presents the results of these analyses. Before turning to this empirical analysis, the next chapter—chapter—follows interwoven histories of extraction, conflict, and participatory democracy in Colombia to examine how the fulcrum of Archimedes' Lever has shifted over time.

Chapter 4 – Setting the Stage

Introduction

In May 2017, then-President Juan Manuel Santos took to the stage at that years' National Mining Conference in Cartagena to deliver the meeting's final remarks. As he approached the podium less than a year after signing a peace agreement with the country's largest guerrilla group—the FARC-EP—a small, white dove stitched onto the left pocket of his shirt foreshadowed his message to the country's mining leaders. Areas that were once inaccessible to investment because of the country's armed conflict were now open for business, he declared. The industry's "legal mining industry—which attracts investment and generates employment—is and should by the key pillar of [the country's] post-conflict landscape" (Santos 2017). Peace and mining would be Colombia's future.

The expansion of extractive projects in Colombia, however, has rarely been peaceful. From the country's colonial period to the present day, extraction and local resistance have gone hand-in-hand. Indeed, President Santos's speech coincided with the peak of the wave of extractive-related *consultas* washing across the country. The juxtaposition of the national government's full-hearted embrace of extractive development on stage in Cartagena alongside the tide of local movements resisting that policy underscored how the country's histories of territorial conflict would continue to inform contention over extraction development in Colombia's transitional period. This is the starting point for this chapter; to understand the context of communities' use of *consultas* as a form of post-conflict participation in Colombia, we must first understand how country's past shaped the context for participatory democracy between 2013-2018.

This chapter provides an overview of two historical tensions that lie at the core of Colombia's political and legal structures: the interplay between 1. expanding natural resource development versus broadening political participation and 2. peace versus conflict more generally. Colombia's various peace processes and its internal armed conflict have shaped both the development of the country's extractive industries and the state's attitude toward political participation. These processes laid the foundation for the national-level political and legal structures that condition civil society's institutional implementation of *consultas populares*. As the political system evolved over time to increase political participation, the fulcrum of Archimedes' Lever for transformative participation began to shift slowly, creeping from its historically exclusionary position toward the Realm of Possibility. It would remain in this position, with slight variations on the local level, during my period of study and until late 2018, when the judicial system reversed its support for *consultas* to ally with the executive's support for extractive development.

Rather than providing a comprehensive overview of Colombia's history and armed conflict, this chapter is intended to set the national-level stage in order to apply the theoretical framework presented in chapter two to local cases in the following empirical chapters.

At the same time, this chapter begins to operationalize the fulcrum of Archimedes' Lever in the context of Colombian state-society relations. The first sections tease out how extraction and conflict have been inextricably linked throughout Colombia's recent history. The second half of the chapter traces how efforts to expand political participation have been tied to efforts to reestablish peace after episodes of violence. The final sections bring

these two histories together to highlight how these dual processes have created legal and political contradictions that situate the fulcrum of transformative participation in the RoP.

Natural Resources, Peace, and Conflict

Natural resource development has a long history in Colombia. Gold extraction dates back to the pre-Columbian period, when indigenous groups panned for gold along the length of the Magdalena River to create *poporos*[22], figurines, and other artifacts now on display at Bogotá's famed Gold Museum (Davis 2020; Taussig 2004; Tubb 2020). When the Spanish conquistadors arrived in what is now Colombia in the 1500s, they embarked on numerous quests to find "El Dorado"—the legendary city of gold. None succeeded in discovering the mythical city, but the Spanish did find gold—an abundance of it in the mountains and rivers of the country's "gold belt" that runs along Colombia's central mountain range. The colonial gold trade, with its epicenter in the department of Antioquia, dominated Colombia's export economy, as Gran Colombia became Spain's primary gold-producing colony (Bushnell 2003:17). For most of Colombia's history, gold and other mineral extraction was conducted by small-scale, often informal operations (Botero Miranda 2007; Rochlin 2015; Ulloa 2016) until the development of another resource—coal—introduced large-scale, multinational operations to areas in the country's North (Bolívar, Cesar, and La Guajira) (Ruiz Ruiz et al. 2018).[23]

[22] Small bottles made to hold lime and crushed seashells that were used by indigenous peoples to activate the stimulating effect of chewing toasted coca leaves (See Taussig 2004:xi–xvi).
[23] See Daniel Tubb's (2020) *Shifting Livelihoods: Gold Mining in the Chocó, Colombia* and Michael Taussig's (2004) *my cocaine museum* for excellent ethnographies of informal gold-mining operations in the Colombian Pacific.

Whereas gold and other mineral mining has been a consistent feature of Colombia's economy since pre-colonial times, the country's history of oil extraction is one characterized by relative fits and starts. Oil fields were first discovered in the early 1900s, but extraction remained limited. This changed in the 1950s when the Rojas Pinilla regime led the Colombian state to assume a larger role in extraction by initiating a process of nationalization. The government created a state-owned oil company, Ecopetrol, which proceeded over the next decade to take over the country's largest oil field. By 1969, the country had nationalized all oil reserves and passed a law introducing a new type of oil contract that would require foreign companies to partner with Ecopetrol for production under future contracts (Vasquez 2014). Over the following two decades, investments in the oil fields of the country's eastern departments of Arauca and Casanare made Colombia into a viable oil producer.

Expanding the extractive frontier

The scale of extraction and conflict that generated the wave of *consultas populares* examined in this thesis dates to the early 2000s, when a decline in domestic oil production, combined with increasing prices for minerals during the commodity boom, spurred the Colombian government to introduce regulatory reforms. Whereas the oil industry and mining operations had previously featured a relative balance of domestic companies, state-owned firms, and multinationals, the government's new policy oriented the extractive sector toward attracting foreign direct investment (FDI) (Garay-Salamanca et al. 2013; Vargas 2019; Vasquez 2014:ch. 4). By the time Piedras held the country's first extractive-related *consulta* in 2013, the national government had approved mining and oil titles

covering 5.6 million hectares of land with another 35 million hectares—one third of Colombia's national territory—designated as "under mining interest" (Garcés Villamil and Rapalino Bautista 2016; Negrete Montes 2013).[24]

Colombia's national government tried to sell its citizens on its push into the globalized market as a way to finance the country's economic development, especially in rural areas hit hardest by decades of internal armed conflict. According to this narrative, mining and oil projects would catalyze the construction of infrastructure in areas that had previously suffered from weak articulations to regional and national markets. Meanwhile, revenue from large-scale projects would trickle-down to local communities through royalty payments distributed back to host communities. The promised influx of cash would help improve local government budgets for public expenditures (McNeish 2017b; Ruiz Ruiz et al. 2018). In 2007, South Africa-based multinational AngloGold Ashanti publicly announced that it would begin developing what it claimed was one of the world's largest gold deposits in the mountains of Tolima (Colombia Solidarity Campaign 2013). Meanwhile, national government officials repeated ad nauseum: extractives would serve as Colombia's "locomotor for development" (Santos 2017).

Despite the rosy picture painted by mining executives and government officials in Bogotá, not all local communities welcomed extractive expansion into their territories. Skepticism about the promise that projects would lead to economic and social wellbeing

[24] Colombia was not the only country in Latin America to experience rapid growth in its extractive industries. The 2000s and 2010s saw the expansion of Latin America's "extractive frontier" across Peru, Ecuador, Bolivia, Chile, and Colombia, as new investments spurred the development of projects in areas outside of traditional mining hubs. Where these new projects sprang up, local conflict often developed (See Bebbington and Bury 2013).

were central to local contention.[25] Many community leaders looked to the history of mining in Colombia and the Global South more broadly and saw examples of unfulfilled promises.[26] Mining and oil projects have often been associated with increased social and economic inequality, territorial dispossession, and "social problems" of alcohol consumption and prostitution (Ruiz Ruiz et al. 2018; Torres 2014). Promised jobs most often went to well-educated workers from urban areas rather than residents of a mine's host community while those living near the mine site bore the brunt of its environmental impacts (Ponce and McClintock 2014). Communities also questioned the relative windfall they would receive from royalties. Between 2007 and 2011, royalty rates that companies were required to pay the Colombian government ranked the second lowest in Latin America. For every US dollar of revenue produced by mining operations, the state received 16 cents—a fraction of the revenue received by Colombia's neighbor, Ecuador (89 cents per dollar) (Ulloa 2016). It did not help that communities oftentimes did not even find out about concessions given until they spotted company surveyors and equipment arriving on their land (Garcés Villamil and Rapalino Bautista 2016).

Land, resources, and armed conflict

While communities were unsure of the benefits they would receive from mining projects, patterns of violence related to the country's armed conflict indicated that extractives could bring great harms. Various human rights groups and academics have documented a high degree of overlap between the commission of human rights abuses and

[25] It is important to note that there exists a considerable degree of heterogeneity in opinions within communities—even those that are on the whole either supportive or in opposition to extraction (see, for example, Conde and Le Billon 2017:685).
[26] Phone interview #3565 with environmental activist, August 2019.

events of mass violence within areas of extraction. Eighty percent of human rights abuses documented during the Colombia's armed conflict (from the 1980s to 2013) occurred in municipalities that produced mining and oil royalties (35% of the country's total municipalities) (Vargas 2019:63). Many hotbeds of violence during Colombia's conflict—Córdoba, Antioquia, and Arauca—are also the country's respective hubs of coal, gold, and oil production.

The relationship between extractives and armed conflict can be explained, in part, by observing patterns of violence common across civil wars across the globe. Armed groups are often drawn to areas with lootable resources as a way to finance their operations (Collier and Hoeffler 2000; Koubi et al. 2013). Non-state groups in Colombian have sought out areas with both legal and illegal extractive operations for this reason. In the gold mining regions of the country's west and southwest (Antioquia, Chocó, and Cauca), paramilitary and guerrilla groups have infiltrated the illegal gold trade to fill their coffers (Rettberg and Ortiz-Riomalo 2016, 2018). Groups have also operated in areas with legal extractive operations. Until the state introduced a new wave of fiscal reforms in 2011, the bulk of extractive royalties stayed in the communities where mining took place, creating a draw for non-state armed groups seeking access to financial windfalls.[27] Guerrilla and paramilitary groups engaged in extortion of mine-owners. They also sought direct access to municipal budgets by co-opting local politics (Gutiérrez Rodríguez 2018; Rettberg and

[27] Legislative Act 05 of 2011 introduced a major change in the system of royalties in Colombia. Under the previous royalty system, the bulk of profits remained in the in municipality where mining occurred, creating incentives for local communities and governments to support extractive development. Under the new royalty system, administration and distribution of royalties would be centralized in the National Planning Department and allocated across all municipalities in the country with a smaller share remaining in host municipalities. The goal of the reform was the mitigate effects of the resource curse on the subnational level (Congreso de la República 2011).

Prieto 2018; Vélez-Torres 2022). Both mechanisms contributed to observable correlations between royalties and the incidence of armed conflict.

The connection between Colombia's armed conflict and natural resource extraction is deeper than simple economic calculations; it is also related to the root of violence in Colombia for much of the country's history—inequality (Vélez-Torres and Méndez 2022). The seeds of Colombia's contemporary armed conflict were planted during an earlier period of partisan violence known simply as "*La Violencia"*—"The Violence."[28] That wave of violence began in April 1948 with the assassination of presidential candidate Jorge Eliécer Gaitán—a Liberal politician whose speeches on inequality and "the unacceptable marriage of politics and business" had galvanized a new generation of voters across the country (Palacios 2006:141). Violence quickly spread from Bogotá to rural communities across Colombia. For ten years, bands of armed groups representing either of the country's two main political parties, the Liberals or Conservatives, marauded across the countryside massacring members of the other party until a pact made by elites in the capital called for an end to the violence. Throughout this period, the geographical centers of violence shifted between the north of Tolima, the Sumapaz region of Cundinamarca, Urrao and Western Antioquia, and the eastern plains of Casanare and Meta (Palacios 2006:135–36). All of these areas would see efforts to organize extractive-related *consultas populares* 60 years later.

The National Front[29] governments that led Colombia in the years after *La Violencia* tried to pacify the armed groups that mobilized during the period of partisan violence.

[28] For more on *La Violencia*, see Bergquist, Peñaranda, and Sánchez 1992; Bushnell 2003:ch. 9; Karl 2017; LeGrand 2003; Roldán 2002.

[29] The National Front (*Frente Nacional*) represented a "gentleman's agreement" between the Liberal and Conservative parties to end *La Violencia*. Between 1958 and 1974, the presidency alternated between the two

Some of these peasant self-defense leagues, however, never laid down their weapons. Groups of Liberal Party members that refused to demobilize took to the mountains of the central *cordillera* to set up "independent republics" where they built settlements and agricultural projects informed by communist ideals of *convivencia*[30] (Karl 2017:88). The FARC-EP, which would grow in the following decades to become the country's largest guerrilla group, arose from one of these remaining independent republics in southern Tolima. The group's origins in rural Colombia informed its guiding ideology that championed the "agrarian struggle" and sought to address the social and political exclusion that had long-plagued rural communities. The country's other major guerrilla group—the National Liberation Army (*Ejército Nacional de Liberación*: ELN), was formed shortly after the FARC-EP in 1962. It too became active in the country's rural areas. Having been inspired by the success of the Cuban Revolution, however, it focused less on the "agrarian struggle" per se, but rather sought to topple the national oligarchy and defend Colombia against US imperialism.

Despite their differences (and later engagement in the illegal gold mining trade), both groups incorporated anti-extractivism as a component of their ideologies. The FARC-EP (with reason) claimed that large-scale mining projects displaced agrarian communities and concentrated land in the hands of already-wealthy regional and national elites. Meanwhile, the ELN targeted large-scale extractive projects for military action, as they sought to disrupt state profits and resist foreign investment. Indeed, the ELN has attacked one of the country's main oil pipelines, the Caño Limón-Coveñas, so many times that it

parties every four years, while Congress and lower rungs of the government's bureaucracy were split equally between Liberals and Conservatives (Palacios 2006:245)

[30] Translates literally to "coexistence" or "living together." The term is often used to describe a kind of local-level peace in areas affected by violence.

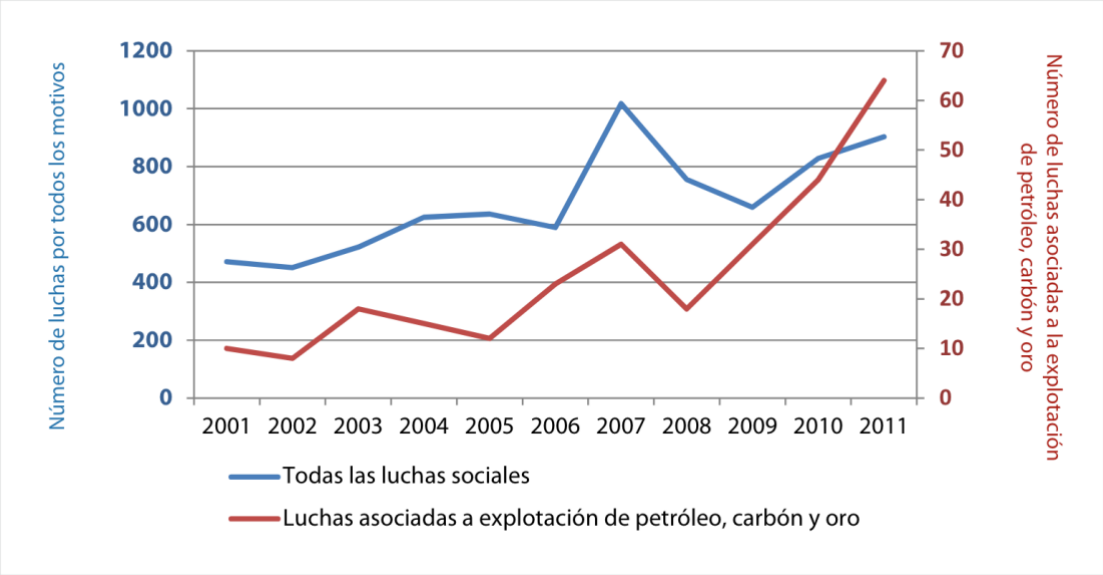
has been nicknamed “the flute” for the number of holes in its pipes (Aguirre 2021). While the FARC-EP and the ELN purported to fight for rural communities with these actions, civilians were most often the ones who suffered from environmental damages and were frequently injured in the crossfire as state forces confronted guerrilla groups (Vélez-Torres and Méndez 2022). The ELN’s attacks on the Caño Limón-Coveñas pipeline alone have spilled 3.7 million barrels of crude into the land and water of Arauca since 1980 (Aguirre 2021).

The rise of informal protest

From the mid-2000s through 2016, a combination of successful military offensives against the guerrillas and peace negotiations with the FARC-EP reduced the threat of violence against companies operating in Colombia’s extractive frontier (Massé and Billon 2018). At the same time, peaceful demonstrations by civilians against extractive development grew. Between 2000 and 2015, the Bogotá-based NGO *Centro de Investigación y Educación Popular* (CINEP) registered 263 protest events where participants made claims related to mining projects or mining-related policies (see figure 4.1). These raw numbers of protests may seem low compared to the explosion of protests documented in other Latin American countries from the 1990s onward (Almeida and Cordero 2015; Alvarez, Dagnino, and Escobar 1998; Escobar and Alvarez 1992), but Colombia’s ongoing armed conflict has historically put a damper on mass civil society movements (Archila 2003; Velasco 2015). Furthermore, opponents of social movements in the government and private industry have often tried to stigmatize protesters by accusing them of collaborating with guerrilla groups. Such moves have made protest a high-risk

activity for much of Colombia's history (Bautista 2012; Lalinde Ordóñez 2019; Van Isschot 2015).

Figure 4.1. Number of protests related coal, gold, and oil extraction in Colombia between 2001-2011



Source: CINEP/Programa por la Paz (2013)
Note: Red line and numbers on the right represent extractive-related protests. Blue line and numbers on the left represent total protests in Colombia.

In rural municipalities where companies sought to break ground on new projects or expand existing sites, local activists and communities organized marches, roadblocks, and protests with the goal of restricting company access to proposed mining sites. Indigenous and Afro-Colombian groups filed *tutelas* claiming rights to land and protested that they had not been properly consulted (Jaskoski 2020; Vélez-Torres 2014). Informal gold miners were encouraged to register for titles post-hoc with the country's mining agency, but a backlog of cases and slow bureaucracy led many to join informal mobilizations against the growth of multi-national investment (Rochlin 2015). Government officials, in turn,

responded to protests with repressive tactics familiar in areas plagued by decades of armed conflict—militarized policing and the criminalization of protest (Vélez and Lobo 2019).

The government's violent reaction to anti-extractive protests signaled its position regarding transformative participation: communities' preferences would be repressed if they countered the government's extractivist development model. Based on the history of extraction in Colombia, we would not expect to see communities turn toward participatory institutional implementation as Piedras did in 2013. The Colombian government's embrace of extractive development, however, is only one part of the story. The next section traces how changes in the *de jure* structure of politics in Colombia shifted the fulcrum for transformative participation toward the RoP.

Peace processes and political participation

By adopting and implementing the *consulta popular*, activists in Piedras were the beneficiaries of a process of political opening that began decades earlier. Colombia is often characterized as a paradoxical country that has simultaneously experienced a long history of stable electoral institutions alongside persistently high rates of political violence.[31] Part of what has maintained both traits over time is the political system's exclusionary structure, characterized by longstanding elite competition within a highly centralized system. Until at least the 1990s, Colombia was ruled by a small class of political and business elites based in Bogotá—the *país politico*—with limited power given to everyday citizens in the urban centers—the *país nacional* (Palacios 2006). The Colombian

[31] Jorge Osterling begins his 1989 book on Colombian politics by calling Colombia's democracy the oldest in the Western Hemisphere, while Stephan Dudley, Robert Dix, John Martz, and other scholars all note in their work the irony that a country famous for its violence would have one of the longest running democracies in the region (See Bushnell 1998; Dix and Osterling 1990; Dudley 2004; Osterling 1989).

countryside was largely unincorporated into the political system in any meaningful way (Carroll 2011:6). In this historical political system—characterized by its restriction of participation to a small class of political elites in the country's major cities—Archimedes' Lever sat solidly within the exclusionary position. Its legal structures and its leaders' political attitudes gave citizens few tools or outlets to demand transformative participation.

This section traces how Colombia's various peace processes and their attempts to prevent future violence slowly shifted the fulcrum of Archimedes' lever into the RoP. Each of the peace processes discussed below introduced new legislative or constitutional reforms that gave new, legal tools to civil society to participate in the political system. Political and judicial attitudes slowly began to change, as well. The additive effect of each of these smaller openings created a context where, by 2013 and until 2018, communities saw an opening to challenge the process of extractive development described previously.

Early democratic reform

Limited periods of democratic opening throughout Colombian history have been inextricably tied to attempts to restore peace after episodes of extreme violence. The first such period took place after the formal end of *La Violencia*. The ruling coalition of the National Front believed that expanding participation and economic development in Colombia's countryside would serve their goal of "national rehabilitation"[32] by addressing social explanations for violence (Karl 2017). During this period, the National Front

[32] This program of "national rehabilitation" was tinged with moralistic beliefs about a lack of ethics and virtues among Colombia's poor. In the words of historian Robert A. Karl: the program of rehabilitation through agrarian reform served as "an opportunity to address long-running anxieties about the work, cleanliness, and morality" of Colombia's poor in the eyes of the *país politico* (Karl 2017:81). It is perhaps unsurprising, then, that the participatory reforms introduced after *La Violencia* were far from transformative.

initiated Colombia's first (meager) attempt at agrarian reform to bring the state to the countryside. The government established the Colombian Institute for Agrarian Reform (*Instituto Colombiano de la Reforma Agraria*; INCORA) in 1961 and promised to carry out land redistribution programs as a part of peace deals between Liberal and Conservative paramilitary bands. Most of those promises, however, were left unfulfilled. Redistribution programs were consistently sidelined until finally dying a slow death in 1979 after being incorporated under the weak program of "integrated rural development" (Palacios 2006:182–84).

While the Colombian state was slow to fully implement land redistribution, another element of the post-*Violencia* land reform package did have an important impact on the political incorporation of rural communities. Law 19 of 1958 created the institution of community councils (*juntas de acción comunales*; JACs). JACs were introduced with the explicit goal of preventing future violence as a form of nonmilitary pacification. The National Front government envisioned that the councils would encourage reconciliation as communities resolved problems and decided on how to promote economic development from the bottom up (Kaplan 2017a:79). JACs, they hoped, would help rebuild "Colombia one village and county at a time" through communal action (Karl 2017:128), while also relieving pressure on a state that was struggling to increase its territorial presence. Councils were allocated small amounts of funding by the national government, but decisions on how to allocate resources were to be decided by the community.

JACs represented Colombia's original citizen-activated institution, as they were promoted but not actively implemented by the state in most areas. The government did promote and facilitate community efforts to create JACs in areas heavily affected by *La*

Violencia, but the vast majority of community councils were created by communities without government input. A 1993 census found that 78 percent of JACs were formed by community initiative (compared to 12 percent implemented by government staff or Peace Corps volunteers). By that same year, different sources counted between 30,000 and 42,582 *veredas* or villages across Colombia that had created JACs, although how functional these councils were may be up for debate (Kaplan 2017a:80–81). In terms of broadening political participation, the period after *La Violencia* devolved some political authority to local communities through JACs. While those reforms did little to incorporate rural citizens into the broader Colombian political establishment, they did begin to shift the internal state dynamics that determine fulcrum position in Archimedes' Lever. This reform by itself , therefore, did not change the national-level conditions that kept Archimedes' Lever in the exclusionary. What it did was add separate, micro-level variable to local dynamics of transformative participation: the attitudes of local officials.

Decentralizing democracy

A second period of democratic expansion began in 1982 with the election of president Belisario Betancur. By this time, the FARC-EP had expanded from its home-base in the mountains of southern Tolima to cover broad swaths of the country from the Sierra Nevada de Santa Marta in the north, Arauca in the country's east, and Putumayo in the south (Aguilera Peña and Centro de Memoria Histórica 2016). Several other guerrilla groups had also joined the FARC-EP in taking up arms against the Colombian state by the 1980s. Among them were the ELN and the M-19, an urban-based group famous for its spectacular attacks, which included the theft of Simón Bolívar's sword from a Bogotá

museum in 1972 and a siege of the Dominican embassy in 1980. Betancur campaigned on a promise to explore a political solution to the increasing scale of guerrilla violence. Instead of continuing his predecessor's reliance on military campaigns, he tied his plans for peace to a national program of political opening and social policies of inclusion (Shenk 2016).

To that end, Betancur and his successor, Virgilio Barco, introduced sets of reforms that aimed to decentralize state power and to broaden political participation beyond the elite in Bogotá. The most notable of these reforms was the introduction of popular elections for municipal executives; until 1988, mayors were appointed by the governing powers in the capital (Bushnell 2003:258). This shift facilitated the breakthrough of leftist candidates on the political stage for the first time in Colombian history. These reforms, therefore represented the first significant shift in the location of political power in the country and continued to shift the fulcrum of transformative participation closer toward the RoP. Politicians in Bogotá recognized that rural participation in politics would be required to establish any semblance of peace across the county. Meanwhile, Colombian citizens—even those in rural, marginalized areas—began to learn that they could transform municipal power structures with their votes. *De facto* attitudes became more favorable toward transformative participation.

Betancur and Barco's reforms however, did not bring the peace intended in many regions, and the continuation and escalation of violence limited the movement of the fulcrum toward the RoP or inclusion. Traditional regional elites became "sore losers" threatened by the gains of third-party candidates (Steele 2017:126). Victories by the Unión Patriótica (UP)—the FARC-EP's political party—in particular catalyzed mass

displacement and targeted assassinations documented by Abbey Steele (2017) and Leah Anne Carroll (2011). The period of the 1990s has thus been classified by some scholars as marked by a "dirty war" or "genocide" against the UP (Gomez-Suarez 2014). For members of civil society, this period of violence also demonstrated the elites' commitment to the status quo, and the dangers they could face if they pursued transformative participation. Nonetheless, the violence that accompanied decentralizing reforms in the Colombian countryside did not slow later participatory reforms introduced in the 1990s.

The 1991 Constitution

Just as the previous two periods of democratic opening came in response to surges of violence, the 1991 constitutional convention and its total-rehaul of the country's political framework was spurred by disillusionment caused by spiraling political and criminal violence. Betancur and Barco's earlier reforms had done little to stem the tide of guerrilla violence; furthermore, the presidents' successive peace negotiations failed to demobilize any of the country's major non-state armed groups. Meanwhile, rising violence linked to the growing illegal drugs trade threatened to cripple the social system and political order. High-profile assassinations of the country's top judges and political leaders—including the assassination of presidential front-runner Luis Carlos Galán—led both everyday citizens and the country's elite to push for an overhaul of the political system (Palacios 2006:246). Responding to these calls, the Barco administration called for a constitutional convention to reform Colombia's constitution and address the country's overlapping crises. Instead of revising the country's existing constitution, however, constitutional convention delegates proposed an entirely new one.

The 1991 Constitution and the progressive, inclusive political and legal framework it set out created the conditions that would shift the fulcrum of Archimedes' Lever solidly into the RoP by creating *de jure* support for transformative participation. A central component of the new constitution was its embrace of participatory democracy and direct democracy mechanisms as a solution to Colombia's political crises. Monica Barczak explains that convention delegates viewed participatory reforms in terms reminiscent of the introduction of JACs after *La Violencia*. "[D]irect democracy [was] seen as a way to involve citizens to promote 'societal reconciliation' and the 'effective operation of government' and to build a sense of community" as well as a way to overcome the country's "historical lack of social cohesion" (Barczak 2001:53).

By incorporating mechanisms like *consultas*, referenda, and recalls into the country's political repertoire, constitutional delegates brought Colombia in line with a wave of participatory reform efforts sweeping across Latin America. The "inclusionary turn" (Kapiszewski et al. 2021) saw participatory institutions become a central part of the legal framework of the Global South (Abbott and Goldfrank 2021), as governments and development agencies sought to "adapt" democracy to escape the threat of elite capture that had made representative democracy exclusive (Santos 2005:312). By the 2000s, the World Bank had invested nearly 85 billion US dollars in participatory development in Latin America and other regions (Abbott and Goldfrank 2021:736). In Colombia, these reforms provided local communities with potential tools to counter elite hegemony in policy decisions.

Beyond its embrace of participatory democracy, the new constitution also placed a heavy emphasis on protecting the social and cultural rights of Colombia's citizens.

Included in this vision was specific language about protecting the environment (Palacios 2006:249). The 1991 Constitution introduced numerous mechanisms that allowed citizens to take an active role in demanding the government respect these rights. For instance, the constitution included reforms of the legal system intended to bring people closer to the justice system. One such reform was the introduction of the *tutela* system (right of redress), that allowed citizens to denounce abuses or non-compliance of their rights at their local point of contact.

Another important reform recognized indigenous and Afro-Colombian communities as protected groups with the right to prior consultation under International Labor Organization (ILO) Convention 169 (Asher 2009; Palacios 2006:251). *Campesino* communities also benefited from the constitutional convention. While they were not granted the right to prior consultation, the convention paved the way for the government to pass Law 160 of 1994. This statute revived an earlier project of agrarian reform and created six *campesino* reserve zones (*zonas de reserva campesina*; ZRCs). Communities within these zones were afforded notable autonomy in deciding on issues related to economic development, including how to allocate land for agriculture and natural resource development (Quijano-Mejía and Linares-García 2017; Reyes Bohorquez 2013). Finally, the 1991 Constitution also overhauled Colombia's court system. This included the creation of the Constitutional Court to clarify and interpret new doctrines; this court would later prove integral in providing judicial support for early extractive-related *consultas*.

On paper, the political and legal reforms introduced in the 1991 Constitution gave local communities the necessary tools and progressive judicial environment to achieve empowerment through transformative participation. To some extent, these participatory

reforms also succeeded in strengthening citizens' perceptions of their rights and the state's obligation to protect that went far beyond the limited promises of early periods of reform. Despite facing hostility from executive officials committed to extractive development, members of civil society could turn to Colombia's legal code to support their opposition to new projects. As one lawyer involved with several *consultas* told me, communities employing the *consulta popular* to protest extractive projects initially felt protected by the institution; they were using the state's own constitution to voice their concerns.[33] This thesis, however, has consistently emphasized that reforms on paper are not always implemented in practice, and that has certainly been the case with *consultas*. The final section of this chapter puts the above histories of violence and extractives and peace and participation in perspective to explain how these dual narratives have played out as a contest between various state officials, companies, and communities over the position of the fulcrum in Colombia's post-accord period.

Extractives and participation: the contradictions of territorial peace

On 24 November 2016, President Juan Manuel Santos and guerrilla-leader Rodrigo Londoño affixed their signatures to the final accord that would end the Colombian government's decades-long armed conflict with the FARC-EP (Cosoy 2016). Like the first attempts to build peace in Colombia after *La Violencia* and the rounds of negotiation that followed in the intervening decades, the 2016 peace deal recognized political participation and land access as keys to achieving national rehabilitation and reconciliation. An integral

[33] Interview #1515 with environmental lawyer, Bogotá, December 2019.

pillar of the negotiating process and the final agreement, therefore, was the concept of "territorial peace."

The idea of "territorial peace" was first presented by High Commissioner for Peace Sergio Jaramillo, who referenced the term during a conference in 2014. The term was later repeated by members of the FARC-EP's negotiating team (Cairo et al. 2018). Territorial peace, as described by Le Billon et al. (2020:304) "recognizes uneven distribution and experiences of violence across Colombia and seeks to achieve a positive and redistributive peace through the recognition, participation, and capacitation of marginalized groups, their relationship to diverse territories, and the enabling of new forms of bottom-up territorial development." In practice, the government, the FARC-EP, and local communities have interpreted the concept to require a further degree of decentralization than the processes that began in the 1980s. Rather than simply decentralizing political decision-making through local and regional elections, "territorial peace" promoted the expansion of political rights to include decision-making on economic development. Local communities would be called on to make the final decisions about the future of their territories, starting with sixteen municipalities[34] designated as the "hardest-hit" by the armed conflict. The goal was to later expand the program to cover all of the country's territory regardless of conflict experience (Cairo et al. 2018; Le Billon et al. 2020).

The concept of territorial peace built on the participatory and environmentalist character of the 1991 Constitution. In theory, the 2016 peace accord would expand

[34] These municipalities were designated "PDET municipalities," as local communities were charged with writing Territorial Approach Development Plans (*planes de desarrollo con enfoque territorial*: PDET). The idea was that these plans would be used as a management tool for local, regional, and national government agencies to disperse funds and make decisions on productive projects in accordance with local communities' visions for development and rights as victims of the armed conflict. See https://participedia.net/case/5662.

guaranteed participation and consultation beyond the ethnic minority communities protected by ILO 169 and the limited number of ZRCs created in 1994. *Campesino* communities affected by armed conflict would also be prioritized in decision-making and would have a say in how their territory would be developed in the future. FARC-EP negotiators expressed hope in interviews with a team of Colombian academics in 2017 that the concept would develop even further to resemble the indigenous worldview adopted by progressive governments in Latin America. The Ecuadorian philosophy of Good Living, *sumac kawsay,* or *buen vivir*, which promotes values of living in harmony with "mother earth," served as a reference point for this vision (Cairo et al. 2018:467–68). The 2016 peace accord would therefore usher in an era of environmental peace—where natural resources management served as a space of cooperation and collaboration rather than conflict[35]—as a component of positive peace (Galtung 1996). With civil society in local communities holding the final say in project development, this vision would place the fulcrum of Archimedes' Lever much further toward the inclusionary position: *de jure* state support would strongly favor civil society.

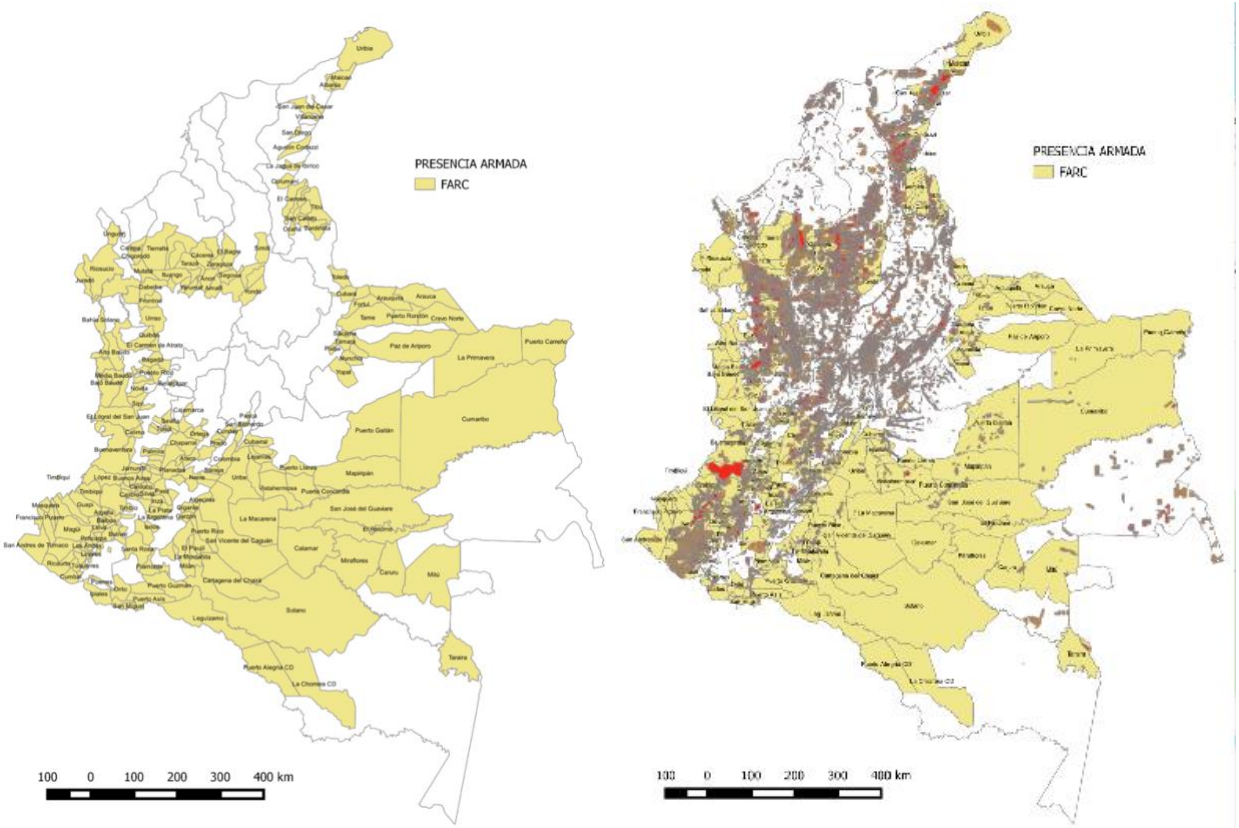
Despite the hopes of government and FARC-EP negotiators as well as local communities, implementation of territorial peace in Colombia has come into conflict with another component of the national government's post-conflict plan: extractive development. At the same time that his administration was introducing the idea of territorial peace to the Colombian public, President Santos doubled down on his predecessors' promotion of expanding natural resource extraction in Colombia's territories. The FARC-EP's demobilization promised to open for extractive develop areas of the

[35] See Dresse et al. 2019 and Ide et al. 2021 for broader overviews of theories of environmental peacebuilding.

country previously inaccessible due to the guerrilla group's presence (see figure 4.2). These projects, Santos proposed, would generate the funds necessary to pay for the country's ambitious plan for peace (Gutiérrez-Rodríguez 2015; McNeish 2017b). When local communities in these areas resisted plans for new extractive projects, the mismatches of these two visions of post-accord Colombia were made clear. While the 2016 peace deal envisioned demilitarization of the countryside, the presence of Colombia's militarized, anti-riot police (*escuadrón móvil antidisturbios*: ESMAD) in rural areas increased significantly from 2012 onward in response to socio-environmental conflicts (Olarte-Olarte 2019:31–34).

The contradictions of the Colombian government's post-accord development plan—which purported to embrace territorial peace while promoting large-scale extraction—exacerbated a fundamental issue that underlies conflicts over extractive development in Colombia, including communities' activation of the *consulta popular*. Who owns the land? As in most countries around the world (the United States being one notable exception), Colombia's legal framework allows private individuals to own land above ground while maintaining the state's ownership of the subsoil. This allows the state to license land from private owners in order to develop mineral or other resource deposits found underneath the ground to create wealth "for the benefit of the nation" (Bebbington et al. 2013:246; Hoetmer 2017; Negrete Montes 2013). The issue is that Colombia's constitution does not specify which state bodies take precedence in these decisions—whether the "state" should mean the national, regional, or local governments or a different actor altogether. This legal lacuna leaves two fundamental questions unanswered: who is the state? And who owns the subsoil?

Figure 4.2 Map of mining titles overlaid onto map of FARC-EP presence



Source: Author's elaboration with data from Fundación Pares and Tierra Minada. Areas shaded yellow on both maps are municipalities formerly controlled by the FARC-EP. Areas shaded in red and grey in the map on the right are mining titles granted by National Mining Agency.

Colombia's national government has maintained that the national executive is the proper representative of the state in decisions related to natural resource development. Its central argument is that the country cannot allow the preferences of a handful of individuals in isolated communities to make decisions that will impact the economic growth of the entire nation (McNeish 2017b). This argument, of course, directly undermines the spirit of participatory democracy and territorial peace, which insists that local communities—no matter how remote—should be central in decisions regarding their land. Communities mobilizing for *consultas populares* have repeatedly invoked this argument. Indeed, during my interview with a prominent environmental lawyer who had accompanied local pro-*consulta* movements, the lawyer spent the first half hour running through PowerPoint slides outlining the multitude of contradictions permeating Colombia's legal codes as a justification for extractive-related *consultas*.[36]

These contradictions have created legal opportunities for local activists to exploit, invoking their right to participation in general and their specific right to decide on extractive development. At the same time, this ambiguity in the constitution has allowed state officials hostile to community demands to temper the judicial system's *de jure* support for transformative participation. The lack of legal clarity combined with the government's narrative that paints extractive development as a central pillar of Colombia's post-accord future made the conflict between companies, national politicians, local governments, and activists into a high stake one. Ultimately, Colombia's judicial system sided with the extractive companies and national politicians. The Constitutional Court's

[36] Interview #7323 with environmental lawyer, Bogotá, October 2019.

October 2018 ruling explicitly upheld the national government's claims as the owner of Colombia's subsoil when the court prohibited local governments from carrying out extractive-related *consultas*. With both *de jure* and *de facto* state support for transformative participation through *consultas* dashed, by the end of 2018 the fulcrum shifted back into the exclusionary position for future extractive-related *consultas*.

Conclusion

This chapter has shown how the fulcrum's position in Archimedes' Lever for transformative participation in Colombia shifted slowly toward the RoP as the country has tried to address successive waves of peace and violence and the tensions at the root of the country' armed conflict. For most of Colombia's history, both *de facto* and *de jure* attitudes toward participation placed the fulcrum in the exclusionary position; decision-making powers were concentrated in the hands of a select few in Bogotá, and civil society did not have access to formal tools for participation until the mid-1900s. The shift toward the RoP happened slowly, as Bogotá's elite realized that increasing political participation may help address the recurrent and persistent waves of violence that continued to wash over the country. Finally, the passage of the 1991 Constitution introduced judicial and constitutional reforms that firmly shifted *de jure* support for participation into the inclusionary position. *De facto* support for participation, meanwhile, has been slower to change. This chapter has also shown how democratic openings have been met with backlash by veto players—rural elites in the 1990s, for example. The increasing salience of extractive development in Colombia's economy has created a similar barrier to *de facto* political support for transformative participation through *consultas*.

It is this contradictory *de jure* and *de facto* legal and political framework that placed the fulcrum of Archimedes' Lever for extractive-related *consultas populares* in the RoP (rather than shifting fully into the inclusionary position). Within the national-level RoP, however, local-level variations in context (of experience during conflict, for example) and their interaction with the dynamics of civil society mobilization and counter-mobilization by veto-players determine the outcome of individual cases of the use of Archimedes' Lever. Therefore, with the macro-position of the lever's fulcrum in place, the empirical chapters that follow investigate how the forces on either side of the lever contribute to (non) activation and implementation of the *consulta popular* between 2013 through the end of 2018.

Chapter 5 - Civil Society

Introduction[37]

In 2013, the municipality of Piedras became the first in Colombia to activate and implement the *consulta popular* as an institutional tool for resistance against the development of extractive projects within its territory. Paving the way, Piedras demonstrated both the utility and feasibility of participatory democracy as a pathway for citizens to channel their grievances against the state. But where have communities tried to emulate Piedras in attempting to leverage the *consulta* around extractive projects? Why have some tried and not others? While the previous chapter laid out the national-level context that placed the fulcrum of Archimedes' Lever into the Realm of Possiblity (RoP), this chapter and those that follow begin to delve into the forces on either side of the lever and how they vary from case to case.

This chapter focuses on the civil society side of Archimedes' Lever. In the theoretical framework presented in chapter two, civil society organization and mobilization is crucial to lifting the weight of transformative participation through citizen-activated institutions. In the case of Colombia, the country's national government has neglected to promote, and generally sought to punish local governments using the *consulta* to gauge citizen support for development-related policies, including those related to extractives. Therefore, it has been up to civil-society groups to learn about, mobilize around, and coordinate the *consulta* from below. Simply put, without initial civil society mobilization,

[37] A version of this chapter, entitled, "Does conflict experience affect participatory democracy after war? Evidence from Colombia," is forthcoming at *Journal of Peace Research*.

institutional activation—the first step toward institutional implementation—is unlikely to occur.

In the sections that follow, I test the theoretical model presented in chapter two to determine what variables condition civil society pressure on Archimedes' Lever. I first use descriptive statistics and mapping to examine general patterns of civil society mobilization. After outlining my hypotheses, I test my theory empirically through statistical analysis of the *Consultas Populares* in Colombia (CPC) database introduced in chapter three. The findings confirm the importance of movement leadership and movement infrastructures for civil society mobilization and suggest that local variations in experience during armed conflict interacts with these variables. The final section probes this relationship between leadership, movement infrastructure, and armed conflict through a short case study of Cajamarca and Anaime, Tolima to tease out potential causal pathways.

Patterns of mobilization: Descriptive statistics

Data collection identified 95 positive cases where municipalities registered at least one civil society mobilization in support of holding a *consulta popular* related to an extractive project between 2013 and the end of 2018. This figure represents 8.5 percent of Colombia's total municipalities. These cases are spread across 14 of Colombia's 32 departments, with Antioquia (17) and Casanare (17) registering the highest number of mobilized municipalities, followed by Tolima (12). This distribution is reflective of the development of Colombia's large-scale extractive sector in recent years. Large multinational firms like AngloGold Ashanti have proposed multiple projects in Antioquia

(Gramalote and Quebradona) and Tolima (La Colosa)[38], and state-owned petroleum company Ecopetrol has looked to expand its operations in Casanare (Odisea 3D project). Some cases are clustered around certain regions or geographic landmarks. The Suroeste province of Antioquia, for example, accounts for all positive cases in that department. Other cases, however, represent the only cases in their department (Arauquita, San Martín, and Quinchía).

These patterns—of both the development of extractive projects and the distribution of mobilization—are emphasized visually in figures 5.1 and 5.2 which map mobilizations for *consultas populares* over land designated by mining titles under review and approved by the National Mining Agency, respectively. Far more land is covered by pending titles (figure 5.1) than land approved for exploitation (figure 5.2), with large clusters of pending titles in Antioquia. But the presence of mining titles (pending or approved) does not necessarily predict mobilization. Areas under titles in the north of the country (e.g. the departments of Bolívar and Córdoba and the northern regions of Cesar) are heavily covered by titles, but do not register any mobilizations for a *consulta popular*.[39] One mining executive I spoke with in Colombia insisted that community opposition to mining projects was limited to municipalities with no previous history of mining.[40] The analysis in this chapter and chapter six investigate this claim more closely.

[38] See https://www.anglogoldashanti.com/americas/.
[39] There is also a cluster of titles in the south of the country, along the Ecuadorian border, where municipalities have not registered a *consulta popular*. However, the department of Nariño, where those titles are located, counts a high population of indigenous groups that are entitled to a separate process of consultation related to extractive projects (*consulta previa*), which is outside of the focus of this thesis.
[40] Interview #8493 with mining executive, November 2019, Medellín.

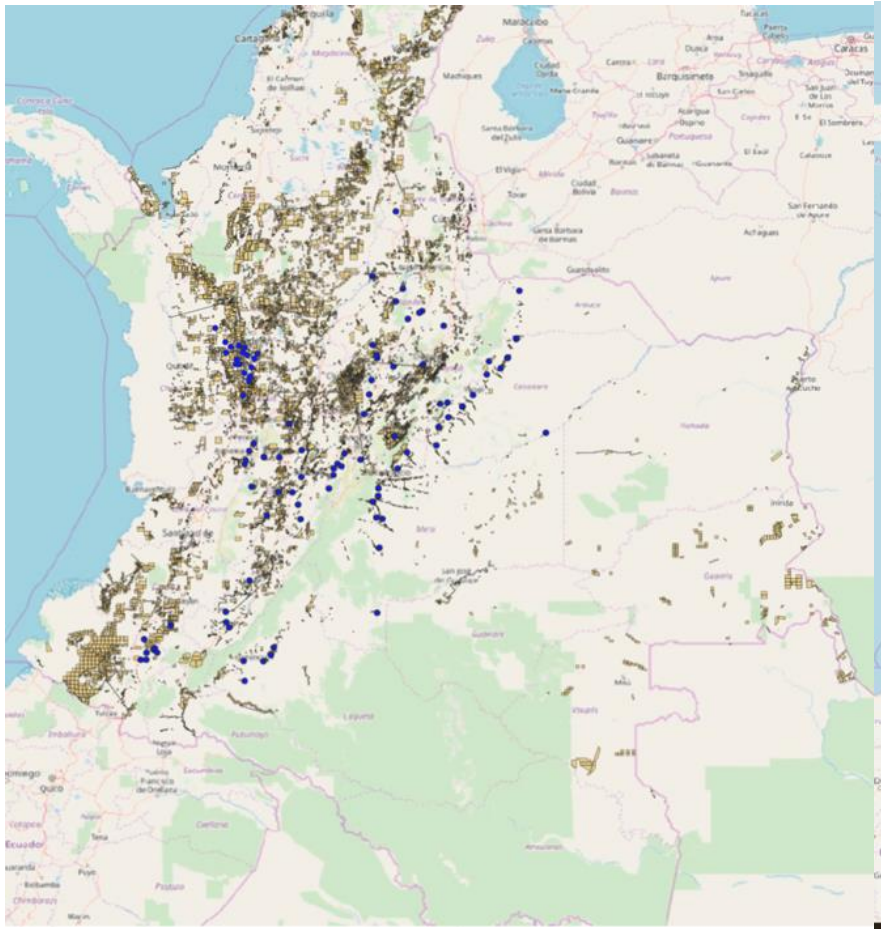


Figure 5.1. Map of consultas populares and mining titles under review (2017)



Figure 5.2. Map of consultas populares and approved mining titles (2017)

Source: Both author's elaboration with data from Tierra Minada

Table 5.1. Descriptive statistics of CPC database

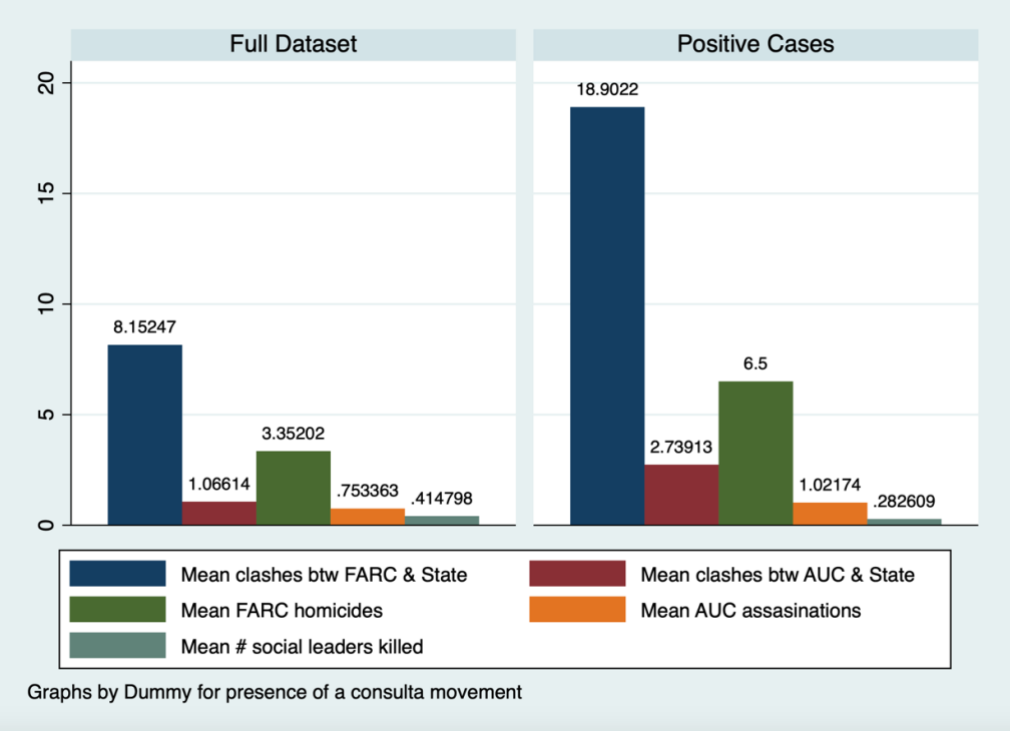
	Total dataset			Positive Cases		
Independent Variable	***Observations***	***Mean***	***Std. Dev.***	***Observations***	***Mean***	***Std. Dev.***
Resource Mobilization						
Basic Needs Index (2011)	984	42.83	19.61	92	39.04	16.67
GDP (2005) (COP)	976	329,965	3,027,562	92	249,482	528,701
Power of Distance						
Distance to Bogotá (km)	984	296.38	179.45	92	216.89	111.55
Armed Conflict						
Total FARC-EP Violent Events	985	5.33	14.11	93	9.53	22.78
Total Right-wing Violent Events	985	2.84	10.64	93	2.73	4.36
Threats 1993-2017	985	322.74	918.44	93	374.11	476.23
Kidnappings	984	6.91	28.99	92	9.39	17.99
Homicides 2003-2013	984	217.89	1194.33	92	145.926	235.69
Number of social leaders killed since 2016	985	0.40	1.29	93	0.28	0.94
Coca	984	0.26	0.44	92	0.22	0.41
Illegal Mining	984	0.10	0.30	92	0.05	0.23
Convenios de Fuerza	984	0.12	0.32	92	0.18	0.39
Local Political Opportunities						
Vanhanen Index (2011)	977	0.35	0.08	92	0.35	0.09
Centro Democrático in Power	984	0.89	0.31	92	0.95	0.23
Control Variables						
Mining Royalties (2011-2017) (in millions of pesos)	985	118.379	1,426.39	93	5.51	15.83
Total Population	984	44,864	290,407	92	28,996	63,881
Rurality Index	984	0.54	0.24	92	0.53	0.22
Altitude (m)	984	1,180.70	888.93	92	1,228.94	801.96
Area (km2)	984	621.97	1,469	92	976.15	1,889

Note: violent events are the sum of kidnappings, assassinations, and clashes with security forces by armed group between 1993-2013.

The following section will discuss independent variables and data collection for those indicators in depth, but it is worth highlighting some of the characteristics of mobilized communities, presented in table 5.1. Compared to the national average, municipalities with mobilizations for a *consulta popular* tend to have a lower basic needs index (NBI) (i.e. a greater percentage of their population has access to basic needs like food, shelter, and sanitation) and are located, on average, about 100km closer to the capital

city of Bogotá. They are also more likely to be governed by a mayor from the Centro Democrático (CD) party—one of the country's leading, conservative, pro-mining parties. We should avoid assigning too much of an important and negative role to the CD, however, given that the CD is dominant in Antioquia, where there is a concentration of positive cases of *consulta* activation.

Figure 5.3. Violence indicators – positive cases vs. database mean



Source: author's elaboration with data from Universidad de los Andes CEDE database.

A comparison of positive cases to the database average on indicators related to Colombia's history of armed conflict reveals some notable differences. According to data collected by the Universidad de los Andes from the National Police and Ministry of Defense, positive cases experienced, on average, nearly double the rate of violent events by armed groups during the armed conflict if we disaggregate by event type. This includes more than double the total number of clashes between state security forces and both the FARC-EP and paramilitary groups between 1993 and 2010—a period that covers the

height of Colombia's armed conflict. At the same time, municipalities coded as positive were less likely to register one or more fewer assassinations of local activists after the signing of the 2016 peace accord. [41] These data raise questions as to how historical and contemporary violence may play a role in community mobilizations for *consultas*. The following sections will examine the significance of these differences in depth.

Explaining Activation

In chapter two, I outline three conditions that may explain the emergence and strength of civil society pressure on Archimedes' Lever: resources, movement infrastructure, and the legacy of armed conflict. In this section, I translate my theoretical framework into testable hypotheses and describe how I operationalize each variable in the following statistical analysis.

Financial Resources

In order to recruit, organize, and sustain support for any community mobilization, researchers of social movements tend to agree that a fundamental requirement is the ability of movement leaders to access and mobilize resources (McCarthy and Zald 1977). For movements seeking formal action, for example within the legal system, this is especially true. Legal mobilization requires more resources than informal protest tactics because of

[41] The mean number of homicides in positive municipalities was lower than the national average. This comparison, however, may be skewed by the fact that most positive cases are rural municipalities with far fewer residents than urban centers. The homicide numbers in cities like Medellín, Cali, and Bogotá may be driving the national average up. In contrast, "social leader assassinations" is coded as a binary variable (described in the next section), meaning that population and municipality size would not skew the data as with homicides.

the money required to obtain legal counsel, as well as the high degree of specialized knowledge required to convincingly adopt legal rhetoric and effectively file claims in the legal system (Felstiner et al. 1980; McCammon and McGrath 2015; Vanhala 2012). We might expect the same to hold true for mobilizations seeking to organize *consultas*. Understanding the impacts of a proposed mining project on one's territory, determining the legal requirements for holding a *consulta*, and communicating that information across a municipality requires resources. This theory leads to the following hypothesis:

> *H1. Communities with greater access to (financial) resources and the ability to disperse those resources across the community are more likely to mobilize for a* consulta popular.

To test this hypothesis, I employ a number of measures for both the total financial resources a municipality may have and the ability of groups to mobilize those resources across the community. As a basic measure of financial resources, I consider municipality GDP and its NBI. Municipality size, altitude, and rurality index may also play a role in resource dispersion. Civil society groups operating in bigger municipalities or municipalities with particularly mountainous and inaccessible terrain may encounter difficulty disseminating information about the *consulta* process and mobilizations, while more rural municipalities may encounter similar difficulties if rural residents of the municipality are not integrated into the local government or civil society community.[42] Data for these variables were collected from the Universidad de los Andes' CEDE panel database, which collates data from DANE. To translate the panel data into cross-sectional data for my database, I used the most recent year that data was available for socioeconomic

[42] Alisha Holland and José Inicio (2019) for example, include these three variables in their study of recall attempts in Peru.

and geographical data. I also include data on the total amount of mining royalties received by municipalities between 2011 and 2017, collected from the National Mining Agency. Municipalities that received large sums of mining royalties may have a lower basic needs index, but where residents are able to ascribe funding for local programs to mining projects, they are unlikely to jeopardize that income by mobilizing against mining. In that case, the presence of financial resources would work against the activation of the *consulta popular*.

Knowledge as a resource

Resources, however, are not always financial. Strong leadership, as I describe in chapter two and other scholars have demonstrated in other "David-vs Goliath" struggles (see Ganz 2009 in particular), can also be considered a resource for mobilization. Some leaders may be more effective than others in placing pressure on different points of Archimedes' Lever. Characteristics such as charisma (Zulver 2022) or an individual's willingness to accept the risks of legal mobilization (Vanhala 2012; Wolford 2010) can make certain leaders better at convincing community members to place force on the lever. Other leaders may be particularly effective at convincing local governments to act on communities' demands, making them better suited to try to shift the lever's fulcrum. Each of these characteristics is independent from a community's financial resources.

Unfortunately, measuring these leadership characteristics across the nearly 1,000 municipalities in the CPC database is a challenge beyond the scope of this thesis. That said, I do include a proxy for one characteristic of strong leadership—access to knowledge. Even the most charismatic leaders are unlikely to succeed in activating the *consulta*

popular if they do not have, or cannot acquire, legal and technical knowledge of the institution. Even more specialized knowledge of how the proposed project would impact the communities' territory may also be required in order to counter pressure from the other side of the lever. Access to this kind of information, however, is not evenly distributed throughout Colombia. Historically, the country has been characterized by a weak and uneven state capacity that has both driven and been exacerbated by decades of armed conflict (Karl 2017). These geographical differences mean that access to knowledge, or the knowledge-bearers and support structures (legal and environmental NGOs or individual experts) that can provide it through Pereira et al.'s (2022) "domestic boomerang", varies between communities.

Mobile technologies, such as Facebook and WhatsApp may have helped close the distance between NGOs and experts based in Bogotá, but only to a degree. With internet access still sporadic in much of Colombia's countryside, physical proximity to the capital likely increases the relative ease of forming and sustaining connections with support structures.[43] With this in mind, I use distance from Bogotá[44] as a proxy for ease of access to *consulta* support structures and the specialist knowledge NGOs and experts provide.

> *H2. Communities located closer to Bogotá are more likely to mobilize for* consultas populares.

---

[43] The use of mobile technologies has increased dramatically in Colombia since 2010. WhatsApp and Facebook are often included in mobile internet packages free of charge, and the country's Ministry of Technology announced in 2017 that 793 of Colombia's 1,101 municipalities were connected to 4G networks. That said, internet access in rural areas is often limited to the center of the *cabecera municipal*, and as of 2018, digital uptake was markedly lower in rural regions than in the country's major cities (Erb 2019).
[44] I also consider distance to department capital in alternative models but find that proximity to department capitals is not statistically significant. Interviews with NGO officials and individuals presented in chapter 7 suggest why proximity to department capitals is a poor proxy for access to knowledge. For groups working with limited financial resources, getting from Bogotá to even the department capital may be cost prohibitive.

Legacy of armed conflict

Looking beyond communities' socioeconomic and geographic position, I also consider how communities' experience during armed conflict can affect community mobilization and leadership. Chapter four posits that Colombia's history of armed conflict influenced the position of the lever for transformative participation by alternatively triggering and countering the introduction of participatory reforms. Here, I argue that conflict experience can also affect pressure on Archimedes' Lever by influencing the mobilizational potential of civil society. For decades, opponents of social movements in Colombia invoked the looming specter of violence by left-wing guerrilla groups to marginalize community activists. As a result, the leaders and community members who oppose projects supported by the national government or elite business interests have operated under the threat of being associated with the guerrillas (Archila 2011; Pabón 2017; Van Isschot 2015), making mobilizations high-risk (Loveman 1998; Zulver 2022). In 2017 for example, two youth activists were killed in Cajamarca, Tolima for their work organizing the *consulta* there; their names had previously appeared on a "death list" circulated by an armed group accusing the pro-*consulta* committee of being "*guerrilleros.*"[45] A community's history of violence, therefore, may influence its mobilizational potential, as activists are intimately aware of the danger of their actions.

Research on collective action during and after armed conflict, however, shows that this is not always the case. Empirical studies conducted outside of Colombia have found positive correlations between community or political participation and first-hand experience of violence during armed conflict. Studies ranging from surveys of child

[45] Interview with community activist #8526, online, July 2021.

soldiers in Uganda (Blattman 2009) and households affected by civil war in Sierra Leone (Bellows & Miguel 2009), field experiments in rural Burundi (Voors et al. 2012), and mixed-method research of former combatants in Angola (Justino & Stojetz 2018) all find that wartime experience positively affects social and/or political behavior. Most of these scholars borrow from the discipline of psychology to hypothesize that conflict exposure leads to generalized preference change due to 'post-traumatic growth'. As Bauer et al. (2016:23) summarize in their meta-analysis, 'psychologists have noted that some people respond to trauma by reflecting on and reevaluating their lives, especially in terms of what they regard as important and valuable, such as family and relationships'. Trauma in the form of conflict-related violence, the argument follows, leads to pro-social behavior—of which political participation is one facet. Aggregated to the community level, increased pro-social behavior may change social norms and fortify institutions that promote social and political participation (Bellows and Miguel 2009:1147).

Building from this literature, recent studies have examined conflict affected communities' attitudes toward State institutions, specifically. While exposure to violence may still make individuals more display pro-social tendencies on the whole, scholars have found that wartime victimization tends to lead communities to distrust both local and national State institutions. Survey experiments show that communities in Afghanistan that experienced higher conflict intensity, for instance, have low perceptions of the police (Deglow and Sundberg 2021). Communities that have experienced longer periods of rebel rule in Côte D'Ivoire, meanwhile, display lower rates of confidence and trust in both national and municipal governments (Martin, Piccolino, and Speight 2022). Effects of victimization might also be gendered (Hadzic and Tavits 2019), with victimization making

men more likely to participate in post-conflict politics and discouraging female political participation.

Applying all of these arguments to the case of *consulta* activation in Colombia, we would expect individuals living in areas that experienced greater conflict intensity to exhibit more pro-social tendencies. This pro-sociality could facilitate efforts to organize movements to activate *consultas*, as community members may be more willing to participate in organizing and/or take on leadership roles. Bauer et al. (2016) suggest that pro-social effects are stronger within culturally-defined in-groups than among out-groups. This finding should only strengthen our expectations regarding mobilization within a community (within an in-group) against mining or oil firms (outsiders). Communities' distrust of national or local institutions, meanwhile, should not necessarily discourage them from mobilizing around *consultas*. The *consulta* is legally a state institution, yet as has been emphasized throughout this thesis, the way that communities use this institution serves as a way of rebuffing State policies. Especially during the mobilization stage, when civil society does not yet have to secure local government support, trust in local institutions should not affect mobilization. In sum, the theories above lead me to the following hypothesis:

> *H3: Communities that experienced greater conflict intensity will be more likely to mobilize for a* consulta*.*

In terms of operationalizing this hypothesis for my analysis, much of the existing literature suggests that the pro-social effect on *consulta* participation should hold regardless of the type of violence and the identity of the perpetrators (Bauer et al. 2016). This allows me to employ a fairly blunt instrument to measure conflict intensity in my

analysis. It should be noted that some scholars may disagree with this framing. Laia Balcells (2012:313), for example, contends that victimization leads individuals to reject the political identities of perpetrators. Balcells' study, however, examines participation in formal voting and party preferences. In the context of extractive-related *consultas* party preferences tended not to play a large role. National party ideology tends to be significantly diluted at the local level, especially in rural areas located far from the political center (Milanese and Albarracín 2022). Individuals that supported the national governments' party in formal elections may not take into the account the preferences of party elites in Bogotá, as they vote on issues that immediately threaten their land and livelihoods.

I use an indicator for conflict intensity created by the Conflict Analysis Resource Center (CERAC), a Colombian think-tank.[46] Between 2000 and 2012—generally the most violent years of Colombia's armed conflict, CERAC collected data on both armed group presence and conflict-related events for all municipalities across Colombia. Municipalities are typologized on a 0-7 scale base on both the number of violent events and the persistence of conflict (permanent, interrupted, pacified, no conflict). Municipalities that scored a 7 on this scale represent those that were the most affected by armed conflict, while those that scored a 1 did not experience conflict from 2000-2012.

Finally, assuming that some areas of the country may be especially lucrative for both legal extractive projects and criminal groups—which may affect community leaders' ability to mobilize—I include two additional variables in my analysis. In 2019, a group of journalists published a database of contracts signed between the Ministry of Defense,

[46] For an evaluation of the robustness of CERAC data, see Restrepo, Spagat, & Vargas (2003).

Fuerza Pública, or Fiscalía and mining and electric companies to provide additional protection for their operations in certain municipalities (*convenios de fuerza y justicia*).[47] Ostensibly, these agreements are intended to protect extractive installations from attacks by insurgents, but human rights groups contend that they are often used as a pretense to quell anti-extractive protests where civil society has voiced opposition to projects. This variable, therefore, helps to account for possible spuriousness where municipalities experience higher conflict intensity, particularly guerilla violence, and *independently* are more vocal opponents to extractive projects. I created a dummy variable using this database to identify municipalities as either named in at least one contract (1) or not (0). The presence of illegal mining operations may also affect community leaders' decisions regarding extractive projects. To create a variable for the presence of illegal mining, I used QGIS to geo-reference a map published by the UNODC of known areas where illegal mining occurred in Colombia in 2016 and coded municipalities with a dummy variable for the presence of illegal mining.

Data analysis

To test the hypotheses above, I use community mobilization as my primary measure of civil society pressure on Archimedes' Lever. As I describe in chapter three, I operationalize "mobilization" by identifying municipalities where communities specifically called for their local governments to hold *consulta* related to extractive projects. My dependent primary dependent variable, therefore, is a dichotomous variable that captures whether news reports indicate that community members have organized

[47]A map and list of convenios de fuerza y justicia are available at http://rutasdelconflicto.com/convenios-fuerza-justicia/node/440

informal (protests, marches, etc.) or formal (town halls, registering with the National Registry) actions to demand a *consulta*.

In addition to controlling for various socio-economic conditions, I include variables in my models to account for local political conditions. Previous chapters have examined how state institutions determine the position of the fulcrum in Archimedes' Lever. From 2013-2018, national-level conditions placed the lever's fulcrum in the RoP for potential movements around the country. It is also possible that *local level* political conditions could affect the likelihood of community mobilization within the RoP, as potential leaders and community members may perceive certain local officials as being more or less likely susceptible to civil society pressure. For the purposes of this chapter, however, I am interested in capturing how each component of the Archimedes' Lever works independently. For this reason, I control for possible local variations in the fulcrum's position by including indicators for political openness, the party in power, and post-conflict violence.

I measure openness in two ways—electoral openness and openness as relates to violence against social leaders and alternative political leaders. To measure electoral openness, data on local political dynamics—electoral results for the 2011 and 2015 mayoral elections as well as the 2014 Senate election—also comes from the Universidad de los Andes, which has an extensive database of election results by municipality and year. I explore a variety of measures of electoral openness, including percent participation of the electorate in the 2011 mayoral race (the most recent data available for mayoral election participation). I also calculated the Vanhanen index score for each municipality based on

participation and competition data from 2011.[48] To account for local preferences, I construct a dummy variable that captures whether the mayor in power represents the CD political party, including as part of a coalition. The CD is one of Colombia's most prominent political parties, and its national policy is explicitly in favor of increasing foreign direct investment in extractive projects. To control for post-conflict violence, I construct a dummy variable to capture whether the municipality registered at least one assassination of a social leader between 2016 and December 2018.

I ran three separate logistic regression models testing each hypothesis separately, and a final, fourth model including all significant explanatory and control variables. Because this analysis uses a dichotomous binary variable, logistic regression is the most appropriate statistical test, but coefficients are not easily interpreted from such analysis. Across all variables, the sizes of the coefficients, even when statistically significant, are small. This is perhaps unsurprising given that the dataset uses the municipality as the unit of analysis for a process as complex as mobilizing for a *consulta popular*. That said, the direction of the coefficient, its significance, and its size relative to other coefficients can help reject hypotheses and provide helpful direction for further inquiry. Robust standard errors in parenthesis are clustered by province to account for regional effects. Continuous variables are divided by two standard deviations from the mean to facilitate comparison with binary variables.

Table 5.2. Logistic regression table: community mobilization around consultas populares (full CPC)

	Model 1 (Financial	**Model 2**	**Model 3**	**Model 4 (Combined)**

[48] The Vanhanen index of democracy is often used by political scientists as a measure of quality of democracy and is calculated using electorate participation and percentage of the vote won by the winning candidate (competition). https://www.prio.org/Data/Governance/Vanhanens-index-of-democracy/

	Resources)	(Knowledge as resource)	(Armed Conflict)	
Distance to Bogotá (km)		-1.43*** (0.54)		-1.56*** (0.56)
Conflict Intensity			0.58** (0.24)	0.71*** (0.25)
Coca			-0.23 (0.44)	-0.18 (0.46)
Illegal Mining			-0.67 (0.61)	-0.65 (0.63)
Convenios de Fuerza			0.65* (0.34)	0.73** (0.34)
GDP (2005)	3.43 (4.67)			
Total Population	-3.73 (5.01)		-0.60 (0.37)	-0.84 (1.10)
Rurality Index	0.50 (0.31)	-0.34 (0.36)	0.31 (0.31)	-0.13 (0.36)
Area (km2)	1.21** (0.50)	1.22** (0.49)	1.07** (0.47)	0.99** (0.46)
Log Mining Royalties (2011-2017)	0.03* (0.01)	0.02 (0.01)	0.03 (0.01)	0.02 (0.01)
Basic Needs Index (2011)	-0.56 (0.37)	0.22 (0.42)	-0.60 (0.37)	0.24 (0.43)
Centro Democrático in Power	0.44 (0.84)	0.13 (0.85)	0.40 (0.77)	0.02 (0.78)
Vanhanen Index (2011)	0.09 (0.35)	0.14 (0.38)	0.07 (0.36)	0.10 (0.36)
Post-Accord Violence	-0.70** (0.36)	-0.73* (0.40)	-0.89** (0.36)	-0.90** (0.38)
Constant	-2.88*** (0.83)	-2.68*** (0.82)	-2.81 (0.73)	-2.61*** (0.72)
Observations (N)	973	977	977	977

*p < 0.10 **p < 0.05 ***p < 0.01 The table reports logit regression coefficients with standard errors clustered by province. Continuous variables are standardized by dividing by two standard deviations of the mean.

The findings presented in table 5.2 suggest that two of my three hypotheses—knowledge as a resource and the legacy of armed conflict—have some statistical power in explaining variation in civil society mobilization around the *consulta popular* across Colombia. Controlling for other geographical, socioeconomic, and political conditions, municipalities located further from Bogotá are less likely to register mobilizations around *consultas populares.* This value remains statistically significant and stable when alternative explanations are added into model four. Furthermore, the effect size is nearly twice that of any other explanatory variable, indicating that proximity to the capital city is an important condition for mobilization.

Other scholars, such as Diane Davis (1999), have argued that communities' proximity to the state and its centers of power condition the repertoires of action they employ. These scholars might suggest that citizens located closer to Bogotá, as the center

of power in Colombia, may be more likely to believe that the state will listen to their demands if they act through institutional channels. This may be true, but I contend that the mechanism connecting distance and civil society strength is more straightforward; physical proximity to Bogotá simply affords communities and their leaders easier access to the individual experts and NGOs of the *consulta* support structure. Members of communities located closer to Bogotá are likely able to travel into the capital more frequently to meet with experts and NGOs and may have stronger pre-existing relationships with these individuals. Conversely, experts may be more able to travel to communities themselves. Indeed, chapter seven explores in detail how NGOs and individual experts view distance from Bogotá as a factor they consider when choosing where they will concentrate their efforts. Even if communities are unable to form connections with the *consulta* support structure, proximity to Bogotá may facilitate access to information by other means. Areas in the periphery may have reduced access to media outlets (television, print media, social media) where they can learn about other communities' efforts to hold *consultas populares* and recognize the mechanism as a viable tool. This lack of information and expertise makes it harder for civil society to effectively put pressure on Archimedes' Lever.

Logistic regression models that include the entire dataset also provide support for my third hypothesis—municipalities that experienced more intense armed conflict will be more likely to see mobilizations for a *consulta popular*. Holding all other values at their means, municipalities that were most affected by conflict were 3.6 times more likely to see mobilizations than those that experienced no conflict-related violence.[49] The presence of *convenios de fuerza* also makes residents of a municipality more likely to mobilize for a

[49] I calculated substantive results using King et al.'s (2000) simulation-based method for predicted values and standard parameters.

consulta, indicating that an existing repertoire of contention around extractive projects positively affects mobilization around institutional mechanisms. It is unclear from these results the exact mechanisms driving the relationship between armed conflict and mobilization. Increased conflict intensity may well have impacts on pro-sociality within affected communities. Other factors related to conflict experience may affect this relationship as well. I delve further into possible mechanisms in the sections that follow, but before doing so, it is worth elaborating on model one and control variables.

The results from models one and four do not indicate that financial resources have a significant effect on civil society mobilization. I experimented with using both GDP per capita and NBI as measures of financial resources. Since the most recent data available for GDP is from 2005, and thus perhaps less relevant for movements that began nearly ten years later, I place more emphasis on using the NBI as a measure of poverty. This data was collected for 2011. Neither measure, however, is significant in the first model, and NBI has no bearing on mobilization when other explanations are introduced. Mining royalties also seem to hold no explanatory power in determining civil society mobilization.

While local political conditions and the position of Archimedes' fulcrum are not the focus of this chapter, it is worth pointing out that political indicators do not seem to impact civil society mobilization when included as control variables. I included a number of variables related to local political opportunities—electoral participation in the 2011 mayoral election, Vanhanen index score, and political party ideology. Given that local political actors, specifically mayors and municipal council members, play a role in the institutional process of activating the *consulta popular*, one might expect that municipalities where the mayor did not belong to a party clearly supportive of extractive

projects may be more able to activate *consultas*. We also might expect that where citizens are already more engaged in democratic practices, like voting in their local elections, they may be more disposed to experimenting with new democratic practices, like the *consulta popular*. None of these variables were found to be statistically significant, indicating that small variations in the fulcrum's position within the RoP do not affect decisions by civil society members to place pressure on Archimedes' Lever.[50]

Although electoral openness does not seem to predict *consulta popular* activation, political opportunity in the form of violence reduction *is* statistically significant. Municipalities that experienced a change in violence after 2016 are slightly more likely to register a movement for a *consulta*. This finding supports a need to center the context of transition from armed conflict in exploring the activation of participatory democracy on the local level.While exposure to armed groups may contribute to making municipalities more likely mobilize for *consultas populares*, a reduction in the threat of violence may be an important condition for civil society groups to actually pursue and implement this mechanism.

Robustness checks and further analysis

[50] Without discounting these results, it is worth considering that they may be reflective of the difficulty of accurately quantifying local political dynamics. Other scholars of subnational politics in Latin America (Holland and Incio, 2019; Welp and Milan, 2018) have argued that the politics and priorities of parties operating on the subnational level often do not follow their national counterparts. Instead, local politicians respond more strongly to the interests of local business leaders and clientelistic networks. Recent research by Juan Albarracín and Juan Pablo Milanese (2022) confirms this is the case for subnational politics in Colombia. National party labels may simply be a poor proxy for local political opportunities. It also may be that electoral outcomes simply do not predict where civil society groups challenge national government policy, as Eaton (2017) has found in his study of subnational executives' willingness and success challenging national executives in Latin America.

As a robustness check, I rerun my analysis using a more restricted subset of cases. The full dataset assumes that all municipalities that are open for mining and oil titles are equally likely to have a title granted by the national government. There may, however, be some reason by certain municipalities remain free of mining titles that is non-random—because of experience during armed conflict, ambiguity over environmental reserves, or social conflict, for instance. I restrict the sample to only those municipalities with a confirmed extractive title and rerun my analyses (models 6-10) to account for possible selection effects. This drops 213 municipalities from the dataset.

Table 5.3. Logistic regression: community mobilization around consulta, restricted sample (only extractive confirmed titles)

	Model 5 (Financial Resources)	**Model 6 (Knowledge as resource)**	**Model 7 (Armed Conflict)**	**Model 8 (Combined)**
Distance to Bogotá (km)		-1.66*** (0.51)		-1.82*** (0.52)
Conflict Intensity			0.41 (.026)	0.58** (0.27)
Coca			-0.05 (0.52)	-0.01 (0.56)
Illegal Mining			-0.47 (0.69)	-0.41 (0.71)
Convenios de Fuerza			0.62 (0.39)	0.71* (0.40)
GDP (2005)	3.18 (4.51)			
Total Population	-3.46 (4.83)	-0.24 (0.34)	-0.81 (1.11)	-0.59 (0.84)
Rurality Index	0.11 (0.33)	-0.34 (0.39)	0.33 (0.31)	-0.14 (0.35)
Area (km2)	1.63*** (0.60)	1.69*** (0.58)	1.44** (0.62)	1.40** (0.63)
Log Mining Royalties (2011-2017)	0.02 (0.02)	0.02 (0.02)	0.03 (0.02)	0.02 (0.02)
Basic Needs Index (2011)	-0.88** (0.44)	0.03 (0.54)	-0.93 (0.46)	-0.00 (0.57)
Centro Democrático in Power	0.17 (1.04)	-0.18 (1.07)	0.20 (0.96)	-0.26 (0.97)
Vanhanen Index (2011)	0.29 (0.32)	0.33 (0.34)	0.29 (0.33)	0.31 (0.32)
Post-Accord Violence	-0.80* (0.42)	-0.86* (0.49)	-0.99** (0.43_	-1.04** (0.48)
Constant	-2.61** (1.05)	-2.44** (1.09)	2.68*** (0.91)	-2.47*** (0.92)
Observations (N)	764	768	768	768

*p < 0.10 **p < 0.05 ***p < 0.01 The table reports logit regression coefficients with standard errors clustered by province. Continuous variables are standardized by dividing by two standard deviations of the mean.

The impact of distance from Bogotá is not affected by the smaller sample size, but conflict intensity is no longer statistically significant in model seven and is only significant

with $p<0.10$ when alternative explanations are accounted for. The next section explores why this may be the case.

Is it pro-sociality?

The contradictory findings regarding the conflict exposure and *consulta* mobilization merit closer evaluation. Models 1-4 use a measure of conflict exposure derived from data on violent events. This is effective for testing the pro-sociality thesis of armed conflict legacies. Theories of violence and pro-sociality, however, capture only one element of life during armed conflict.

Low rates of violence can belie the influence of non-state armed groups over a community (Kalyvas 2006). Where armed groups compete against the state or each other for territory, violence may spike. As one group is able to consolidate power, violence tends to diminish. Instead, armed groups often turn to less-violent forms of governance and social control to keep populations in order. Raw data on violence is therefore a poor proxy for armed conflict experience in areas that have experienced sustained territorial control by one armed group.

Recent scholarship on the formation and legacy of rebel governance indicates the character of insurgent-civilian interactions under rebel governance has important impacts on the political and social life of communities both during (Gáfaro, Justino, and Ibañez 2014; Kaplan 2017b) and after (Huang 2016; Martin et al. 2022; Vargas Castillo 2019) conflict. Styles of wartime insurgent-civilian relationships vary across groups and territories (Arjona 2016; Mampilly and Stewart 2020). Fortunately, much of the existing

theories on rebel governance is derived from case study work conducted in Colombia. This allows me to make some generalizations that are relevant to post-conflict *consultas*.

Previous work has found that guerrilla groups (namely the FARC-EP) were more likely to "prop-up" existing local government institutions (in contrast with right-wing paramilitary groups, which were more likely to dismantle them) and incorporate community members into local rule (Kaplan 2017b; Vargas Castillo 2019:47). The FARC-EP was also less likely to harass local organizations, so long as those organizations aligned with the rebel group's ideology (Arjona 2016:145). This has important implications for the types of civil society groups that led movements against mining in rural areas. From its origins in the mountains of Tolima, the FARC-EP cultivated an ideology that espoused rural empowerment and its roots as a rural self-defense movement (Karl 2017). Furthermore, the FARC-EP's leadership explicitly opposed the development of corporate mining projects—both in line with the group's leftist ideology and likely in response to the state security presence that projects would bring. This alignment in interests and ideology suggests that civil society groups—such as community associations or environmental defense groups—may have been more likely to survive the conflict with their organizational capacity and leadership intact in areas controlled by the FARC-EP. In fact, activists may have increased their leadership skills during this period, as they were likely forced to negotiate with local fighters in order to carry out their activities under the FARC-EP's armed presence (Jha and Wilkinson 2012). Community members interested in organizing a *consulta* between 2013-2018 could then tap into these preexisting leadership

networks. It is important to note that the networks I refer to here are comprised of civilians and are distinct from the rebel group commanders and former combatants.[51]

The above theory suggests that I consider a fourth hypothesis for analysis in this chapter:

> *H4: Municipalities where the FARC-EP had sustained/hegemonic control will be more likely to register a movement to organize a consulta.*

Building leadership skills and civil society organizations can take time that communities living in a dynamic security environment may not have. Andrés Vargas Castillo has noted (2019:134) communities often experienced rule by multiple armed groups over the course of Colombia's decades long armed conflict. As a result, the sequence and duration of exposure to different types of rebel government may matter. Indeed, one study of armed group presence and participation during war finds that longer periods of insurgent presence are associated with larger increases in participation and collective action (Gáfaro et al. 2014:22). We may expect similar impacts for post-conflict mobilization; the longer the FARC-EP has had a sustained presence in a territory, the more time (select) civil society groups had to consolidate and build skills in a (relatively) favorable environment. Therefore, I consider a fifth and final hypothesis for analysis.

> *H5: Municipalities where the FARC-EP consolidated control earlier in the conflict will be more likely to register a movement to organize a consulta.*

Testing the effects of rebel governance

[51] There is evidence that the FARC played a role in coordinating and/or supporting some civilian mobilizations in areas they controlled during the armed conflict. One example of this is the complicated relationship between social leaders and the FARC during the 1996 cocalero social movement in the Amazonian department of Putumayo (see Ramírez 2011a). Those involved in the *consulta* movements I study here, meanwhile, have been careful to make clear that they have no connection to the FARC or any other armed group (McNeish 2017a)

Because raw measures of armed-group violence are not necessarily good indicators of territorial control, I endeavored to find alternative indicators for armed group presence. To this end, I build on Matanock and García-Sánchez's (2018) work identifying armed group territorial control in selected Colombian municipalities for their survey experiment on counterinsurgent support. They draw on Kalyvas's (2006) observation that 'control produces different patterns of violence (we can observe)' to identify armed group control through longitudinal information on violence in a particular time period. Spikes in violence by multiple actors indicates contestation over control but declines in violence indicate consolidation by one group. Using semiparametric group-based modeling, they identify different trajectories of violence by different armed actors to identify the status of control in each municipality by the end of the time period in question. I expand their dataset (see appendix A.2) by replicating their analysis using violence data for the years 1993 to 2013 for all the municipalities in my sample.

To capture the temporality of armed group control that is central to my prediction regarding timing, I created variables that disaggregate rates of violence by armed actor and time period as an indication of when armed groups attempted to consolidate control. The contemporary period of the Colombian armed conflict can be broken down into three phases (Prieto, Rocha, and Marín 2014): the first period (1990-2002) marked a period of territorial expansion and consolidation by the FARC-EP that ended with the failure of the El Caguán peace process in 2002. This period was followed by eight years of Álvaro Uribe's presidency (2002-2010), which saw rapid improvements in the Colombian military force under his policy of Democratic Security as well as the height of paramilitary groups' activity. This second period ended in 2010 with the election of Juan Manuel Santos, who

would in 2016 sign a final peace agreement with the FARC-EP. I created variables that capture violence committed by the FARC-EP and rightwing paramilitary groups by municipality during the first two time periods outlined above, as violence in the third period is strongly correlated with my territorial control variable. I include the same control variables for socioeconomic conditions, post-accord violence, *convenios de fuerza*, distance, and political conditions as models 1-8.

Table 5.4. Armed group control (ending in 2013) and mobilization for a consulta

	Model 9	Model 10	Model 11
FARC-EP control	0.147 (0.317)		0.382 (0.297)
Paramilitary control		0.655 (0.404)	0.806** (0.397)
Constant	-2.740*** (0.413)	-2.794*** (0.392)	-2.947*** (0.451)
Observations	984	984	984

*p<0.1 **p<0.05 ***p<0.01

The results of logistic regressions suggest we should reject the hypothesis that FARC-EP presence increases the odds of a community activating the *consulta*. As reported in Table 5.4, the presence of the FARC-EP in a municipality has no statistically significant effect on either dependent variable. Instead, when we consider the presence of both groups together in model 11, paramilitary group control has a positive effect on mobilization.

This result is surprising. In contrast to the FARC-EP, paramilitary groups in Colombia tended to dismantle local leadership structures and target activists, preferring to replace local leaders with their own or external personnel (Arjona 2016; Vargas Castillo 2019). The theoretical framework I laid out earlier would suggest that these actions would hurt communities' ability to activate participatory democracy after war. Vargas (2019:134–38) posits that caution should be taken when interpreting the legacy of paramilitary control over a municipality. He argues that sequence and length of exposure to groups matters; "in most regions, guerrillas arrived first and exercised uncontested control during years, sometimes decades, before the insertion of paramilitary groups in these areas." Therefore, areas under control of paramilitaries in 2013 may have also experienced long periods of guerrilla influence. This may also explain why FARC-EP control in 2013 has no effect on a municipality's likelihood of mobilizing for a *consulta*. If guerrilla consolidation was

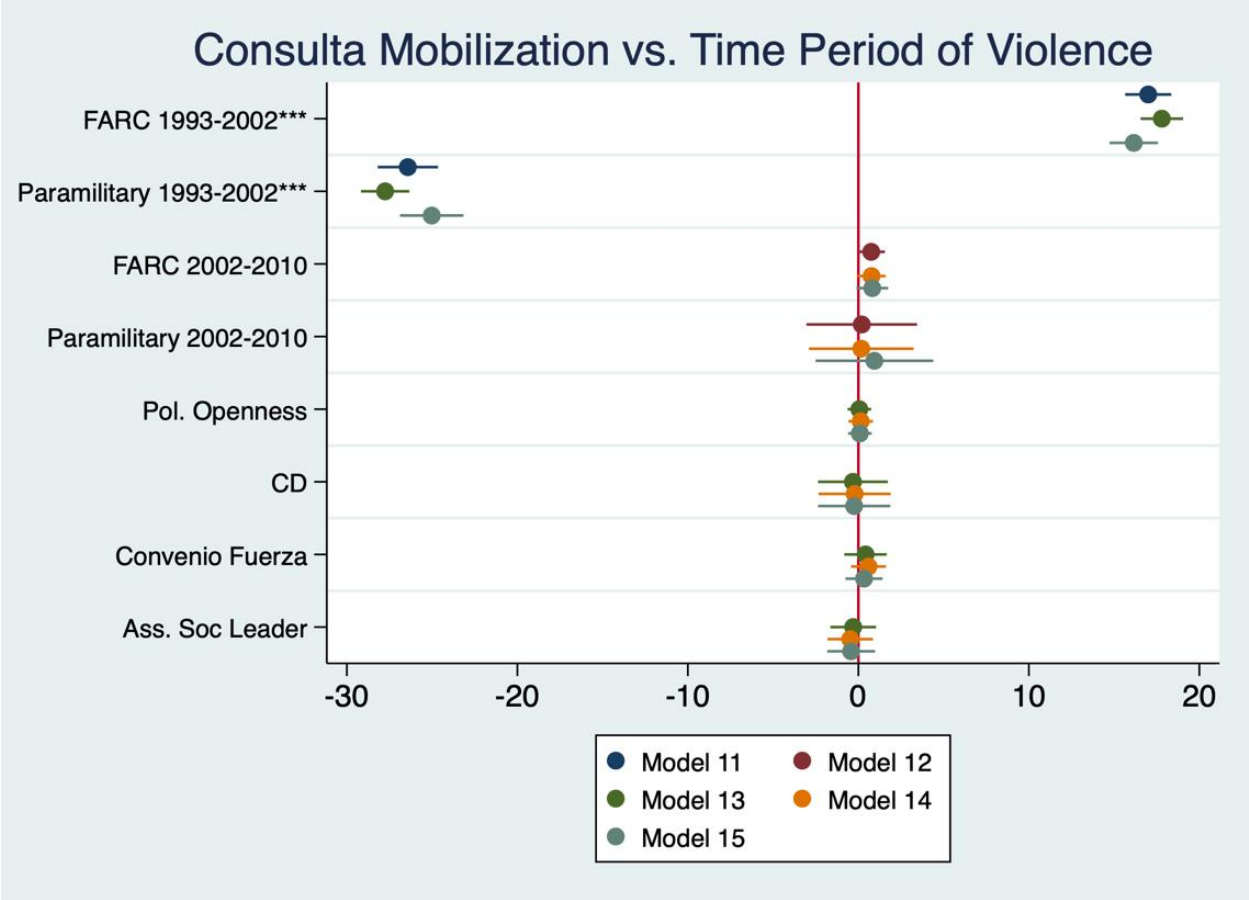
recent, civil society groups may not have had enough time to develop sufficiently to overcome barriers to mobilization, including the continued threat of violence against social leaders.

To account for overlaps in armed group presence, I turn to my final hypothesis: municipalities where the FARC-EP consolidated control earlier in the conflict will be more likely to register a movement to organize a *consulta*. I analyze a sub-sample of my data by keeping only municipalities under guerrilla control in 2013. Following the same logic related to patterns of violence and consolidation of control, I use my time period variables to evaluate when violence by armed groups in municipalities peaked. My analysis assumes that if violence peaked in the earlier period (1993-2002), then the FARC-EP's presence in a municipality was consolidated early. High rates of violence in the second period (2002-2010) indicates contestation and consolidation either continued or began in this later period, and thus the time of exposure to guerrilla presence was shorter. Plots of the coefficients for models including each independent variable on their own (models 11-13) and with control variables (models 14-15) are presented in figure 5.3.

Among the municipalities under guerrilla control in 2013, those that experienced guerrilla violence and consolidation of control between 1993 and 2002 were significantly more likely to mobilize. Where municipalities experienced higher levels of violence by paramilitary groups in this period, communities were less likely to activate the *consulta*. Violence by either group between 2002-2010 has no effect on the likelihood of mobilization or registration. The introduction of control variables and robustness checks using various alternative measures of violence, more conservative estimates of guerrilla

control, or the restricted sample of total cases do not affect either the direction of effect or statistical significance.

Figure 5.3 Plot of coefficients for regression of community mobilization with period of armed group consolidation



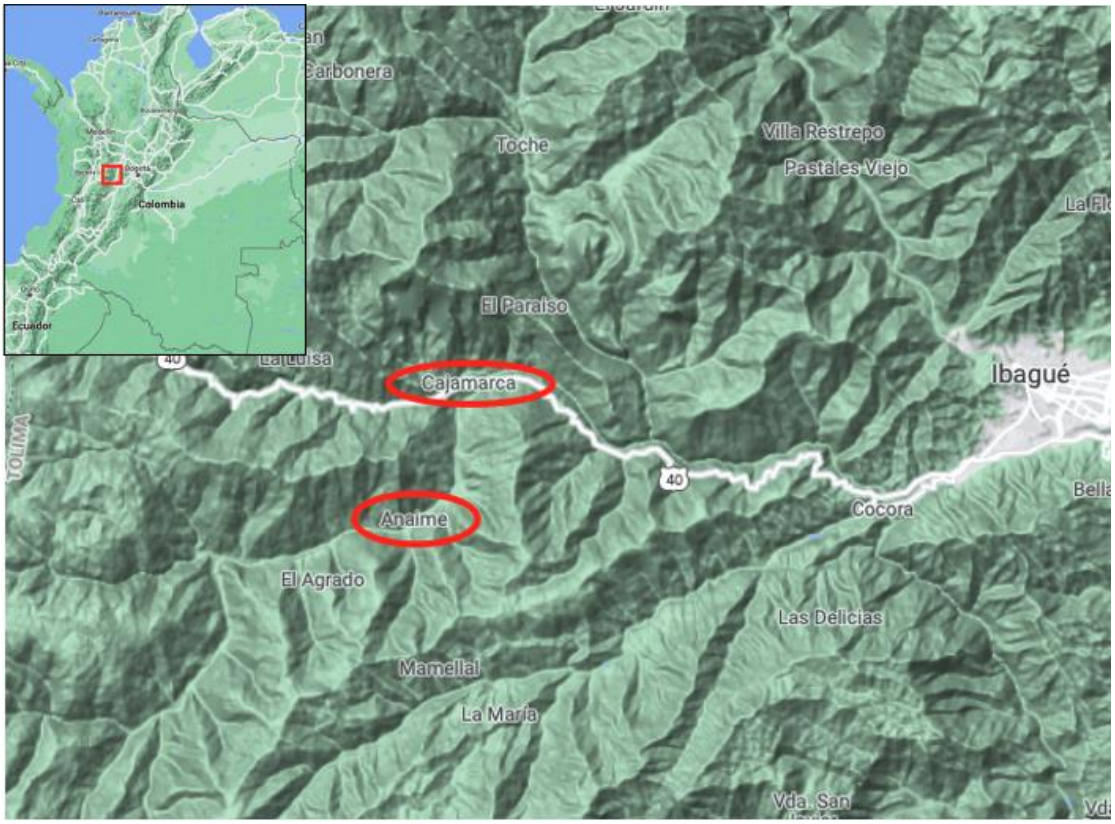
The results indicate that temporality matters for the stickiness of guerrilla influence. Early contestation or violence by paramilitary groups could force civil society groups underground or fray the social fabric of affected communities (Idler 2019). Even when guerrillas consolidate power later and introduce an environment relatively more favorable to groups that would support a *consulta*, they may struggle to overcome earlier targeting of their leaders or dismantlement of local institutions. Temporal effects are limited to municipalities under guerrilla control. When I repeat my analysis in

municipalities under paramilitary and state control, respectively, in 2013, the timing of violence has no effect on mobilization around *consultas*.

Case Study: Cajamarca and Anaime

It is possible that conflict exposure increased the average pro-sociality of residents of the municipality, increasing the likelihood that movement leaders would be able to convince community members to participate in their mobilization. It is also possible that the relative space afforded to local leaders under guerrilla rule increased social learning and leadership potential of a select number of community members (Justino and Stojetz 2018, 26), who were then more effective at leading pro-*consulta* movements. Both of these mechanisms may be at work at the same time or in different locations. I conclude this chapter by examining these factors at work using the municipality of Cajamarca, Tolima as a case study to test these possible causal mechanisms. This section draws from various secondary sources and archival documentation of violent events in the municipality, as well as insights from interviews conducted with activists and academics in Colombia and online between 2019 and 2021.

Figure 5.4. Map of Cajamarca municipality



Cajamarca lies on the Western edge of the municipality of Tolima, in the center of the department's "coffee belt." The municipality is bisected by the Pan American highway, making it a strategic point of connection between the country's center and capital of Bogotá, the port of Buenaventura on the Pacific coast, and the south. While the areas to Cajamarca's south experienced high rates of violence during Colombia's armed conflict with the FARC-EP as the birthplace of the guerrilla group, CERAC scores Cajamarca as a "four"—the country average—on its scale of conflict intensity. From the 1990s onwards, government documents indicate the presence of the FARC-EP's 21st front in the municipality (Vicepresidencia de la República 2002). Between 1998 and 2007, the guerrilla group committed a series of selective assassinations and assembled roadblocks on the Pan American highway (CINEP 2004a, 2008). Paramilitary groups also committed

violence in the municipality, including a 2004 massacre of four *campesinos* and union members for "supposed collaboration with the FARC-EP" (CINEP 2004b, 487). Nonetheless, statements by local residents indicate that the FARC-EP established the rules for residents, for example dictating under what circumstances civilians could travel after dark (CINEP 2004b, 152).

As suggested by studies of micro-dynamics of conflict, experience of violence across the municipality was uneven. Nearly all of the lethal events documented by observers and government officials occurred in the locality (*corregimiento*) of Anaime—a one and a half hour walk or 15-minute drive from the municipality's main town (*cabecera municipal*). Photos from Anaime in January 2013 indicate that guerrilla influence was lasting, as walls of the town's central square and principal streets are covered with pro-FARC-EP graffiti (see figure 4 for example).

Figure 5.5. Pro-FARC-EP graffiti in Anaime (2013). Tags read "FARC-EP", "death to snitches", and "get out Anglo-Gold Achanti [sic]"



Source: Google Street view

Anaime also played an outsize role in Cajamarca's pro-*consulta* movement. This locality, rather than the *cabecera municipal,* was the home base for many of the local organizations involved in coordinating the *consulta*.

AngloGold Ashanti (AGA), a major South African mining company, obtained the rights to develop a new large-scale gold mine in Cajamarca in 2003. Residents of the

municipality only learned of the project in 2007 when then-president Álvaro Uribe publicly unveiled the project plans, much to the dismay of many local *campesinos* who worried that the project would affect their land and water sources (Ruiz Ruiz et al., 2018:371-387). *Campesinos* in Anaime were already organized in local agrarian organizations before the movement for a *consulta* to stop the AGA project before it began. For example, a group of around a dozen *campesinos* founded AgroTU Anaime in the mid-2000s to promote agrarian interests in the municipality. Other residents of Anaime were active union members (CINEP 2004b). Residents of Anaime also participated in an "agrarian strike" in September 2007 —a mass demonstration by *campesinos*, indigenous groups, and other communities in rural Colombia—to protest Colombia's free trade agreement with the United States (CINEP 2008). Among the demonstrators' demands was a pause on all new mining licenses in Colombia (Agencia Prensa Rural 2007).

Accounts of Cajamarca's *consulta* often focus on the roles of external NGOs, activists, and university students from the department capital in organizing the movement (García and Dietz 2020; McNeish 2017a; Shenk 2021). But local groups, including AgroTu Anaime, the Alianza de Mujeres Campesinas de Anaime, and COSAJUCA, played a central role as well. These groups coordinated with local politicians, organized demonstrations, and went door-to-door educating residents on the potential effects of the mining project (Muñoz & Peña Niño, 2019; interview by author, 2019). Despite the considerable difference in size between the *cabecera municipal* and Anaime, representation in the pro-*consulta* movement featured an almost even split between the two localities. The name of the pro-*consulta* committee—the Comité Ambiental y Campesino de Cajamarca y Anaime—reflects this.

It is important to emphasize that the pro-*consulta* movement was neither formed nor driven by the FARC-EP front present in the municipality. Local activists were careful to make this distinction clear in their communications with community members. In fact, organizers reported that perceptions of their association with the guerilla group represented one of the biggest hurdles they had to overcome to secure community participation (interview by author, 2021). The agrarian associations in Anaime that provided a foundation for the pro-*consulta* movement, however, likely had to count on tacit approval from the FARC-EP leaders in charge of the territory when they formed. The same month of the 2007 Agrarian Strike, presumed FARC-EP combatants assassinated two residents of Anaime, including the president of the local communal authority group (*junta de acción communal*) (CINEP 2008:102). Other scholars have also found that armed group presence in the Colombian conflict encouraged local residents to increase participation, leadership, and decision-making in local productive organizations, such as agrarian associations (Gafaro et al. 2014). These organizations, in turn, may provide a training ground for leaders of later social movements, as the case of Anaime and Cajamarca's *consulta* shows.

Discussion

In order to lift the weight of transformational participation, civil society groups must be able to place sufficient pressure on their side of Archimedes' Lever by mobilizing members of their communities around the *consulta*. Civil society, of course, does not act in a vacuum. Leaders' decisions to initiate mobilizing efforts, as well as community members' choices regarding whether or not to join them, may be conditioned by structural variables that we might consider to be part of either the fulcrum of Archimedes' Lever or

opposition by veto players. The geographic distribution of mobilizations across areas of new extractive development suggests that community leaders and members are more likely to pursue mechanisms of participatory democracy to stop certain types of extraction. Owners of existing mines, wells, and refineries may be more successful in discouraging community members from activating participatory mechanisms and forestalling civil society pressure against them. Meanwhile, certain local conditions may make accessing participatory mechanisms more or less feasible. The threat of violence against social leaders, for example, does seem to attenuate the odds of civil society mobilization, indicating that the RoP may not apply when conditions of violence supersede judicial protections for participatory democracy.

Conclusion

This chapter has sought to explain variation in civil society strength by examining three potential factors—financial resources, access to knowledge-bearers, and the legacy of armed conflict. While financial resources have no bearing on the odds of civil society mobilization, logistic regression analysis indicates that access to knowledge and communities' experience during armed conflict do have statistically significant and positive impacts on civil society strength. Using the experience of communities in Cajamarca, Tolima as a case study, I suggest that the connection between mobilization and armed conflict is related to the strength of community leadership.

In general, the small effect sizes of each variable tested suggest that the results of this chapter are best interpreted as directions for further investigation. As this chapter states from the start, the purpose of this round of statistical testing is to rule out, rather than

confirm hypotheses. I take up part of this challenge in chapter seven, as I delve deeper into the importance of distance through interviews with members of the *consulta* support system. The mechanisms driving results related to armed group presence are particularly complex, as shown by further exploration of the data. Pinning down the relationships between conflict, leadership, and mobilization will be the goal of future field research. In the meantime, the next chapter of this thesis turns to the actors on other side of Archimedes' Lever: veto players.

Chapter 6 - Veto Players

Introduction[52]

What happens after activation? The preceding chapter of this thesis examines where civil society is likely to mobilize to demand the activation of the *consulta popular*. Mobilization, however, is only the first step in setting a *consulta popular* into motion. Once formed, pro-*consulta* groups must confront a bureaucratic process that requires approval from multiple levels of municipal, departmental, and national government bodies. Veto players in private firms, meanwhile, can present hurdles at each of these steps to try to sideline civil society efforts. Most mobilizations do not make it through this process. What, then, can the rare successes tell us about the power of the veto and that power might be overcome?

This chapter turns to the forces opposing civil society across Archimedes' Lever: the private firms that serve as primary veto players in the *consulta* implementation process. As I argue in chapter two, Extractive companies have strong incentives to try to block transformative participation in the form of *consultas.* A vote against their project not only threatens future revenue from a single municipality, successful *consultas* also threaten to upend the status quo in Colombia that favors extractive development and FDI in general. We therefore should expect that firms will do everything in their power to counter civil society pressure and prevent *consulta* implementation.

[52] I published an earlier version of this chapter, entitled "Consultations and Competing Claims: Implementing Participatory Democracy in Colombia's Extractive Industries," in *Comparative Politics*.

What determines veto player strength? This chapter begins to answer that question through an analysis of a subset of the CPC database, focusing only on municipalities where civil society mobilizations have sought to activate the *consulta* in order to measure progress toward implementation. Building on the Archimedes' Lever framework I present in chapter two, I argue that firms will be motivated to exert their veto power as early as possible in the implementation process. As pro-*consulta* groups achieve each step toward implementation, civil society pressure on the lever is likely to grow if community members believe that transformative participation is within their reach. As a result, the social and financial cost of blocking *consulta* implementation increases at each stage of progress. Firms must spend more on local programs and investments to draw community members away from anti-extractive mobilizations (exercising their instrumental power) and/or risk their credibility with local and national government officials by threatening to withdraw investment (activating their structural power). The strongest firms, therefore, will try to flex their power when it is most strategic—generally at early stages of progress.

This chapter therefore uses progress toward *consulta* implementation to determine both how and when businesses are able to exert their veto power and what factors that can facilitate civil society's efforts to attenuate that power. While my analysis in chapter five explored municipality-level characteristics and experiences that facilitated mobilization, this chapter uses attempts to hold a *consulta*—rather than municipalities—as its unit of analysis to examine movement-level characteristics associated with progress toward implementation. Veto players may block civil society at any point of institutional implementation, and early action may stop civil society from mobilizing in the first place. That said, it is hard to systematically measure companies' pressure against participatory

democracy where civil society attempts are not visible. I therefore restrict my analysis in this chapter to the subset of cases in the CPC database where civil society has reached initial stages of implementation.

The findings from this analysis suggest the following two points. First, firms' veto power against transformative participation varies from sector to sector in unexpected ways. Although hydrocarbon production comprises a larger portion of Colombia's economic output, oil companies are associated with higher levels of progress toward implementing the *consulta*. This indicates that their efforts to veto community mobilizations at early stages tend to be less successful. Meanwhile, traditional predictors of business power (firm size, multinational vs. domestic) are poor predictors of veto strength. These findings suggest that other factors, such as global market trends, are more significant determines of veto power. Second, veto power is not absolute. Even the most powerful businesses can fall short against civil society when communities are buttressed by external allies and mobilize under the right conditions.

The rest of the chapter proceeds as follows. I begin with a brief overview of the process of implementing a *consulta popular* before presenting descriptive statistics to explore patterns of implementation and business actors. The chapter then turns to building and testing models to explain when and where veto powers are able to block *consulta* implementation. Using two different regression models, I find evidence that both supports and conditions the power of business on Archimedes' Lever. The chapter concludes by examining how business power, communities, and support structures interact across the lever.

Stages of Progress

Before delving into the data, this section expands on the discussion of "progress" from the thesis's introduction. Payne et al. argue in their application of Archimedes' Lever to corporate complicity and transitional justice that binary measurement of "outcomes"—guilty verdicts vs. acquittals—do not account for the high degree of variation in judicial outcomes among cases that never make it to the final verdict. I contend that a similar argument applies when applying Archimedes' Lever to transformative participation. Every *consulta* vote that was carried out resulted in a lopsided decision against extractive development. The vast majority of attempts to implement the *consulta*, however, never made it to a vote. I argue that we should not ignore these attempts. Given the intense pressure by veto players against civil society across Archimedes' Lever, any progress toward implementation is an unlikely outcome that can offer important insights into the workings of veto power and civil society's ability to counter it. With this in mind. I adapt Payne et al.'s continuum of accountability (Payne et al. 2020: 224-229) to the implementation of mechanisms of participatory democracy.

I define progress by identifying bureaucratic milestones that pro-*consulta* movements and local government officials must satisfy as they organize a vote. The laws codifying the popular referendum as a democratic institution in Colombia are clear in the steps they lay out for those wishing to hold a *consulta popular*. I break this process down into five distinct stages moving from initial mobilization toward a vote. This section outlines each stage, starting from lowest (no mobilization) to highest (full implementation).

Stage Zero: The scale begins at level zero, where there is no (visible) civil society mobilization calling for a *consulta popular*. Cases at level zero are included in the

full CPC dataset (analyzed in chapter five) but are not included in this chapter for the reasons stated in this chapter's introduction.

Stage One. Stage one represents the lowest level of progress that an attempt can achieve. At least some civil society groups have mobilized to demand that local government organize a *consulta*. They may do this by staging demonstrations, organizing town hall meetings, or opening other avenues for dialogue with local officials. However, neither local government officers nor civil society leaders will have taken any official action toward initiating the bureaucratic process required to hold a vote.

Stage Two. To reach stage two, those attempting to hold a consulta must begin the official bureaucratic process. This process can take two different forms. Under Law 134 of 1994, local mayors are in charge of presenting the text and justification for the vote to the municipal council.[53] Since 2015, civil society groups or individual citizens have been able to bypass local governments by registering with their regional office the National Registry (*Registraduría*) to be recognized as a *comité promotor* for their proposed *consulta.*[54] Once the National Registry recognizes the *comité promotor*, the group has up to six months to collect signatures from over twenty percent of the electorate.

[53] Article 52 of Law 134 of 1994. The council must commission a report evaluating the validity of the proposed referendum and confirm that the proposal meets constitutional requirements before the proposal moves onto the next stage.
[54] Law 1757 of 2015.

Stage Three. Attempts reach stage three when either the municipal council approves the mayor's motion to hold a *consulta popular* or the *comité promotor* submits its list of signatures to the National Registry for verification and approval. The matter is then transferred to the Departmental Administrative Tribunal, which decides whether the proposed referendum meets constitutional requirements[55] (e.g. the proposed question is phrased as a "yes" or "no" vote and the wording of the question is neither misleading nor biased).

Stage Four. At stage four of progress, the Departmental Administrative Tribunal declares the proposed *consulta* to be constitutional and the mayor is required to schedule and announce a provisional election day. At this point, the National Registry should provide local governments with the necessary electoral infrastructure (ballots, voting booths, election monitors), and the Ministry of Finance should release funds to local governments to pay for the election.

Stage Five. At the final stage of progress, stage five, local governments successfully hold a vote for the *consulta popular*. For the purposes of this analysis, movements that reach this stage are deemed "complete" or "successful," regardless of the outcome of the vote, as achieving the vote implies that the movement has successfully navigated all bureaucratic challenges to that point.

[55] Outlined in articles 29, 228-230 of the Political Constitution of 1991.

The stages of progress as I have coded them are unidirectional and linear. That is, once a mobilization reaches a higher stage, it cannot move backwards along the continuum. New mobilizations, however, can emerge in the same municipality when previous efforts stall or fail (as occurred in Cajamarca, Tolima in 2016). I code these as separate cases, as the socio-political environment, leaders, and pathway of activation often look different between attempts.

Beginning with the data collection process outlined in chapter three, I collected qualitative information on each case from local, regional, and national news outlets as well as from documents from the National Registry. In addition, some municipal governments released information videos on YouTube announcing upcoming election days.[56] Pro-*consulta* committees or local environmental groups also sometimes set up public Facebook pages[57] where they would promote participation in the mobilization and document both approvals and setbacks in the process of organizing the vote. I used these additional sources to further inform my coding of cases. I code a case as reaching a stage of progress when news or other sources *explicitly* say that the pro-*consulta* movement has gained approval from the relevant authority. In other words, I use civil society action as an indicator of a movement's stage, but final coding is based on confirmation of state action (see Table 6.1).

Among the movements that achieved a final vote, the entire process from mobilization to vote took an average of eight months. This figure, however, belies a significant variation in length between movements. Earlier mobilizations, such as those in

[56] E.g. mayor's office of Sibaté, Cundinamarca https://www.youtube.com/watch?v=6oFTiDy5ZpY.
[57] E.g. Paipa, Boyacá: https://www.facebook.com/Paipa-Consulta-Popular-Ambiental-425321187825258/?eid=ARCVbUBED84fDOBqpFR1Wn2FzFAzLnmJGlH95yLOQUxlC8r_cAxqrFAbNcHyBrQ6gX9sAJZCw_xeaxdO.

Piedras (Tolima) and Tauramena (Casanare) in 2013 progressed quickly from mobilization to vote taking seven and five months, respectively. As national government opposition to pro-*consulta* movements strengthened, the length of time needed to complete the process also grew. It took pro-*consulta* activists in Fusagasugá (Cundinamarca) 15 months to finally vote in their *consulta popular* in October 2018. In general, movements that began after 2015 took closer to a year to navigate the bureaucracy and legal challenges that slowed implementation.

Figure 6.1. Stages of progress toward implementation

	Civil society action	**State action**
Stage 1 *No state action*	Initial mobilization	No institutional action
Stage 2 *First stage of local gov. approval*	Continued Mobilization Formation of pro-consultation committee. Committee then applies for recognition by National Registry	Mayor presents proposal for popular consultation to municipal council *(pathway 1)* **Or** Local branch of National Registry approves pro-consultation committee and gives committee 6 months to collect signatures to petition for consultation *(pathway 2)*
Stage 3 *Second stage of local gov. approval*	Continued mobilization Pro-consultation committee collects signatures from >20% of electorate and submits petition to National Registry	Municipal council approves consultation proposal *(pathway 1)* **Or** Local branch of National registry reviews and approves signatures *(pathway 2)*
Stage 4 *Judicial approval*	Continued mobilization	Administrative Tribunal reviews proposed consultation and declares proposal meets constitutional requirements **And** Mayor schedules voting day
Stage 5 *National gov. recognition*	>30% of electorate participates in vote	Ministry of Finance dispenses funds to pay for election **And** National Registry coordinates electoral infrastructure

Source: author's elaboration.

By definition, all cases considered in this chapter reached at least stage one, as this chapter focuses on cases where there was some form of mobilization for a *consulta*

popular. Among this set, cases that reached stages four and five were the easiest to identify. National interest in *consultas populares* related to extractives between 2013 and 2018 in Colombia was quite high, so voting days and the run-up to them were often covered extensively in both regional and national press.

Differentiating between stages one through three proved more challenging. Where pro-*consulta* movements opted to initiate the official process via citizen petition rather than waiting on mayors, there the *Registraduría* publishes documentation first recognizing the formation of a *comité promotor* (stage two) and later acknowledging receipt of signatures (stage three). But where mayors led the process of gaining approval from the municipal council, I had to rely primarily on local and regional news coverage, which did not always make clear when mayors had taken official action. Some mayors may have intentionally obscured the extent of their support for anti-extractive *consultas* in an attempt to appease both environmentalists and those in favor of extraction. The mayor of Montañita, Caquetá, for example, participated in pro-*consulta* marches and declared he would pursue all means, including a *consulta* to ban mining from the municipality (RCN Radio: 2016), but I could not find evidence that he submitted a proposal to the municipal council. This introduces the possibility that some cases lying between stage one and stage three of progress may be coded as lower on the continuum of progress in my dataset than they reached in reality.

It is also possible that some stages are more difficult to get through than others. Given the national government's opposition to *consultas populares*, securing state support at higher levels of implementation may prove more daunting than convincing mayors or council members who are, fundamentally, members of the community. Put differently, the distance between stages three and four may be greater than the distance between stages two

and three. I leave these questions to the side, for now, in the descriptive analysis of the CPC dataset and address how I account for these possible biases in my inferential statistics section.

Descriptive Statistics

The subset of the CPC database that this chapter analyzes contains 102 cases of attempts to implement *consultas populares* beginning with the first case of Piedras in 2013 and ending in December 2018. After the *consulta popular* in Piedras, nine other mobilizations began in 2013 with the goal of pressuring their local governments to hold a similar referendum. The number of new attempts per year remains in the single digits until 2016. In 2015, the Constitutional Court upheld a new law—Law 1757 of 2015—that opened an additional pathway for civil society groups seeking to hold a *consulta popular*. Rather than having to wait for approval from the mayor and municipal council, activists could circumvent local government altogether in the first steps of the process by organizing a petition and submitting their proposal to the National Registry. This legislative change resulted in a substantial increase of cases from five new mobilizations in 2015 to 51 new mobilizations in 2017.[58] This figure dropped in 2018, possibly as a

[58] Multiple interviewees cited the 2015 law as the main catalyst for the increase in mobilizations between 2016 and 2017. Interview #7400, Bogotá December 2019; Interview #7323, Bogotá October 2019. This is likely due to a combination of factors. Publicity around deliberations and public hearings about the new law contributed to the diffusion of information about the *consulta popular* as a mechanism that can be used in relation to mining projects. The new pathway for activation may have also encouraged a proliferation of mobilizations in municipalities where local governments were vocally pro-mining. By the end of 2017, however, at least one extractive company had filed a legal challenge against a successful *consulta popular* in Meta (Cumaral) that reached Colombia's Constitutional Court. New legal uncertainty about the mechanism stemming from this case may explain the drop-off in new mobilizations in 2018 as communities waited to see what the court would decide. See https://www.corteconstitucional.gov.co/relatoria/2018/SU095-18.htm.

reflection of legal uncertainty as the Constitutional Court deliberated over the fate of the institution.

Figure 6.2. Cases of new attempts to implement consultas by year

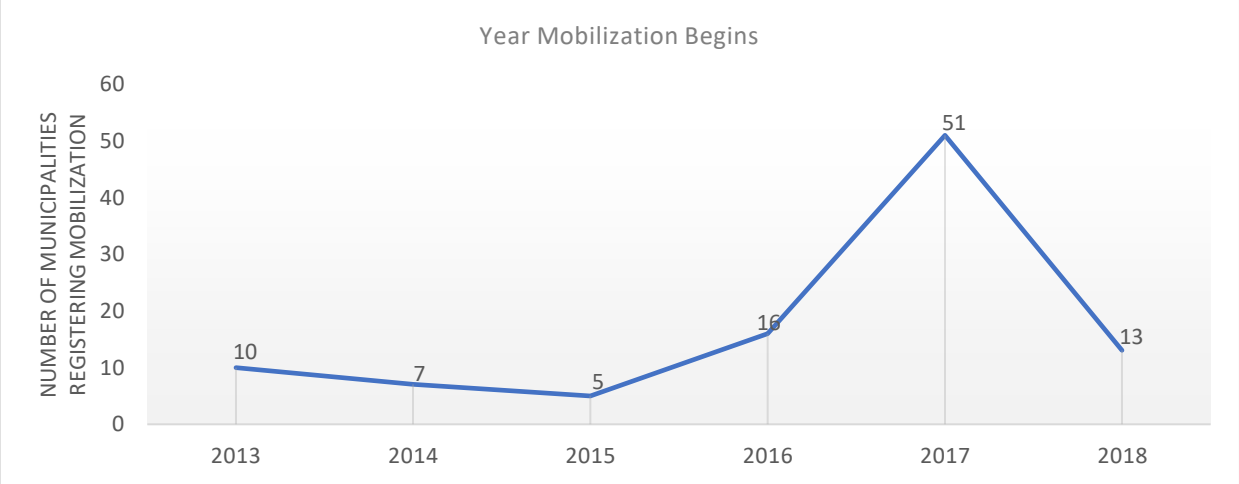
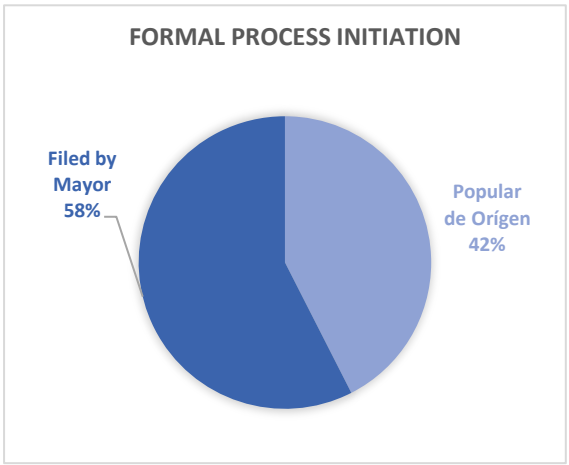


Figure 6.3. Pathway of initiation



Looking more closely at the pathway that mobilizations took toward activation, a review of documents published by the National Registry confirms that many movements took advantage of the 2015 law. Forty-two percent of mobilizations that reached stage two or higher of implementation registered private citizens as the spokesperson for the movement and collected signatures to force their local government to hold a *consulta* by petition. This finding suggests that many mayors and/or local councils were unwilling to oppose extractive projects, conforming with the national government's commitment to promote large-scale extraction. The 2015 Constitutional Court decision allowing *consultas* by petition ensured that lack of local government support would not be the death knell of a pro-*consulta* movement, but pursuing this route posed its own challenges. Initiating a

referendum by petition requires activists to amass support (more than 20 percent) from the potential electorate at an early stage, requiring investment in educational or "conscious-raising" programs to win supporters to their side. This level of commitment is significant. I investigate what this might mean for veto power later in this chapter.

Turning to the businesses targeted, most attempts to implement *consultas* sought to halt projects designed to extract either gold or hydrocarbons (41 and 40 percent respectively), with construction materials, sand, copper, coal, limestone, hydroelectric energy, and fracking making up the remainder of cases.[59] Nearly two thirds (62 percent) of mobilizations targeted projects owned by multinational companies[60], trailed by projects owned by state-operated firms (28 percent), namely Ecopetrol, the state-owned oil company. The vast majority (88 percent) of these projects were targeted in their exploration phase when companies are in the process of planning, surveying, and conducting test drills but have not begun mineral extraction.

[59] Minerals and materials listed here are coded as the "primary extractive" of interest in the CPC database. To code this variable, I reviewed mining and hydrocarbon titles published by the National Mining Agency (ANM; *Agencia Nacional de Mineria*) and National Hydrocarbon Agency (ANH; *Agencia Nacional de Hidrocarburos*). Where municipalities counted multiple mining and oil titles within their borders, I considered both the size of the title and the company holding the title. Where larger domestic or multinational companies held titles, I considered those projects to be the "primary extractive," as those operations are more likely to use procedures that would alter the territory than small-scale or artisanal mining. Some pro-*consulta* movements explicitly named projects or companies as the targets of their mobilization. In these cases, I coded the named mineral as the primary extractive.

[60] This category includes Canadian junior companies.

Figure 6.4. Target Company

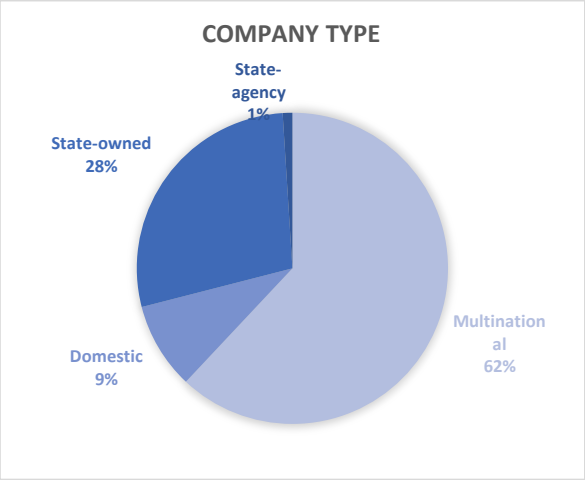


Figure 6.5. Target project stage

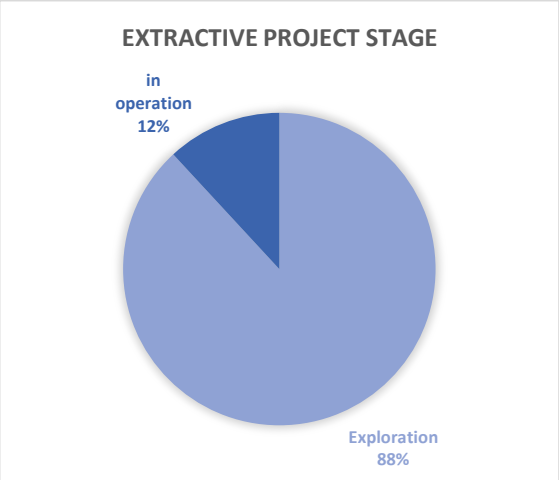
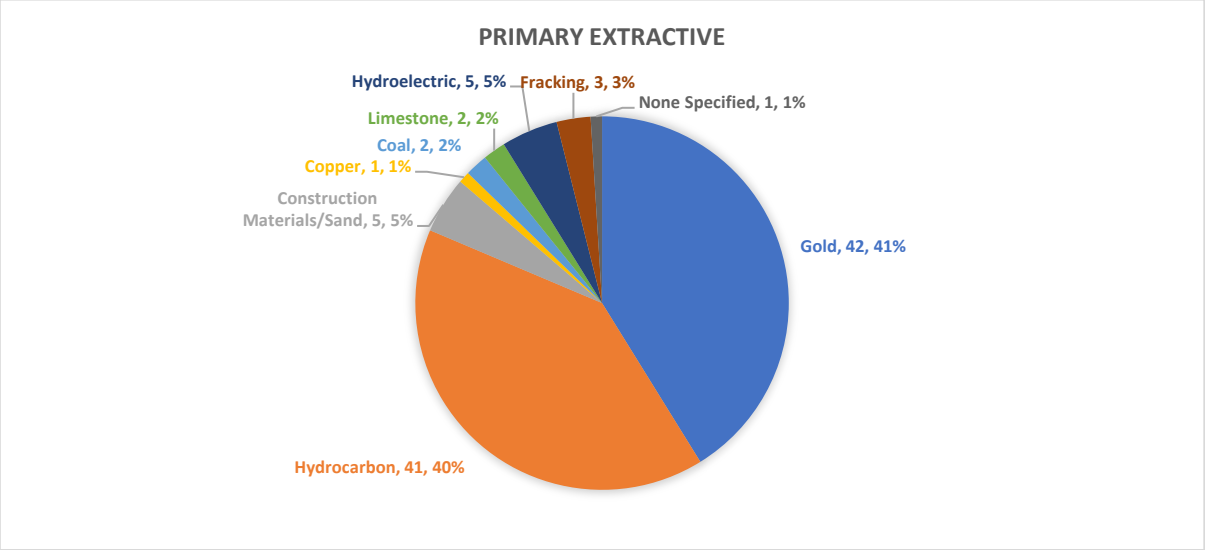


Figure 6.6. Target mineral/material



Source: all author's elaboration with data from ANH and ANM.

This pattern of targeting largely tracks with how the extractive industries have developed in Colombia in the past decade. As I describe in chapter four, large-scale gold mining is a relatively new phenomenon in much of the country. Multinational companies, such as AngloGold Ashanti have capitalized on incentives passed by Colombia's national government to exploit Colombia's large gold and other mineral deposits. As these companies move toward developing their titles, they must confront *campesinos* living in

areas that have historically relied on agriculture, cattle-raising, tourism or other industries dependent on the land and landscape (Colombia Solidarity Campaign 2013). The relative unfamiliarity with mining in regions mobilizing around local referenda is reflected in the types of arguments that pro-*consulta* activists developed to justify their cause.

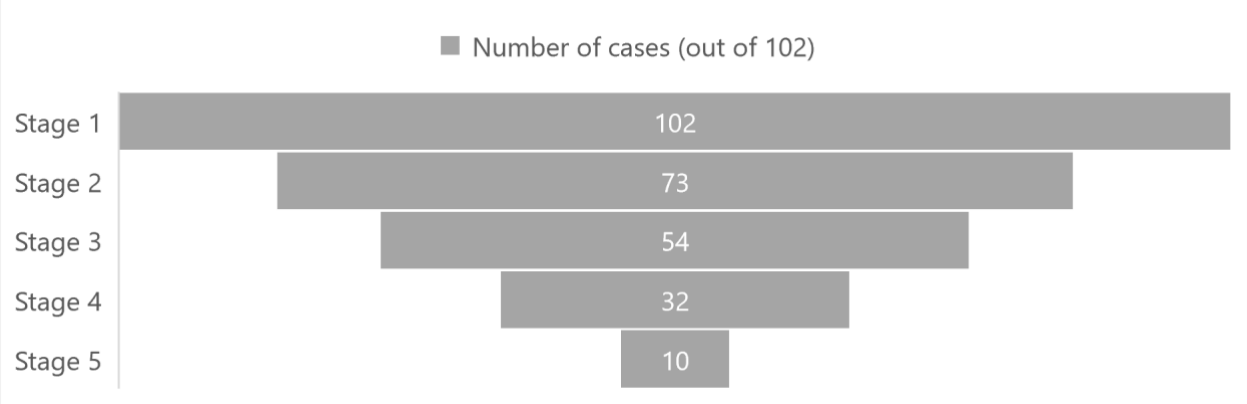
In other areas of Colombia (Van Isschot 2015) and the rest of the region (See Arce 2014; Bebbington et al. 2013; Warnaars 2013) where communities have experienced a history of mining, local grievances tend to focus on improving operations. Common grievances include worker pay, dispersion of rents, or environmental damages stemming from accidents. In contrast, the rhetoric of pro-*consulta* movements tended to challenge the existence of projects altogether. For these communities, "mining better,"[61] as extractive firms have promised to do, is not a viable option; any and all extractive projects represent a fundamental threat to communities' way of life. This argument holds most weight against veto players in areas where extraction does not yet exist on a large scale. This likely accounts for why most pro-*consulta* movements targeted projects that are were in the exploration stage and had not yet begun extraction. Communities perceived the threat of extraction as imminent and fear the possibility of future human rights and environmental impacts of extraction.[62] In areas where extraction already exists—for example, the oil producing departments of Meta and Casanare—pro-*consulta* movements still utilize the same arguments by focusing their energy on stopping new projects or proposed expansions, rather than the operation of existing projects.

[61] In autumn 2019 I attended a symposium of major gold mining companies in Colombia that featured a day focused on community relations and legal risks related to mining in Colombia. This idea of "righting the wrongs" of past projects and improving the image of the industry among host communities was prevalent in nearly all project presentations. Field notes, November 2019.

[62] Representatives of mining companies that I interviewed insisted that they receive the most push back from communities that do not have a history of mining because these communities have not seen the growth in jobs and royalties that mining can bring to a community. Interview #8494, Medellin 2019.

I turn now to the main dependent variable of interest in this chapter. The distribution of end stages by December 2018 underscores how rare full implementation of a *consulta popular* was. Fewer than 10 percent of cases—10 cases including Piedras—proceeded from mobilization to a legal vote. Only an additional 22 cases made it to level four of implementation, meaning that a vote was scheduled but had not yet occurred or was cancelled by the end of 2018. Put differently, less than one third of cases (31 percent) of attempts were able to reach advanced stages of implementation.

Figure 6.7. Number of cases that progress through stages of implementation



The largest category of cases (28 percent) includes those where community groups organized informal mobilizations, but neither mayors nor civil society leaders formally began the official process of organizing a *consulta popular*. This is not surprising. As I note earlier, the large number of referenda initiated by petition indicates that local governments, on the whole, were reluctant to take formal action to oppose national policy on extractive development. Overcoming this barrier requires substantial commitment by activists and community members who might also be pressured by veto players to abandon the *consulta*. We would expect, therefore, that absent local government support and pre-existing civil society strength, veto players would have success in obstructing the *consulta*

implementation process. The rest of this chapter aims to identify which firms were able to take advantage of these civil society weaknesses.

Why do most *consultas* fail?

After describing how cases were included for analysis, this chapter now explores why cases vary in their progress toward implementation. There are a number of hurdles that communities faced in their paths to the vote. In some instances, the National Registry invalidated pro-*consulta* petitions by declaring signatures fraudulent. Department Tribunals declared proposed ballots unconstitutional. The Ministry of Finance refused to pay for voting infrastructure. Most civil society movements stalled or suspended their efforts as a result of these challenges. What impact have veto players had in blocking these efforts? When are they less successful? In the section that follows, I operationalize and test my theoretical framework from chapter two to explain variations in implementation. The analysis begins by examining the determinants of veto player strength before turning to the conditions that limit business power.

Rebalancing the lever

Chapter two describes civil society-led efforts to stop large-scale extractive projects as a *David vs. Goliath*-type struggle. The imbalances of this matchup are related not only to the relative power of local communities versus the national government's priorities, but also the power of the businesses whose operations they are targeting. In Maiah Jaskoski's (2020:39) words, within the extractive sector, the politics of participation require civil society to overcome the "extreme power asymmetries [between companies and

communities] intrinsic to hydrocarbons and mining." The foundations of participatory politics in Colombia do little inherently to rebalance these asymmetries. Steven Levitsky and María Victoria Murillo (2013:97) argue that the 1991 Constitution, along with many other participatory reforms in Latin America, was built on "weak foundations." Governments were eager to introduce new participatory institutions, but reforms were introduced without addressing underlying power imbalances and exclusive political structures. The result is an "incongruence between formal rule-making processes and de facto power holders" that can disrupt institutional implementation. In the context of the extractive industries, these de facto power holders are most often the firms investing in and developing new or expanded projects. I conceptualize these firms' power by drawing on Charles Lindblom's (1977) discussion of the instrumental and structural power of business leaders. In conflicts over extractive project development in Colombia, firms promoting new and expanded projects can draw on both forms of power to stall popular consultations. I consider each in turn.

The financial resources and political influence that firms in the extractive sector enjoy affords them instrumental power over both local and national governments to quell anti-extractive mobilization. This type of power manifests as deliberate actions to influence government policy on the national level, or community preferences and municipal government support on the local level. According to Tasha Fairfield (2015: 420), levers of action include:

> favorable relationships with policymakers that enhance access and create bias in favor of business interests, […] organization, money, technical expertise, and media access, all of which place business in a stronger position to lobby,

orchestrate collective action, command authority in policy debates, finance campaigns, and/or shape public opinion.

Companies can use this power at various stages of project planning and against opposition. At the earliest stages of project planning, companies can count on allies in government ministries, like the National Mining Agency, to promote pro-extractive policies; many officials within government are themselves former mining executives.[63] To shape public opinion after projects are announced to local communities, companies invest substantial resources in promoting a narrative of "development through mining/hydrocarbons," sending representatives to town hall meetings, contracting geologists to attest that projects are environmentally sound, and paying for native advertisement in national newspapers.[64] Where community leaders are able to garner substantial interest in an anti-extractive popular consultation, companies can turn to the legal system to try to block the vote. Compared to communities that may have to rely on pro-bono legal counsel or help from NGOs, corporations can pay for high-price lawyers and draw out the legal process by filing multiple appeals, turning the system into a battle of attrition.

Companies can augment this instrumental power by leveraging their "privileged position" (Lindblom 1977 in González 2021:37) within both Colombia's national and local economies to exert structural power. Fairchild (2015b) asserts a business's structural power is directly related to its economic position. In the context of the extractives sector, economic position tends to be related to three factors: firm size (i.e., whether a firm is a

[63] Interview #7323, environmental activist, Bogotá, October 2019.
[64] Interview #7323, environmental activist, Bogotá, October 2019; Interview #2657, environmental activist, Boyacá, November 2019; Kristina Dietz, "Contesting claims for democracy: the role of narratives in conflicts over resource extraction" *The Extractive Industries and Society,* 6 (April 2019), 510-518.

multinational, domestic, or state-owned), mineral, and phase of operation (Bernal-Bermúdez 2017; Jaskoski 2020). On a national level, successive Colombian presidential administrations have staked the country's future economic development on expanded investment in its extractive sector, specifically oil and precious minerals (Dirección Nacional de Planeación 2014; McNeish 2017b; Vasquez 2014). On a more local level, local actors—mayors, councilmembers, or local elites—may stand to benefit from new projects, or already rely on royalties from existing projects. In this context, the threat of losing potential or real investment from companies discouraged by community action can incentivize politicians to act in favor of corporate interests. In other words, in contrast to instrumental power, which involves companies taking action, it is the threat of action that gives companies structural power.

The combination of these two types of power—instrumental and structural—creates substantial roadblocks in the process of organizing and implementing a popular consultation. Variation in firms' ability to exert their business power may account for some of the variation in institutional implementation, leading me to this chapter's primary hypothesis:

> *H1. Mobilizations facing firms with weaker business power (domestic, non-hydrocarbon/gold) will progress further in the process of implementing a popular consultation.*

I focus primarily on business's structural power rather than instrumental power at this point to determine the sources of veto player's strength. Using titling data gathered from Colombia's National Mining Agency and National Hydrocarbon Agency, as well as qualitative descriptions of local anti-extractive movements, I created a binary variable for company type. Company type was coded as a 1 if the target company was a multinational

company or Ecopetrol and a 0 if it was a domestic firm. I created two dummy variables to capture whether the primary mineral for extraction was gold or hydrocarbons. I also include a dummy variable for the stage of the proposed project. Projects in the exploration phase were coded as a 0, while projects already in operation were coded as a 1. I do include one measure of instrumental power—company connections with state security forces (*convenios de fuerza*) described in chapter five. I recognize that focusing on structural power over instrumental power makes my measurement a blunt instrument to evaluate the impact of business on *consulta* implementation. Businesses may pressure communities and state actors in different ways and at different stages of implementation. I examine how this might work through qualitative evidence later in this chapter.

The main dependent variable I employ in this chapter is an ordinal variable of "progress toward implementation" with values that range from one to five. As described earlier in this chapter, I leverage the bureaucratic milestones of the approvals process to code each case. I define the end stage of "institutional implementation" as whether the mobilization culminated in an official vote on the proposed policy question. I also employ a second, binary dependent variable of "low" implementation (stages 1-3) and "high" implementation (stages 4-5). The reason for this is three-fold. Models using ordinal variables assume equal distances in "steps" between each stage. This assumption, however, might not hold for reasons discussed earlier. A lack of data for some variables (namely those related to company targets and pathway of initiation) leaves some of the models with a small number of observations. This is on top of the small number of observations (10) in the stage five category of the ordinal variable. These factors, along with the possibility of miscoding of cases between stages one and three provide the rationale for including this

second dependent variable. I include basic socioeconomic indicators as well as process length (in months) and extractive royalties as control variables.

Determining business strength

I employ two types of statistical models for my analysis. Using the ordinal measure of progress toward implementation, I follow guidance from Fullerton (2009) and Bauldry et al. (2018) to employ a continuation ratio model. This approach, Fullerton (2009: 310) explains, is most appropriate for a "certain class of outcomes that may be thought of as a series of steps with logical starting and ending points (e.g. educational attainment and the process of registering to vote and casting a ballot)." Stages of implementing a *consulta* certainly fit into this category of outcome. Using the continuation ratio approach, I run models testing each of my hypotheses separately to exclude possible endogeneity between classes of variables. I find that the variables for gold and hydrocarbon are highly correlated. Therefore, I run my primary models including only the dummy variable for gold as the primary extractive. I then run a separate model including hydrocarbons. Effect sizes and significance for other variables do not change significantly between models, so I include coefficients for hydrocarbons in the tables below. Coefficients and standard errors for all other variables are those from the model including gold. The results for all models are presented in Table 6.2. The results are robust with two specifications of low/high progress; whether we measure progress between all stages or progress as a binary variable, the effect sizes remain similar. Results are presented from both models as odds ratios to facilitate comparison.

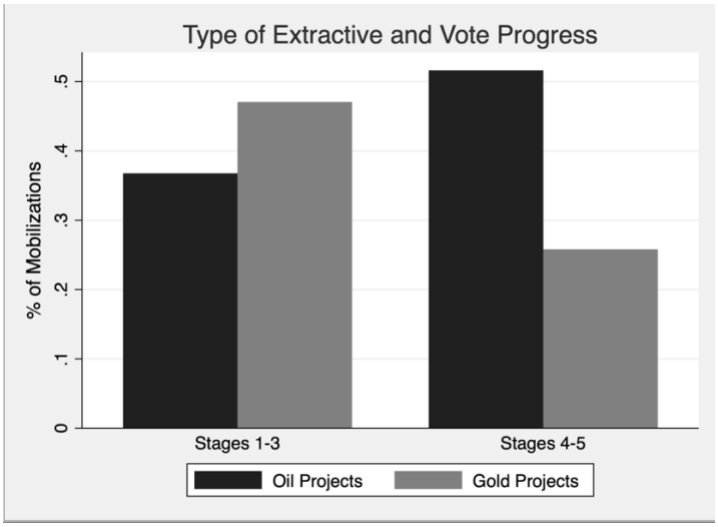
Table 6.1. The impact of business characteristics on progress toward implementation (odds ratios with robust standard errors clustered by province).

	Model 1 (Progress as ordinal variable)	**Model 2 (Progress as binary variable)**
Multinational/ Ecopetrol	1.24 (0.51)	1.02 (0.68)
Hydrocarbon±	3.14*** (1.30)	11.83** (8.99)
Gold	0.27*** (0.10)	0.12** (0.11)
Project in operation	0.18*** (0.09)	(omitted)
Convenio de Fuerza	0.58 (0.23)	0.15*** (0.10)
Royalties	0.99 (0.02)	1.03 (0.03)
Basic Needs Index	0.46 (0.27)	1.72 (1.79)
Population (tot.)	8.83 (12.03)	37.06* (77.56)
Muni Size (km2)	0.77 (0.43)	0.53 (0.36)
Rurality Index	1.57 (0.71)	0.82 (0.59)
Process length (months)	0.98* (0.01)	0.97 (0.03)
Prob>chi2	0.01**	0.001***
Observations	98	86

*p<0.1 **p<0.05 ***p<0.01.
± coefficients and standard error from separate model

In general, the results confirm chapter two's argument that businesses can exert strong veto powers against the implementation of institutions that challenge their interests. But examining the size and direction of effects of each variable separately underscores that not all firms in Colombia have the same power. In contrast to what other scholars (Amengual 2018; Bernal-Bermúdez 2017) have suggested, company size is not a useful predictor of a firm's power. However, the type of mineral being extracted is. Holding all other variables equal, anti-extractive movements targeting oil and gas projects are three times more likely to progress toward institutional implementation than movements targeting other types of extractives across all stages. Attempts that reached advanced stages of implementation were nearly 12 times more likely to have targeted hydrocarbon projects than any other mineral. This difference is even starker if we directly compare oil and gas projects to gold mining projects, which make up an equal share of popular consultation targets (see figure 6.8).

Figure 6.8. Percentage of consultas targeting oil projects that advance past stage 3 compared to those targeting gold mining projects.



This result suggests that structural power may depend on both a company's current position in the domestic market and international conditions. Oil production in the past decade has contributed a far greater share to Colombia's GDP than gold mining, which may lead us to believe that hydrocarbon firms occupy a firmer structural position in Colombia's economy. Recent global trends, however, have diminished the prospects of oil's primacy in the near future. Environmental activists in Colombia have successfully capitalized on this trend to steer the national dialogue against new oil projects, especially those that involve fracking. A number of national celebrities, for example have been vocal supporters of the Colombia Free from Fracking Alliance (*Alianza Colombia Libre de Fracking*).[65] With public pressure in both rural and urban Colombia against hydrocarbons, companies might be less likely to convince politicians to use their political capital to counter communities' preferences and back the expansion of hydrocarbon extraction.[66]

[65] Interview #4763, environmental analysis, online, August 2021. See also https://www.semana.com/medio-ambiente/articulo/fracking-una-apuesta-riesgosa-para-colombia/35505.
[66] Interview #8743, industry analyst, Bogotá, October 2019.

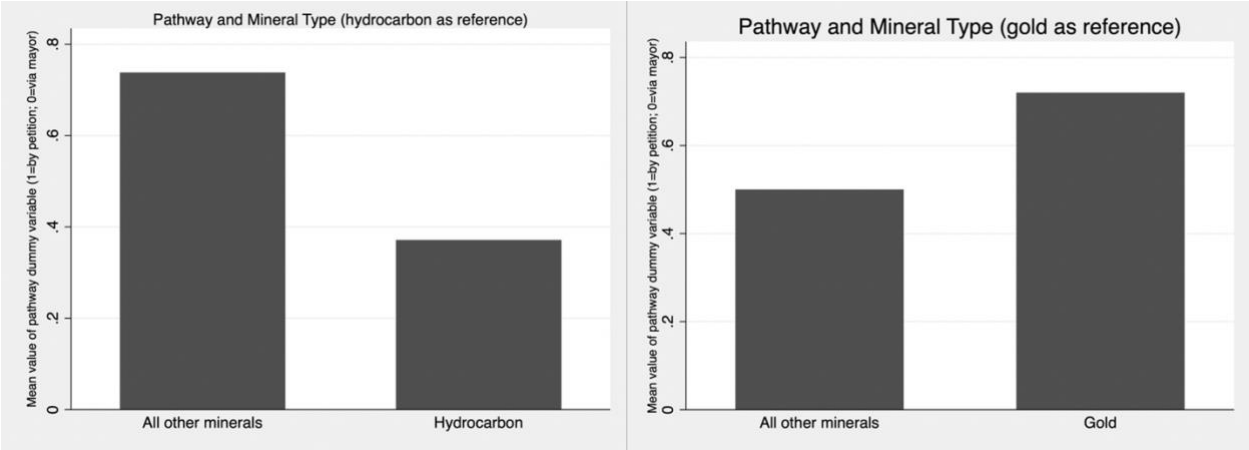
The effect of public pressure could also be compounded by the fact that many hydrocarbon projects in Colombia are joint ventures between private firms and Ecopetrol, which has long been the target of civil society pressure against extractives. Rather than leveraging local mobilizing infrastructures, communities may be able to tap into national anti-oil sentiment to pressure local leaders and government officials from supporting new extractive projects. In other words, veto player pressure against the fulcrum of Archimedes' Lever might be weaker in cases of hydrocarbon projects. This would allow civil society groups and their allies to nudge the fulcrum closer to the inclusionary position within the RoP.

We can visualize this mechanism by comparing the pathways that movements use to initiate the institutional approval process as a proxy for mayoral support against extractive companies. As mentioned previously, communities that perceive their local leaders to be highly favorable toward extractive projects (and therefore hostile toward implementation of the *consulta*) will likely choose to begin the process via petition. Otherwise, community groups would prefer to coordinate with local politicians, as doing so requires lower start-up costs for movement leaders. Figure 6.9 shows that movements targeting hydrocarbon projects have a mean pathway variable closer to 0, indicating that the majority of anti-hydrocarbon movements start organizing *consultas* in conjunction with their mayors rather than via petition. One way of interpreting this is that civil society is able to initiate institutional implementation—and therefore move closer to transformative participation— in cases of hydrocarbon extraction without exerting as much pressure on its side of the lever.

This finding holds if we drop cases where mobilization began before 2015, suggesting that the balance of power between communities and companies on the local level in areas subject to new or expanded hydrocarbon projects may lean closer to the communities' side than one would initially expect, at least at early stages of initiation. Comparing pathways does not account for later shifts in the balance of power across Archimedes' Lever. Nonetheless, communities' abilities to push their pro-*consulta* movements against hydrocarbon projects from early stages of mobilization toward full institutional implementation suggests that they may be able to maintain pressure on their politicians beyond initiation, despite companies' bids to stop a *consulta popular* from progressing.

The heterogeneity of business power within the extractive sector is further emphasized by the relative success of gold miners in obstructing institutional implementation. Again, we can compare gold miners' structural power to other extractives. Given that international gold prices tend to remain consistent, local governments may agree with national policy and companies' promises that new gold projects hold promise for future development. This would lead then to discourage community mobilizations that jeopardize these projects. I test this theory be repeating the analysis of pathways of initiation above (see figure 6.9) In contrast to hydrocarbon projects, communities facing new gold mining projects more often initiate implementation of the popular consultation via petition, suggesting that mayors in these areas are more aligned with company interests.

Figure 6.9. Comparison of most common pathway of initiation between hydrocarbon/non-hydrocarbon and gold/non-gold projects



An examination of operations by AngloGold Ashanti (AGA) in one municipality indicates that it, and other gold miners, are willing to augment their structure power with significant spending on instrumental actions that directly weaken the force of civil society. AGA funds the sole radio station operating in Jericó, Antioquia, a municipality that attempted and failed in early stages of progress to organize a *consulta* (Corredor 2020). AGA has also targeted specific individuals or sectors of the population for influence. An activist involved in the movement in Jericó described to me how the company had set up a private foundation in town that paid for new computers for local schools. The company, in effect, was trying to weaken support for the *consulta popular* among parents of school-age children.[67] Another possible explanation is that the high level of investment in community relations relates to the physical impact that mining projects have in their host communities. Mining—especially open-pit projects like many of those proposed in Colombia—radically changes the physical landscape and renders swaths of land unusable for generations. The

[67] Interview #3565, community activist, telephone, August 2019.

footprint of oil projects, one activist pointed out to me, is considerably smaller, usually consisting of a limited number of pumps and processing plants.[68]

It is possible that municipalities in Antioquia represent a unique set of cases. Unlike the rest of Colombia, the department of Antioquia's mining agency is run independently from the national government and is seen as particularly friendly to multinationals and large-scale miners.[69] This could make it particularly difficult for pro-*consulta* movements to progress toward institutional implementation. However, if I drop all cases in Antioquia from the sample and rerun my regression, coefficient sizes actually increase and levels of significance rise. This suggests that the power of gold mining firms applies nationally, not only in Antioquia.

The limits of veto power

The above analysis hints at how variations between sectors can impact veto players' power. This section takes that analysis further by examining other factors that can constrain or match mining and oil companies' power vis-à-vis local communities. Some of these factors relate to choices made by civil society groups. Others are linked to the historical and political context (the fulcrum). By investigating how these variables might interact with veto power as pro-*consulta* movements progress toward implementation, this chapter's final section starts to unpack how each component of Archimedes' Lever can connect.

[68] Interview #4763, environmental activist, online, August 2021.
[69] Interview #8743, industry analyst, Bogotá, October 2019.

Countering the veto

Facing an uphill battle against powerful adversaries, the theory I present in chapter two suggests that anti-extractive movements will seek connections with external allies—the movement support structure--to enhance their relative power against private firms. I identify three types of allies that movement leaders might approach: regional allies, national allies, and the popular consultation epistemic community.[70]

Regional allies include activists from other municipalities and/or regional environmental coalitions that community leaders may turn to for guidance. This type of alliance is typically informal and involves information sharing as well as the possibility of working together in some form of regional collective action (Spalding 2014). Leaders from anti-extractive movements that have achieved success have made a point of travelling to other municipalities to share their lessons learned. Activists have also established regional environmental coalitions, like the *Cinturón Occidental Ambiental* (Western Environmental Belt) in southwestern Antioquia, the *Mesas Hídricas* (water roundtables) of Sumapaz or the Piedemonte Llanero, which serve as spaces where activists can share information and discuss environmental issues that affect the broader region in which their municipality is located.

As I argue in chapter five, movement leaders also look to the country's capital for support. NGOs and individual experts in Bogotá offer the resources communities need to counteract the power of the companies they challenge, and the skills of these allies may be

[70] It is worth noting that I do not include connections to transnational advocacy networks (TANs) in my analysis (See Keck and Sikkink 1998). Keck and Sikkink's model of TANs acknowledges that action often starts with domestic activists and NGOs—as has been the case in Colombia's *consultas populares*. That said, transnational actors that are part of the TAN, such as international NGOs and intergovernmental organizations, play a crucial role in amplifying the demands of these domestic actors. I only identified two cases (Piedras and Cajamarca) out of my sample of 102 that had clear connections with international organizations. I therefore concluded that there was not enough variation in the dataset to justify inclusion.

complementary. For example, a movement may turn to Dejusticia, a legal NGO, for support when facing legal challenges from a mining company. At the same time, an environmental advocacy organization, like CENSAT Aguas Vivas, can draw national attention to otherwise isolated regions by disseminating information about individual communities' efforts to organize popular consultations. Each of these connections could facilitate organization and approval of a popular consultation and impact different stages of the organizing process.

Finally, I consider the role of a few individual experts, who I identified during my fieldwork in Colombia as key figures in various attempts to implement popular consultations across the country. I draw on Peter Haas's (2008: 783) concept of epistemic communities as "networks … of knowledge-based experts with an authoritative claim to policy-relevant knowledge within their domain of expertise" to understand the role of these individuals. *Consulta* movements called on these individuals for their specific expertise in fields like constitutional law, environmental policy, or geology. These individuals purposefully did not affiliate with any NGO. Their decision allowed them greater flexibility to respond to community requests without navigating organizational bureaucracy, one individual explained.[71] As such, I consider their role distinct from NGOs.

It seems intuitive, given the benefits outlined above, that communities would seek to form alliances to counterbalance business power. The question this chapter asks is whether these alliances—either individually or in combination—increase a movement's odds of organizing and implementing a popular consultation. This question leads me to the following hypothesis:

[71] Interview #7323-2, environmental lawyer, online, August 2021.

H2. Movements that form (stronger) outside alliances are more likely to progress further toward institutional implementation.

Building on experience

When *campesino* communities opted to challenge business power through participatory mechanisms, they deviated from the historical repertoire of collective action (Tilly 1978) that has historically consisted of protest, demonstrations, roadblocks, and other confrontational means. A history of protest in a municipality, however, may be a boon to communities facing strong veto players. To stage effective protests (for any cause), movement leaders must construct "movement mobilizing structures" (McCarthy 1996: 141) that consist of informal and formal networks of contacts that work together to organize resources, participants, and decide on tactics. Mobilizing structures, or "social movement organizations," as Zald and Ash (1966) identify them, do not necessarily disappear when a movement stops "moving." These structures develop from and are embedded in institutions and relationships like churches, unions, families, and friendship networks that maintain ties with each other and, if persuaded, could mobilize again for another cause. Chapter five argues that movement infrastructure can facilitate initial community mobilization. Movement infrastructures may also help civil society counter challenges from veto players during the process of implementation. It is possible, then, that business's veto power will be attenuated when they face communities with histories of contention.

H3. Pro-consulta movements will progress to higher stages of mobilization where communities have experienced a greater number of protests.

H4. Mobilizations based in municipalities where the FARC-EP was active will be more likely to progress to higher stages of mobilization.

Constraining context

Chapters two and describes how the *de jure* and *de facto* political and judicial contexts affect opportunities for civil society to implement participatory mechanisms. Political opportunities may also impact actors on the other side of Archimedes' Lever. While the national government in Colombia strongly favors the extractive sector, local election cycles could upend this balance between communities and companies at the municipality-level, at least in the short term. Pro-*consulta* movements, when supported by a sizeable sector of the electorate, represent a constituency of potential voters for mayors and councilmembers to consider in subsequent or concurrent elections. Local elections were held in the majority of Colombian municipalities in October 2015—in the middle of the period of analysis for this thesis.

Councilmembers hoping to maintain power in local elections scheduled for October 2019 also had to consider the strength of anti-extractive groups in their municipalities, especially as public attention to *consultas* reached a crescendo in 2018.[72] One leader of a pro-*consulta* movement in Boyacá explained to me how they tried to center mining in the electoral agenda by confronting candidates in town-hall meetings about their stances on a proposed project in the municipality.[73] It seems possible, therefore, that where elections are competitive and candidates must appeal to an electorate that vocally opposes mining, local politicians may have more incentive to pursue and support the progression of a *consulta*

[72] Mayors cannot serve consecutive terms, but my analysis of the results of local elections from 2000-2019 in the municipalities considered in this chapter indicates that power often remains concentrated in the hands of a few local politicians. The same individuals often cycle between the mayor's office and the municipal council through different election cycles and/or serve non-consecutive terms as mayor.
[73] Interview #5417, November 2019.

popular as proof of their receptivity to community interests—temporarily weakening the power of business.

> *H5. Where local politics undergo rapid change, attempts are more likely to reach higher stages of progress.*

Testing the limits

I use the same modeling strategy and dependent variables for progress toward *consulta* implementation and as above to test hypotheses two through five. For each dependent variable, I test each hypothesis separately and together in one combined model. The results for all models are reported in Table 6.3. As with all previous models, continuous variables are standardized by dividing two standard deviations of the control group to facilitate comparison with binary variables.

Regarding outside alliances, I test this hypothesis in two ways. First, I note the names of any individuals or organizations involved in the pro-*consulta* movement in the qualitative description of each *consulta* attempt and sort those connections into each of the three relevant categories. I then create separate dummy variables for the presence of each type of alliance for each *consulta* attempt. Recognizing that movements may form multiple types of alliances and that different combinations of alliances may be more beneficial for movements, I create composite scores for overall alliance strength that range from 0 (no alliances) to 4 (connections with all three types of allies) outlined in Table 6.2

Table 6.2. Alliance composite score definitions

Score	*Definition*
0	No alliances
1	Only presence of regional groups/activists from other municipalities
2	Presence of regional allies and select national NGOs
3	Presence of regional allies and **either** major national NGOS, political parties, **or** the epistemic community

4	Presence of all three types of allies

I include multiple measures for local political conditions in my models. To capture electoral competition, I leverage percent participation and calculate the Vanhanen index for the mayoral election that directly preceded the activation of the *consulta*. For most cases, this data comes from the 2015 local election cycle, but for cases where mobilization began before 2015, I use data from the 2011 elections. These data are collected from the Universidad de los Andes' election dataset. To code for power change during a *consulta* process, I used both the Universidad de los Andes data and qualitative description from press reports to identify cases where the mobilization process either spanned the 2015 election, or where a special election took place during the process. I coded these data using a binary variable of 1=yes, a new mayor took office or 0=no change in power. I identified 15 cases where new mayors were elected between the start of mobilization and either when the vote occurred, or the time period of analysis ended.

I use the same dummy variable for territorial control by the FARC-EP as in chapter five as one proxy for measure mobilization infrastructures. To capture infrastructures borne from non-violent contention, I incorporate data on protest events from CINEP, an organization based in Bogotá that maintains a database of "social struggles" (*luchas sociales*) across the country from 1975 to the present. The variable I constructed from this data is a simple count of protest events that occurred in each municipality, regardless of the target issue, from 1975 up to the date of initiation of the *consulta* movement. I use this rough count because the number of protest events for the majority of municipalities is already low and given that the size of communities (and therefore their networks) is small,

it is likely that protest movements engage the same mobilization structures across a range of issues.

Finally, I include several control variables in my analysis. Municipality size, population, and rurality index can affect a number of measures. These might include the number of protest events, the proportion of land affected by an extractive project, the NBI and ability of voters to access voting booths during elections, to name a few. I use measures of these variables from Colombia's DANE across all my models. I keep mining royalties and the length of time of the entire process for each attempt made in all of my models for the same reason.

Table 6.3. Continuation ratio models (left) and logistic regression models (right) of alternative explanations for consulta progress (odds ratios with robust standard errors clustered by province in parentheses.

	Ordinal DV				Binary DV			
	Alliances	**Repertoires**	**Politics**	**Combined**	**Alliances**	**Repertoires**	**Politics**	**Combined**
Regional allies	1.06 (0.73)				(omitted)			
National allies	0.90 (0.46)				0.53 (0.58)			
Epistemic Community	0.48 (0.29)				0.32 (0.27)			
Alliance composite score	1.98** (0.62)			1.63*** (0.24)	3.70** (1.89)			2.31** (0.83)
FARC-EP control		2.73*** (0.90)		2.74*** (0.96)		6.03*** (2.45)		7.17*** (3.88)
Protest Events		0.70 (0.002)		1.00 (0.002)		0.97 (0.03)		0.97 (0.03)
Vanhanen Score (2015)			1.55 (0.52)	1.30 (0.45)			2.41 (1.66)	2.83 (2.03)
Power Change			3.56*** (1.66)	2.72** (1.35)			5.36** (4.39)	3.60 (4.17)
Royalties	1.01 (0.02)	1.01 (0.02)	1.00 (0.02)	1.02 (0.02)	1.04 (0.04)	1.06** (0.03)	1.02 (0.03)	1.10* (0.05
Basic Needs Index	0.64 (0.39)	0.87 (0.49)	0.61 (0.34)	1.23 (0.73)	1.78 (2.22)	1.97 (1.69)	1.00 (0.98)	5.32 (5.85)
Population (tot.)	1.96 (2.56)	8.71 (12.25)	3.03 (3.91)	2.76 (4.25)	3.05 (6.00)	1378.18* (5413.57)	10.50 (23.72)	152.27 (753.57)
Muni Size (km2)	1.15 (0.63)	0.61 (0.33)	1.05 (0.57)	0.82 (0.46)	1.17 (0.67)	0.45* (0.21)	1.17 (0.91)	0.70 (0.41)
Rurality Index	1.54 (0.69)	1.19 (0.49)	1.68 (0.72)	1.13 (0.50)	1.26 (1.10)	0.92 (0.50)	1.77 (0.91)	0.53 (0.39)
Process length (months)	0.99 (0.01)	0.98 (0.01)	0.97 (0.01)	0.98 (0.01)	1.00 (0.02)	0.98 (0.02)	0.97 (0.02)	0.97 (0.02)
Prob>chi2	0.03**	0.06*	0.10	0.003***	0.09*	0.000***	0.32	0.000***
Observations	99	98	99	98	92	98	99	98

Both the continuation ratio (left) and logistic regression models (right) provide evidence supporting my hypothesis that movements with stronger alliances with the *consulta* support structure will be able to withstand business pressure and progress further toward a vote. Not all allies, however, are the same. All movements that reached advanced stages of mobilization had formed connections with regional allies, and many tried to ally with nationally-oriented NGOs. Those that succeeded in establishing connections with this latter group, all else remaining equal, were the most likely to progress to higher levels of implementation. Put differently, if we pull apart the alliance composite score variable, we find that mobilizations with the highest possible alliance score are driving this positive correlation.

This result echoes previous work on local-level participation. According to Gerd Schonwalder (1997), popular movements that try to act with complete autonomy are often rendered "marginalized" and "insignificant," and movements "benefit from striking multiple alliances with a variety of actors." At the same time, the importance of external allies poses a conundrum for some local communities. Local leaders can choose to contact Bogotá-based organizations and experts, but they cannot be sure that potential allies will choose them. NGOs and individual experts have their own limits on resources.

This puzzle is the focus of the following chapter of this thesis, which focuses explicitly on *consulta* support structure, but it is worth discussing briefly here because the issue also introduces possible endogeneity in the statistical models. Are allies more likely to choose to work with communities that are more likely to succeed on their own, or is it an ally's effects on the community—training, resources, publicity—that tips the scale

toward institutional implementation? Interviews that I conducted with NGO representatives and members of the epistemic community suggest that it is the latter. Across organizations, I could not identify a systematic preference for stronger movements. Allies also did not prioritize movements against any specific company. Where some NGO representatives noted a higher degree of coordination with movements against gold mining, they tended to justify this preference as related to local-level dynamics of land use, rather than a reaction to mining companies' structural power. Including a control variable for the type of mineral being targeted did not meaningfully change either the odds ratios or levels of significance.

Regarding movement infrastructures, FARC-EP presence greatly increases the odds that a movement will progress to higher stages of implementation—even more so than alliances with the *consulta* support structure. These findings both affirm and extend chapter five's argument that community leadership is strongest in areas formerly controlled by the FARC-EP. All four models that include FARC-EP presence indicate that the historical presence of left-wing groups leaves behind some kind of mobilizational infrastructure; not only are civil society groups more likely to mobilize around a *consulta*, but they are also more likely to withstand veto pressure and to progress to higher stages of implementation. This effect is far stronger than a community's history of non-violent protest, which is not significant in any of the models. Finally, the impact of political context is unclear from the results above. A change in the mayorship during the process of implementation seems to be significantly correlated with higher odds of a movement progressing to higher stages of implementation, but the models that consider political opportunities do not have enough statistical power to affirm this finding. The sample size

may simply be too small and lack sufficient variation to draw any real conclusions from the data.

Discussion

The analyses above suggest that veto players can take action at different points in Archimedes' Lever to block transformational participation. The results suggest that gold mining firms, for example, are able to wield are able to wield more convincing structural power than the owners of hydrocarbon projects as they seek to convince local and regional officials to side against transformative participation.

The implications of this finding may be important in shaping conflicts over natural resources in the future, both in Colombia and further afield. Gold exports and project development in Colombia are taking off at the same time that interest in oil production is decreasing. This trend is likely to continue as countries across the global contemplate the prospect of green energy transitions. In 2020, for example, Colombia's minister of mines suggested that the country would shift investment away from its well-developed coal industry toward mineral mining (Griffin and Acosta 2020). Such shift would further increase the structural power of gold, cobalt, silver, and other mineral miners relative to both carbon extracting companies and local communities. As global discussions about climate change and mineral extraction continue to evolve, however, some anti-extractive movements have been able to use future uncertainty to their advantage. Coordinated social mobilization and pressure on political elite in El Salvador, for example, led that country's government to ban all metal mining in 2017 (Edenhofer 2022). While El Salvador remains an outlier in the world in that regard, the success of the environmental movement there and

the findings of this chapter suggest that business's veto power can indeed change over time.

Conclusion

This chapter has analyzed progress toward *consulta* implementation in order to disentangle the actions and power of businesses as veto players in participatory democracy. In some instances, businesses use their structural power to try to shift the lever's fulcrum within the realm of possibility. In others, they may exert instrumental power to weaken the force of civil society. Often, they pursue both strategies at the same time. This chapter has examined empirical evidence to determine how companies in the extractive industries use these different forms of power to block *consultas populares* at different stages of implementation. While the findings confirm that veto players are powerful, their influence does have its limits and not all veto players are equal.

At the same time, certain conditions can constrain the veto power of all companies, regardless of sector, and enable civil society groups to prevail in institutional implementation despite the odds against them. These findings have important practical implications. The conditions that emerge significant determinants of a community's ability to counter veto player power are largely out of the control of civil society groups. Activists cannot change their communities' history of conflict. They cannot change the election cycle. The *can*, however, try to pursue different types of alliances with outside actors to overcome the obstacles that business power presents. This means that these outside allies occupy a critical position for the *consulta* as an institution. Mechanisms of direct democracy are intended to close the distance between citizens and the policy decisions that

affect their lives. But if experts and organizations based in the capital city must serve as a mediating force in this process, it raises the question of how accessible institutions of participatory democracy truly are. Individuals and organizations based in Bogotá may, in effect, serve as gatekeepers of participatory democracy by deciding which communities they will accompany and how much to invest in them. The following chapter of this thesis digs deeper into this issue.

Chapter 7 – Accidental Gatekeepers

Introduction

Previous chapters of this thesis have aimed to systematically account for variation in efforts to organize *consultas populares*, identifying common conditions across municipalities and movements that influence the balance of power between local communities and veto players across Archimedes' Lever. This chapter, by contrast, examines one of those conditions in detail: the role of *consulta* support structures. The final section of chapter six highlighted the importance of this set of actors in institutional implementation of the *consulta*, showing that alliances between community-based movements and external experts and NGOs improves the odds of progressing from mobilization to institutional implementation. As more communities turned to *consultas* to contest extractive projects, Veto players working with Colombia's national government sought to stem this tide, issuing threats to local government officials, reducing election budgets, and filing legal challenges against local communities.

Without technical, logistical, and/or legal support from professional experts and NGOs, the vast majority of grassroots movements to organize referenda around mining failed overcome the challenges posed by veto players. This poses a conundrum for local activists: while they may seek outside help, they cannot be sure that potential allies in the support structure—working with limited time and resources—will choose *them*. By deciding where and with whom to work, I argue that NGOs and experts are forced to take on the role of "accidental gatekeepers" of participatory democracy. How, then, do these crucial allies evaluate their choices? And how do these choices impact prospects for democratic empowerment for the communities that seek their help?

This chapter leverages semi-structured interviews conducted in person and online with local activists, individual experts, and NGO representatives to answer the questions above. The resulting analysis uncovers a tension between NGO's instrumental decision-making and the potential of participatory tools like the *consulta popular* to empower local communities. I find that constraints on NGOs' time and resources force them to prioritize building relationships and funneling resources into work with only a handful of communities. The effects of these decisions—determined by accessibility, pre-existing relationships, and perceived legitimacy—may reinforce the same state unevenness that participatory mechanisms are intended to address. This chapter's findings, therefore, indicate there are additional limitations to communities' agency in democratic participation opposition from the State and business communities and the political-legal context in which they operate.

Across chapters, this thesis has emphasized the considerable power imbalances that exist on the domestic scale in Colombia in its examination of how communities' use of participatory mechanisms is both shaped by and attempts to upend them. The evidence presented in this chapter is no different. However, by focusing on the role of domestic NGOs in local environmental movements, this chapter also challenges common frameworks of power and "the local" in studies of social movements and NGOs. A number of prominent studies (See, for example, Keck and Sikkink 1998; Smith et al. 1997; Smith, Plummer, and Hughes 2017; Tarrow 2001), have examined the role of transnational or global actors in supporting local social movements in confrontations with the state. The "local," in these studies is defined in relation to the international arena. Yet as this chapter makes clear, organizations and experts based in Bogotá may be viewed as "local" by the

international community but view themselves and are viewed by communities in "the territories" as outsiders (Payne et al. 2020). Local communities have limited access to international NGOs and media that could allow them to leverage the international "boomerang" employed by other social movements. Instead, their best hope lies in the "domestic boomerang" (Pereira et al. 2022) based in Bogotá. The idea of "democratization from below" advanced in this thesis, therefore, refers not only to democratic innovations around participatory democracy developed in the Global South compared to the Global North, but also their activation by marginalized populations *within* the Global South. Making these distinctions clear is crucial to understanding the persistent unevenness of power across Colombia.

The rest of the chapter proceeds as follows. I begin with a short discussion of the different civil society actors—community-based pro-*consulta* movements, domestic NGOs, experts, and international NGOs—mentioned throughout the chapter. I then provide an overview of the NGO ecosystem in Colombia as it relates to the emergence of the pro-*consulta* support structure and its relationship with community-based movements. This section builds on Diana Rodríguez-Franco's (2017) account of the first *consulta popular* in Piedras to trace how NGOs first became involved in pro-*consulta* mobilizations. I then turn to an examination of how the relationship between the *consulta* support structure and pro-*consulta* mobilizations evolved. As the number of movements requesting assistance increased after the success of Piedras, NGOs began to face difficult decisions about where and how to work. I outline a theoretical framework—what I call the accidental gatekeeper model— to understand the how NGOs navigate their relationship with civil society when the political opportunity for democratic participation is limited. After

identifying the three criteria that allies used to evaluation instrumental decisions around resource distribution, I trace the impact of these decisions to NGO and community perceptions of democratic empowerment related to *consultas populares*. I conclude by tying this chapter back to thesis's overarching Archimedes' Lever analogy.

Civil Society Alphabet Soup

Before proceeding further, it is helpful to clarify how I distinguish between the organizations that make up what I call the civil society support structure for the *consulta popular*. I use Claire Mercer's (2002:6) distinction between NGOs and grassroots movements (GROs) or community-based organizations (Brass 2017:5) as a starting point. NGOs, she writes, are:

> Organizations that are officially established, run by employed staff (often urban professionals or expatriates), well supported (by domestic, or as is more often the case, international funding), and that are relatively well resourced… they are seen as different from [GROs] that are usually understood to be smaller, often membership-based organizations, operating without a paid staff… which tend to be…issue-based and therefore ephemeral.

Over time, local movements or GROs may develop into NGOs as they become more established and expand their work. The key distinction for the purposes of this study is that NGOs' staff and financial resources tend to be based in urban centers and their missions are oriented beyond a single case; they are interested in both short-term goals and the organization's longevity (Bebbington 1997; Fruttero and Gauri 2005). I use the term "local movement" or "community-based movement" to refer to mobilized groups advocating to organize a *consulta* in a particular municipality or extractive project. The term "NGO" refers to formal organizations either based in Bogotá or that have a nationally oriented mandate.

It is also worth underscoring the difference between what I call "national" or "domestic" NGOs and international NGOs (INGOs). Much of the literature on the politics of NGOs and civil society focus on international organizations as the most prominent or influential actors mediate the relationship between state and civil society (Autesserre 2014; Campbell, DiGiuseppe, and Murdie 2019; Keck and Sikkink 1998; Lake 2018; Tarrow 2001). INGOs and national NGOs, however, are analytically distinct; their actions often respond to different contexts in terms of resources, political regulations, and relationships with other civil society groups (Bloodgood, Tremblay-Boire, and Prakash 2014; Stroup 2022). INGOs tend to count on a more constant stream of resources from donors across the globe while national NGOs must compete over a smaller domestic pool or hope for resources to trickle down to them from international organizations (Brass 2017). INGOs and national NGOs oftentimes different forms of political resistance and respond to distinct opportunity structures (Stroup 2022:4). The sheer number of competitors in the NGO space also varies drastically; there may be more national NGOs operating in one country than there are INGOs globally (Stroup 2022:10). All of this is to say that local movements may view national NGO allies as significantly more powerful actors whose work may tip the lever of participation toward their favor, but national NGOs also work within an unequal system of resources and attention.

Finally, throughout this chapter I refer to a third set members of the *consulta* support structure. These are the independent experts and professionals that make up what I call the *consulta* "epistemic community" (Haas 1992, 2008). The epistemic community members I refer to in this chapter are not formally contracted by any NGO but rather choose to work in their capacity as individuals as they lend their technical skills and

knowledge to local movements. They complement NGOs as individual "knowledge bearers" (Rodriguez-Franco 2017), "policy entrepreneurs" (Vanhala 2018b), or "institutional innovators" (Payne et al. 2020) who are committed to expanding political participation and work toward this goal by teaching civil society the language and tactics needed to implement participatory mechanisms from below.

Returning to the Archimedes' Lever analogy introduced in chapter two, national NGOs and members of the epistemic community can help tip the balance in favor of civil-society institutional activation in two ways. First, allies in the support structure can help local movements increase the force applied on their side of the lever to lift the weight of transformative participation. As "knowledge-bearers", they can teach communities the "rules of the game" (Kessler 1990) of the participatory mechanisms they seek to active. In the first instance, this entails educating local actors about which institutions are most appropriate for their demands. As local movements experience pushback from the state or private companies, the support structure may shift strategies, focusing, for example, on strengthening civil society's arguments to protect a particular mechanism. This could involve teaching local activists and community members how to decipher and speak the precise legal language that extractive companies use during community consultations, for example (Rodríguez-Garavito 2011). Actions like this can help balance out disparities in knowledge between corporate actors on one side of the lever and local communities on the other as the struggle over implementation of transformative institutions.

The support structure can also try to shift the position of the lever's fulcrum, making it easier for civil society to overcome pressure against transformative participation. The roles of legal NGOs and individual experts are crucial for this. By offering pro bono

legal advice, the support structure can help communities as they try to directly change the legal framework that governs the accessibility of participatory mechanisms. Sometimes this might involve helping community members file independent challenges (*tutelas* in Colombia) to demand greater access to mechanisms outlined in the constitution (Herrera and Mayka 2020). Other times, the support system may be called upon to help prevent companies from challenging the legal opportunities for participation. Either way, the support system serves an essential function to help civil society take on the political and legal status quo that holds the lever's fulcrum in place.

In the section that follows, I explain who the members of the *consulta* support structure are and how they became involved in *consultas populares*.

Building the *consulta* support structure

How did NGOs and individual experts become involved in community-driven efforts to implement *consultas populares*? Environmental activism in Colombia well-preceded the 2013-2018 boom in extractives-related *consultas populares*. To many, however, the country's environmental movement represented a bifurcated vision of environmentalism characterized by a distinct gap between movements based in Bogotá and those from more rural regions of the country. Compared to regional activists mobilizing in defense of their water and territories from specific projects or government policies[74], activists based in the capital city tended to represent the interests of an older generation

[74] Examples of government policies include the aerial spraying of glyphosate—an herbicide declared by the World Health Organization in 2015 to be a "possible carcinogen"—on coca crops. Mass mobilizations of *campesinos* against aerial spraying are the subject of María Clemencia Ramírez's (2011a) book.

more concerned with general issues related to climate change and biodiversity.[75] Building support for opposition to extractive projects among the activist community in Bogotá, therefore, required pro-*consulta* movements to bridge this gap.

The first of these efforts in Piedras can best be described as "ad hoc." Diana Rodríguez-Franco (2017:80-106) narrates the process in detail in her doctoral dissertation. Opposition to the AGA La Colosa project in Tolima began first in Cajamarca and the departmental capital of Ibagué.[76] Activists from COSAJUCA in Cajamarca, joined by other local organizations, individual citizens, and students and professors at the University of Tolima organized demonstrations against the proposed mining project in both municipalities starting in 2007. By 2008, this group of activists had formally founded the region's Environmental Committee (*comité ambiental*) to coordinate subsequent protests, petitions, and marches against the gold project (also see Colombia Solidarity Campaign 2013). On 3 June 2011, the Environmental Committee organized its first "*marcha carnival*" in Ibagué to coincide with World Environment Day. The march, repeated four times between 2011 and 2012, aimed to raise awareness around the La Colosa project's impact on the region's water supply by framing the issue as a "celebration of life."[77] Domestic NGO involvement at this stage was limited. The Environmental Committee secured the support of two international organizations—Colombia Solidarity Campaign (United Kingdom) and Pax Christi (Netherlands), but their involvement consisted

[75] Interview #1515, NGO staff, Bogotá, December 2019; Interview #2545, individual expert, Bogotá, October 2019.
[76] The La Colosa project was designed to consist of an open pit mine site in the municipality of Cajamarca, with waste from the mine site flowing to a tailings damn located in the municipality of Piedras. Environmentalists worried that operations from the mine would contaminate the water table of the entire region, including the capital Ibagué.
[77] Interview #5744, environmental activist, online, August 2021; interview #7323, individual expert, Bogotá, October 2019

primarily of accompaniment and report writing. As Rodriguez-Franco (2017, 84) notes, "[d]uring these four years, resistance took the usual forms: protest, petitions, marches, and the distribution of information and reports by existing or newly created NGOs. However, there was never an idea to hold a popular consultation in Cajamarca or in Ibagué until after Piedras."

The movement in Piedras began fully four years after the initial mobilizations in Cajamarca and Ibagué. After company officials informed a JAC president of the plans for the La Colosa project in 2012, local leaders organized the first community meeting about the project on 15 July 2012. When community members expressed objections to the project during a second town hall meeting on August 4, all those present at the meeting agreed to take action to reject AGA's presence in the municipality (Rodriguez-Franco 2017, 87). Leaders in Piedras reached out to the Environmental Committee in Ibagué shortly after. Like in Ibagué and Cajamarca, initial stages of the anti-mining movement utilized traditional repertoires of contention consisting of protests and demonstrations. The movement's most visible action was an eight-month road block that prevented AGA workers and their equipment from accessing their work site (Rodriguez-Franco 2017, 93).

Ultimately, the shift from informal protest to mobilization around the *consulta popular* in Piedras was the result of an unlikely coalition *campesinos* and the landed elite. Unlike in many rural areas of Colombia, large landowners in Piedras had maintained close ties with the municipality's *campesinos* and had collaborated with *campesino* leaders on issues facing the community in the past (Rodriguez-Franco 2017, 95). Importantly, it was these landed elite who possessed the specialized knowledge to channel the *campesino*s' grievances toward formal participatory institutions and relationships with experts and

NGOs who knew how to implement them. In Rodríguez-Franco's words (Rodriguez-Franco 2017, 97), the elite facilitated connections with "knowledge bearers" who could activate the *consulta*. The elite called on family members and friends in Bogotá and Ibagué to advise community members on their options for participation. One of these individuals—a lawyer who had previously worked for both the Ministry of the Environment and the Ministry of Mines—first proposed the idea of holding a *consulta popular*. Many of these individuals insisted on anonymity when working with the community in Piedras, but the landed elites also played a major role in building and maintaining connections to environmental NGOs in Cajamarca and Ibagué, who in turn courted national and international media attention (Rodriguez-Franco 2017, 107-108). These connections represented the first building blocks of the *consulta* support structure.

In 2013 through early 2015, as other municipalities slowly began to follow Piedras's example and sought to organize *consultas populares* of their own, efforts to connect with "knowledge bearers" in the form of individuals and NGOs remained similarly ad-hoc and/or reliant on personal connections. Activists in Tauramena (Casanare), for example, cold-called one of the leaders of CENSAT Agua Viva, a Bogotá-based environmental NGO to ask her and a professor from the Universidad de los Andes to observe the municipality's 2013 *consulta popular* regarding a proposed oil project.[78] While the NGO representative expressed surprise that she had been contacted, the connection with Tauramena was not entirely puzzling; CENSAT had carried out previous work in municipalities in the department of Casanare. The pro-*consulta* movement in Pijao, Tolima, in contrast, called on closer personal connections to NGOs in Bogotá. As

[78] Interview #4763 with NGO official, online, August 2021.

community members in the municipality organized their *consulta* in 2015, one local landowner reached out to Diana Rodríguez-Franco, who was then working at the prominent legal and human rights NGO in Bogotá, Dejusticia.[79] Through these piecemeal connections, the *consulta* support structure began to grow. Eventually, the Environmental Committee in Ibagué expanded to help formalize the support structure network. Activists involved in efforts to hold *consultas populares* in Piedras, Cajamarca, and Ibagué created the *Movimiento Nacional Ambiental* (National Environmental Movement) in 2017 as a platform to connect local activists with academics, NGOs, and the *consulta* epistemic community and facilitate connections between regional and national actors.[80]

As I analyzed press reports on individual cases of community mobilizations to construct the CPC database and interview transcripts, I identified at least seven different organizations with headquarters or regional offices in Bogotá, three university groups based in Bogotá and Ibagué, and several private individuals based in the capital city who consistently provided support for communities mobilizing around *consultas populares.* The support these actors offered varied according to their professional expertise. Geologists conducted independent environmental impact assessments to counter company-conducted studies.[81] Legal experts consulted with local communities to outline their rights to participation, helped local organizers draft referendum questions to ensure they complied with constitutional requirements, and filed motions on their behalf when companies challenged popular consultations in court.[82] NGOs also helped social leaders

[79] Interview #3831 with NGO official, online, July 2021; Interview #1121 with academic, Bogotá, October 2019.
[80] Interview #5744 with environmental activist, online, August 2021.
[81] Interview #2545 with independent expert, Bogotá, October 2019.
[82] Interview #2982 with NGO staff, Bogotá, December 2019; Interview #1515 with NGO staff, Bogotá, December 2019; Interview #7323 with individual expert, Bogotá, October 2019.

file for government protection—an important service in a context where environmental activists are routinely targeted and subject to violence for their work.[83] Other organizations hosted workshops for community groups, filmed videos of election days to inspire other communities, and published informational pamphlets on the *consulta popular* and other participatory mechanisms.[84]

Coordinating support

The degree of support system involvement in each local movement differed from case to case, but it reached its pinnacle with the *consulta popular* in Cajamarca. According to almost every person I interviewed, the movement in Cajamarca, even more than Piedras, was an emblematic case.[85] I briefly describe the origins of the movement in Cajamarca in chapter five of this thesis; this section picks up the story where that chapter left off. The comité ambiental de Cajamarca and Anaime connected early on with activists based in Ibagué to oppose the construction of La Colosa's mine site in Cajamarca. Their efforts were stymied early on by the municipality's mayor, who refused to confront the mining giant and present a motion to organize a *consulta* to the municipal council. In 2015, activists revived their efforts and reorganized to activate the *consulta* through a petition. The challenge, however, was still great. After AGA's defeat in Piedras, activists claimed

[83] Interview #1515 with NGO staff, Bogotá, December 2019. In 2019, Colombia was ranked as the deadliest country in the world for environmental defenders (Griffin 2020).
[84] Interview #4763 with NGO staff, online, July 2021; Interview #3831 with NGO staff, online, July 2021.
[85] Their explanations for this designation cited a number of factors, including the length of the organizing process, the high-profile of the vote's target, and the media coverage the case garnered. It is difficult to determine whether this attention was caused by or created the conditions for NGO coordination. As most of the press coverage around the consultation was published around the time of the vote—that is, after NGOs joined the local movement—it is likely that media attention was, in part, an effect rather than a cause of NGO coordination. The central role that activists from Cajamarca played in creating the *Movimiento Nacional Ambiental*, however, also likely facilitated the high degree of NGO coordination in the municipality.

that the company poured money into its anti-*consulta* campaign in Cajamarca (McNeish 2017a). The region's security situation posed another threat to movement leaders. Activists from COSAJUCA, a youth group central to the organizing effort, repeatedly received death threats, and two members of the organization were killed in the run up to the vote (McNeish 2017a).[86]

With local leaders facing these multiple challenges, NGOs and experts based outside of the municipality chose to consciously coordinate their efforts. As one member of this coalition explained to me, "we called ourselves *Sumando* [translates roughly to "adding up" or "uniting"] because I said that we need to come together; we have to join forces."[87] *Sumando* organized regular meetings in either Bogotá or Tolima where its members would divide tasks and discuss ideas. Participation by NGOs varied over time—"sometimes there were 30 of us in the meeting, sometimes 20, sometimes 15"[88]—but the group's goal remained constant: to maximize their resources and create an identifiable group that local leaders could turn to for support. Those involved in the effort noted that the degree of coordination they were able to achieve was unusual. One activist called *Sumando* "a learning experience of how to control their egos… working with the community and other organizations is difficult, especially in Colombia, where, well, it's easier to not… to not ally with anyone else."[89] Yet those I spoke to insisted that the coalition's meetings generally lacked the sense of competition and frustration they had experienced in partnerships with other NGOs on different projects.[90]

[86] Also interview #8526 with local activist, online, July 2021.
[87] Interview #7323-2 with individual expert, online, July 2021.
[88] Interview #7323-2 with individual expert, online, July 2021.
[89] Interview #8526 with local activist, online, July 2021.
[90] Interview #3831 with NGO staff, online, July 2021.

The degree of effort and coordination that *Sumando* achieved in Cajamarca was unsustainable in terms of its replicability in other municipalities. As news of their work grew, so did demand for NGOs' services. One NGO staffer I interviewed described receiving a deluge of requests:

> Once the Pijao sentence [the Constitutional Court sentence allowing civil society to organize *consultas* by petition] came out in favor of *consultas*, there was an impressive boom of mayors, representatives, leaders, political activists in many towns that also wanted to replicate the experience of *consultas populares*. We received an avalanche of invitations, letters, calls to the Environmental Office [of the NGO] and [the NGO].[91]

Information about who local activists should contact for help spread quickly, no longer relying on personal relationships or connections with previous NGO projects. One of the coordinators of *Sumando* explained, "many mayors and representatives from various regions called me and told me that they had called so-and-so, that they didn't know who had given them my number. [They asked me] to help them formulate their question and to help us here, or with this group here. They called me and I helped them."[92] For most NGOs, the demand was overwhelming. A lawyer I spoke with from another NGO put it plainly: "there are dozens of *consultas populares* in Colombia. Realistically, we don't have the capacity to accompany many more."[93] In other words, by 2017, NGOs were constantly forced to choose where and with whom they would work.

The surge in *consultas populares* between 2015 and 2017 created a problem sometimes overlooked in accounts that hail the spread of the mechanism as an achievement for environmental democracy (Dietz 2019; Le Billon et al. 2020; Roa-García 2017; Rodriguez-Franco 2017). As the number of local movements exploded around Colombia,

[91] Interview #3831 with NGO staff, online, July 2021.
[92] Interview #7323-3 with individual expert, online, July 2021.
[93] Interview #2982 with NGO staff, Bogotá, December 2019.

new movements inadvertently created competition over the resources the support structure could provide. The evidence presented in chapter six of this thesis shows that connections with the *consulta* support structure are significantly increased the chances of a local movement successfully implementing a *consulta popular*. Not all movements, however, could access the support. Indeed, as I have shown here, NGOs and individual experts were forced to choose which demands for expertise they could accept, simply because of their own lack of capacity. The next section of this chapter takes a step back from the empirical example of *consultas populares* in Colombia and turns to literature on NGOs more broadly to propose a theoretical model to understand members of the *consulta* support structure made decisions with limited resources.

Accidental gatekeepers

While individual communities may benefit from working with NGOs, the positive effect that NGOs can have on democratic participation by society, as a whole, is neither uniform nor given. All organizations, not only those mentioned previously as part of the *consulta* network, must make decisions about where, how, and with whom they will work (Bielefeld and Murdoch 2004; Brass 2012, 2017; Fruttero and Gauri 2005; Koch and Ruben 2008; Peck 2008). These decisions have important implications for whose interests are represented and which issues are addressed. In fact, Sarah Stroup (2022:14) suggests that examining where NGOs are *absent* may tell us more about their capacity to strengthen civil society than assessments of areas where they are *present*. Various scholars have theorized the politics of NGO presence/absence. Severine Autessere's (2014) research into peace and humanitarian operations in the Democratic Republic of Congo, for example,

highlights how international organizations may prioritize some local populations to the detriment of other groups. Situations of post- or active-conflict can exacerbate these trade-offs, as state weakness affords NGOs a particularly high degree of autonomy to set political and development priorities within a community (Lake 2018). Organizations may congregate in urban centers or "hotspots" of activity and funding, leaving some areas saturated with staff and others isolated (Brass 2012; Fruttero and Gauri 2005; Peck 2008:144).

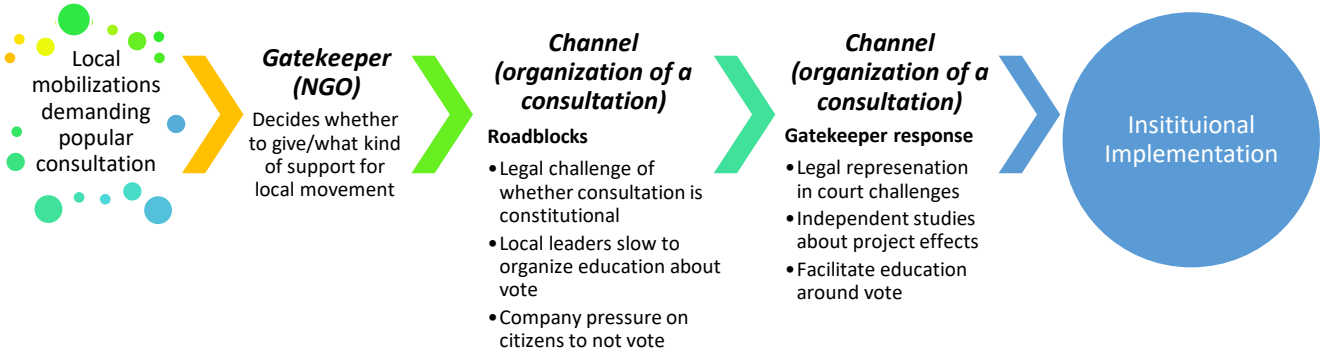
It is important to recognize that decisions about where or how to work may not be fully within the control of NGO staff or leaderships, especially in violent or conflict-affected contexts. Organizations working under these conditions often must make do with diminished or precarious resources, navigate complex security dynamics, and respond to changing political opportunities (Lemaitre and Sandvik 2015, 12). It is precisely these conditions, however, that make support structures' relationships with local movements so important. As "knowledge-bearers" and recognized experts in their respective spaces, NGOs and their staff hold power—in knowledge, connections, and protection—that local movements do not have and must rely on allies to provide.[94]

This imbalance of power between NGOs and local movements places NGOs in a dual position of potential ally and accidental gatekeeper of democratic participation for local movements. Originally developed in communications and media studies[95], gatekeeper theory presupposes that social change occurs through the activation of certain channels. These channels might include, for example, information disseminated by the media,

[94] See Autessere (2014 p. 9) and Gillooly (2021) for more on "expertise" and power differentials in post-conflict contexts.
[95] This paragraph builds on work by Shoemaker and Vos (2009).

legislature passed by Congress, or reforms pushed through by popular demand. Not all members of society have equal access these channels. Rather, access to and successful navigation of these channels depends on the support of *gatekeepers* who select what measures, information, or movements pass through an initial vetting process. Gatekeepers can also help address roadblocks or obstacles as measures for change advance through the channel toward a desired outcome (see figure 7.1).

Figure 7.1. Model of gatekeepers and channels in the organization of a popular consultation.



By definition, gatekeepers must make decisions about who to let through the channel. This sets up a fundamental tension for NGOs and individual experts. Just as scholars have portrayed NGOs as promoters of democratic ideals, organizations and their staff are usually motivated to uphold a mission that approximates this goal. In an ideal world, they would support all movements attempting to pass through the channel. Without sufficient resources, however, they must create protocols to select movements that "best" satisfy their mission. Thus, they are "accidental" gatekeepers; they are forced to guard the gate by circumstance rather than will.

This conception of domestic NGOs acting as "accidental" gatekeepers differs from how international relations scholars have previously understood NGOs gatekeeping power. Charli Carpenter (2007, 2010, 2011) and Clifford Bob (2009) have described the power of major NGOs and international organizations in determining which issues receive attention on the global agenda. In Bob's words, without a gatekeeper NGO taking on a particular issue and connecting claimants to relevant policymakers, donors, and broader audiences, "a proposed right may not attract broader backing, including state support" (Bob 2009:10). The position of gatekeeper, in both Carpenter and Bob's work, is therefore a powerful one that organizations may actively seek to attain, for example by positioning themselves as early entrants in niche policy spaces or as key bridges between spaces (Carpenter 2011:74-75).

The narrative I present above of the evolution of Colombia's *consulta* support structure complicates gatekeeping models from international relations, as the individuals and organizations mentioned above approached their role as gatekeepers with reluctance. NGOs and experts had already chosen to support the issue of anti-extractives and democratic participation through *consultas*, yet now were asked to help beyond their material resources. In other words, NGOs were forced to act as gatekeepers at multiple points along the processes of issue adoption and institutional implementation. Why and how they make the decisions they do may differ at each point in the process.

Moving beyond the field of international relations, a number of scholars have investigated where development NGOs choose to work and their possible motivations for doing so (Bielefeld and Murdoch 2004; Brass 2012, 2017; Fruttero and Gauri 2005; Peck 2008). Jennifer Brass sorts hypotheses regarding how NGOs choose locations according to

two sets of drivers: those that are "saintly" (going where the need is greatest and alternative service provision is insufficient) and those that are "self-serving" (where NGO workers or the NGO as an organization has convenient access to goods and service or personal connections) (Brass 2017:97–99). I eschew the normative implications embedded in this language and argue that NGOs and experts in the *consulta* support network will try to balance both principles and pragmatism.

To use an example from a well-known international NGO, Doctors Without Borders' (*Medecins Sans Frontieres*—MSF) stated mission is to "provide lifesaving medical care to those most in need."[96] Choosing areas to work that satisfy this principled belief has led the organization to prioritize populations facing acute healthcare crises due to disasters or armed conflict. In general, MSF tries to uphold this principle, keeping staff in conflict-affected areas despite high security risks. When risks reach a certain threshold, however, they have been forced to withdraw their staff due pragmatic security concerns.[97] MSF is an extreme example, but all organizations must decide how to reconcile their mission with constraints on their budgets and staff safety. In Aseem Prakash and Mary Kay Gugerty's (2010, 4) words, NGOs can be neither "saints (with principled beliefs) or sinners (following instrumental concerns)", but must try to find a way to balance both. That said, the following sections show that achieving this balance in practice is often unrealistic.

Who Gets Through the Gate?

[96] From the organization's website: https://www.doctorswithoutborders.org/who-we-are/principles/charter.
[97] MSF withdrew staff from Northeastern Syria in October 2019, for example, when they determined that Turkish military operations in the region rendered the security situation too fragile to guarantee staff safety. See https://www.msf.org/northeast-syria-msf-forced-evacuate-staff-due-extreme-volatility-region.

Across my interviews with NGO staff, individual experts, and local activists, I identified three criteria that members of the support structure used to evaluate where and with whom to work: accessibility, preexisting relationships, and perceived legitimacy. Decisions made around these criteria typically reflected instrumental concerns but were often defended by invoking language around organizations' missions and/or normative expectations in the NGO sector. This section addresses each criterion in turn.

Accessibility

The most straightforward criteria that NGO representatives cited when I asked how they chose their allies was the organization's ability to access the municipality. Echoing my findings from chapter five, the primary conditions that determined access were distance and physical security. Colombia's size, geography, and lack of physical infrastructure in many rural areas make travel within the country either time-consuming, difficult, expensive, or a combination of the three.[98] For organizations deciding where to allocate resources, proximity to their offices in Bogotá often served as a limiting factor. For instance, a staffer at one legal NGO I spoke to noted that the organization's socio-environmental group had not pursued projects in the departments of Vaupes, Vichada, or Amazonas—all located in Colombia's borderlands and covering sections of the Amazon rainforest—because of difficulties reaching those areas.[99] Taking distance into account is an instrumental decision. With limited time and funding, it is possible that these organizations have decided that resources spent on travel would be better served if they

[98] I experienced this challenge personally when planning my own field research.
[99] Interview #2982, NGO staff, Bogotá, December 2019.

were instead funneled into programs like workshops, litigation, or publications, even if that decision leaves certain regions relatively underserved.

Physical security is another condition that factored into organizations' evaluation of access. The 2016 peace deal signed between the Colombian government and the FARC may have ushered in a period of "post-conflict" in Colombia, but "post-conflict" does not necessarily translate to lower rates of violence (Steenkamp 2005). Security conditions remain fragile in some rural areas of the country where armed groups continue to fight for control over former FARC-held territory (International Crisis Group 2018). As noted previously, social leaders and environmental defenders have been particular targets of violence (International Crisis Group 2020). Working within this context, NGOs have been sensitive to their (in)capacity to guarantee the safety of both their own staff as well as the leaders they work with.[100] As one expert put it, "these are hard fights, and well, I can go for two or three days and come back home to Bogotá and feel safe in my house. But they are the ones that are there. They are the ones being killed. They are the ones being threatened. And this [mobilizing] is something that can put them in jail."[101]

In the example of MSF that I use in the previous section, I frame security risks as an instrumental concern. The quote above, however, suggests that issues related to security are *both* instrumental and related to principled beliefs. Of course, no organization wants to risk their staffs' lives. But risking harm to local allies also contravenes a cross-sector principle of "doing no harm" to the communities NGOs work with. The individual I quote above was worried not about his/her own safety, but the safety of local allies. Encouraging local communities to pursue a *consulta popular* when leaders in other communities were

[100] Interview #1515, NGO staff, Bogotá, December 2019.
[101] Interview #7323-2 with individual expert, online, July 2021.

subject to physical harm and threats was not a decision that those based in Bogotá took lightly. Again, choices based on security may leave areas subject to high rates of violence with fewer allies or limited NGO support. Some local activists may also view alliances with NGOs as a source of protection in the form of national visibility.[102] Yet the assassination of two activists in Cajamarca, which featured the most concentrated presence of NGOs across all cases, proves that alliances were not a guarantee of protection. The safest decision for activists, in some cases, may have been for local movements to suspend their activities for their own security. This was the case in Roncesvalles—a municipality bordering Cajamarca (Dietz 2019, 513).

Pre-existing relationships

A second criteria that emerged from my analysis centers around the preexisting relationships that local leaders have with the NGO sector. Four of the six organizations represented in my interviews mentioned that the local activists in the municipalities they worked with had previously participated in the organization's programs and/or personally knew individual staff members.[103] This was not an explicit requirement for local movements looking for allies. NGOs also sometimes sought partners by publishing open convocations for proposals or through working with local colleges.[104] But even in those cases, NGOs would usually ask other organizations about the leader(s) in question before engaging in new partnerships. In other words, organizations were unlikely to work with

[102] Interview #1515 with NGO staff, Bogotá, December 2019.
[103] Interview #2982 with NGO staff, Bogotá, December 2019; Interview #7400 with NGO staff, Bogotá, December 2019; Interview #3831 with NGO staff, online, July 2021; Interview #4763 with NGO staff, online, July 2021.
[104] Interview #2982 with NGO staff, Bogotá, December 2019.

local leaders they did not know either personally or through leaders' work with other NGOs.

The representatives I spoke to tended to frame these decisions in mission-oriented language. They explained that these criteria served to protect the NGOs' goals by ensuring that they were promoting community interests and facilitating the expansion of citizen participation in a context where local power dynamics are often uneven and opaque to outsiders. These organizations were wary of local leaders with political ambitions or local elites pursuing personal or economic interests. Without previous knowledge of local dynamics, they may have had a hard time determining the motives of movement leaders. One interlocutor explained:

> It is one thing if you are defending the territory because you live there, because you're a *campesino*, because you work the land, because you summer in the town, because you have your *finca* there, because you spend your vacations there. It is another thing if you are coming to the territory to transform it and introduce some other economic activity.[105]

Embedded in this statement is an affirmation that the purpose of participatory democracy is to elicit participation from those who will be directly affected by a policy or project. Multiple interviews echoed this sentiment of ensuring the support for local movements came "*desde la base*"—literally "from the base"—from the *campesinos*, workers, and residents usually excluded from local and national politics.[106]

The concern about representing movements "*desde la base"* reflects a deep-seated concern related to the development of the NGO sector in Latin America. The NGO ecosystem in Latin America emerged in force during the late 20th century as a response to authoritarian governments across the region. "Under this context," Anthony Bebbington

[105] Interview #7323-2 with individual expert, online, July 2021.
[106] Interview #4763 with NGO staff, online, July 2021.

(1997:1757–58) explains, "NGOs forged themselves a coherent identity. They emerged as claim-making, alternative development organizations, resisting the state and supporting the popular sectors." When authoritarian regimes fell and new governments across the region shifted toward incorporating liberal principles of political participation into their constitutions, many NGOs underwent a change in identity—moving from the opposition to working with governments and incorporating more professionals to implement new policies (Bebbington 1997; Lambrou 1997). This shift in operations led to former supporters of NGOs to question their "legitimacy as civil society actors." As the NGO operations moved toward the state, *campesino* and indigenous group leaders, for example, voiced concerns that the sector had lost their "dignity" as representatives of the "true" civil society (Bebbington 1997:1758).

Advocacy NGOs based in Bogotá, therefore, were conscience about how the nature of their relationships with local movements would impact their social legitimacy as representatives and advocates for civil society in Colombia's marginalized regions. Working with familiar local leaders allowed them to ensure they were abiding by an operational principle commonly held in the NGO sector: the construction of longer-term relationships with communities rather than one-off contributions to projects. Organizations sought to avoid "parachuting in" to organize a single workshop or consult on a lone legal question. Instead, they aimed to forge strong connections with local committees and provide different forms of support to build up the capacities of local movements and local civil society's long-term survival.[107] This principle would discourage shallower or one-off

[107] Interview #7400 with NGO staff, Bogotá, December 2019.

connections. Again, organizations sought to reframe instrumental constraints using mission-oriented language.

Legitimacy

The third criteria that organizations—particularly legal NGOs—considered in their decision-making was the legitimacy of movements' claims to the *consulta*. Importantly, this notion of legitimacy is distinct from NGOs' concerns of communities' perception of the NGO's *social legitimacy* described above. Rather, NGOs were concerned with the *legal legitimacy* of a community's *consulta popular*. This refers specifically to how well a movement's proposal for a *consulta popular* conformed with a strict reading of the law's conditions of use for the participatory mechanism. According to multiple legal experts I spoke to, the terms of use for the *consulta popular* outlined in Law 134 of 1994 stipulate that local officials must hold a vote to elicit citizens' approval for projects that would change the "predominant vocation" of the municipality. The predominant vocation is determined by the municipality's *plan de ordenamiento territorial*, a planning document that local governments are required to publish every 12 years and that designates which areas of land can be used for different activities (e.g. mining, farming, grazing, tourism). These plans can designate a municipality as "primarily agricultural" or "primarily mining-based", for example. For communities seeking to activate the *consulta popular* after Piedras, Law 134 of 1994 served as the main legal argument invoked by experts to defend communities' rights to hold extractives-related *consultas*.

As mining and oil companies supported by Colombia's national government began to file legal challenges to stop the wave of *consultas populares*, the staff of legal NGOs

accompanying local movements began to fear that the courts would strike down Law 134 of 1994.[108] This fear factored into where and with whom they would work. "We were very, very cautious in [selecting] which cases we would support and which cases we wouldn't," one NGO staffer told me. "Because there was a point in which it was like everyone wanted to hold a consultation, and everyone looked for [the NGO] to help them. So yes, we tried to make sure that the justification for these *consultas* was very judicious."[109] The NGO's fear was that taking on the wrong case and losing in court would close the legal opportunity—shifting the lever fully into the exclusionary position. This selection process restricted cases largely to agricultural municipalities with no history of formalized mining, significantly reducing the number of local movements eligible for legal support from some NGOs.[110] Legal NGOs were limited to working with a handful of communities, while individual experts were more likely to be present elsewhere.

Again, we can read this decision-making process as an attempt to balance instrumental and mission-oriented frameworks. Staff from the NGO cited above repeatedly stressed how the organization was overwhelmed with requests for legal assistance from local activists. They needed a clear and consistent criterion to sort through potential partners. At the same time, their mission statement explicitly states their belief in the power of strategic litigation as a tool for social change. By definition, strategic litigation

[108] Interview #7400 with NGO staff, Bogotá, December 2019.
[109] Interview #3831 with NGO staff, online, July 2021.
[110] There are a few exceptions to this rule. Movements Gachantivá (Boyacá) and Sibaté (Cundinamarca) received legal support from NGOs despite those municipalities hosting mining operations for construction materials. Activists in Monterrey (Casanare) also received legal support even though the municipality counts multiple hydrocarbon projects. All three of these movements began in 2015 or earlier, which may have allowed them to establish connections with NGOs before the explosion of mobilizations in later years. The municipalities also benefitted from either location or a long history of NGO work (Monterrey). Sibatá is located within close driving distance to Bogotá and Gachantivá neighbors a popular vacation destination for *bogotanos*, Villa de Leyva.

requires considering quality over quantity in legal claims (Jacquot and Vitale 2014). This strict definition of legitimacy, however, precluded support *a priori* for movements in municipalities where citizens wanted to exercise their democratic rights, even if the potential outcome of their legal case was less clear. The leader of a pro-*consulta* movement in Boyacá that I spoke to (that did not partner with Bogotá-based NGOs) told me that s/he was not sure which way the vote would have gone had the movement successfully organized a *consulta*. The leader estimated that half of the municipality's population supported existing and future mining projects because of the employment potential of extractive projects, while the other half was more concerned about environmental hazards caused by mining. The leader stressed, nonetheless, that letting both sides have a say in the municipality's future through a *consulta popular* was their democratic right.[111]

Discussion

High demand for NGO accompaniment combined with a limited supply of resources for operations forced members of the *consulta* support structure to make difficult decisions around their work supporting community demands for participatory democracy. While the previous section outlines how organizations made these decisions, I turn now to evaluating their cumulative impact on the *consulta popular* and other participatory mechanisms' potential for democratic empowerment.

Replicating state unevenness

[111] Interview #8018 with local activist, online, July 2021.

Choices based on access, pre-existing relationships, and legitimacy reflected the difficulty of working across a territory as large and diverse as Colombia and where NGOs had to evaluate complex local dynamics. The patterns of alliances that resulted from these choices, in turn, highlight the challenge of actually translating participatory democracy from policy to practice. Participatory mechanisms are intended to close the symbolic distance between citizens and State policymaking. Yet physical distance was, in fact, a key metric that NGOs and experts considered when deciding where to work on *consultas*.

The challenge of overcoming distance was heightened by the importance of pre-existing relationships. Where there are fewer NGOs present, potential NGO allies are less likely to have information about local movements, making them less likely to work with local leaders in the future. This presents a kind of catch-22 for local movements; they will be more appealing to potential NGO allies if they have a demonstrated history of work and connections with the sector. At the same time, they need NGO support to build that history. Movements in some municipalities did successfully organize and hold *consultas* with limited assistance from the NGOs represented in my data. Most notable are the municipalities of Jesus María and Sucre, both located in the department of Santander. Organizers in these communities, though, did not work alone. Instead of allying with legal and environmental NGOs, local leaders appealed to representatives from the Catholic Church to bolster the pro-*consulta* movement in these religious communities.[112]

While it should not fall to NGOs to make up for a lack of state presence and investment in the country's periphery, NGOs across the world are put in or actively take up positions of authority when the state is absent (See, for instance Brass 2012; Campbell et

[112] Interview #4763 with NGO staff, online, July 2021; Field notes, Bogotá, October 2019.

al. 2019; Lake 2018). Their presence matters, especially when communities have low expectations of what the state can or will provide. As Brass describes in her case study sites in Kenya, "NGO presence also suggests to poor, rural people, who have great desires but little real expectation from the government, that someone in the world outside their villages cares about them" (Brass 2017:43). Connections with civil society support structures therefore are important not only for the transfer of knowledge and skills, but also for conveying solidarity with local communities.

These are concerns that NGOs and experts are aware of, but that are difficult to address. Still, some issues may be easier to tackle than others. NGOs can make a concerted effort to recruit participants from new communities when organizing more general workshops or events. If made aware of the long-term gains afforded by participation in NGO-hosted events, community leaders may have even more incentive to participate, even if the subject matter is not immediately relevant to community concerns.

Democracy and disillusionment

Taking a step back, why does it matter whether communities are able to organize *consultas* in the first place? As representatives from multiple NGOs emphasized in my interviews, the *consulta* was one of a number of legal routes that communities could pursue to challenge extractive projects. No other mechanism, however, was as effective in either stopping projects, or, perhaps more importantly, building a feeling of democratic empowerment among community members. The symbolism of holding a peaceful vote on an issue that has historically been accompanied by violence—extractive development—was significant in the context of rural Colombia. One lawyer explained:

> Because it's a vote… this confers an important democratic legitimacy, no? The people vote. The people decide. And I think that there is another thing about the context because you know about the history of political violence in Colombia, and the fact that in this country… a country that has [experienced] so many years of political violence that continues today despite the demobilization of the FARC, it makes it very important and very significant that people are trying to resolve their differences through a vote.[113]

The *consulta popular*, in other words, represented a unique opportunity for citizens to feel that Colombian democracy served their interests.

Despite this opportunity, the high rate of failure that communities experienced as they attempted to hold these consultations has exacerbated public frustration with the Colombian state. Multiple people I spoke to explained that local allies were increasingly disillusioned with the promise of participatory democracy. The Constitutional Court's 2018 ruling against communities holding *consultas,* combined with the roadblocks that the national government created to prevent communities from holding consultations, left many in civil society feeling even more frustrated with Colombia's political system. A number of individuals I spoke to classified the court decision and other government actions against consultations as a form of "violence."[114]

It is worth noting, however, that the legacy of the wave of *consultas* may not be entirely negative, despite these frustrations. In her study of legal mobilization the environmental movement in the United Kingdom, Lisa Vanhala (2012545) argues that activists sometimes "lose the battle but win the war" when campaigns on specific issues falter in court. While individual cases and campaigns may fail to achieve their desired

[113] Interview #2982 with NGO staff, Bogotá, December 2019.
[114] Interview #1121 with academic, Bogotá, October 2019; Interview #7323 with individual expert, November 2019; Interview #1515 with NGO staff, Bogotá, December 2019.

outcome, the media attention and organizing experience movements gain throughout the process can serve their wider cause.

This has been the case for many attempts to hold *consultas* in Colombia. Local leaders that I spoke to from two municipalities that tried but failed to organize votes highlighted the positive impacts that the efforts had on their communities. In one municipality in Cundinamarca, for example, a local activist explained that the movement had educated community members about the environmental potential of their land and the importance of protecting it. Meetings and town halls organized during the early stages of mobilization also helped foster connections between the municipality's youth and other residents.[115] Meanwhile, an activist in Boyacá told me that despite the municipality's failure to hold a consultation, the process had taught community members about the potential of participatory mechanisms. They planned to use other tools, like a recall, to pressure their newly elected mayor to uphold his campaign promises to protect the municipality from mining projects.[116]

Conclusion

This chapter has taken a deep dive into the motivations and actions of the *consulta* support structure—a crucial component of civil society force lifting the weight of transformative participation through citizen-activated institutions. National NGOs and the individual experts that comprised the *consulta* epistemic community helped shift power toward local communities when political and financial power was in favor of major mining and hydrocarbon firms. They did this in two ways: first, their work as knowledge bearers

[115] Interview #2657 with local activist, Cundinamarca, November 2019.
[116] Interview #5417 with local activist, Boyacá, November 2019.

gave local actors the "right tools" (Payne et al. 2020) to lift the weight of institutional activation. On the most basic level, this involved teaching communities about the various participatory mechanisms available to them. As mobilizations progressed toward implementation, work with NGOs and individual experts gave local activists the proper language and technical knowledge to counter business and political actors both in the courts and at the ballot boxes. Second, NGOs and expert allies helped communities try to shift the legal framework that determines opportunities for implementation. Strategic litigation was a crucial tool in this regard.

The depth of difference that the *consulta* support structure can make, however, was not matched by the breadth of communities they work with, as this chapter has shown. While experts and organizations based in Bogotá may have had more resources than those based in rural territories—perhaps by orders of magnitude—their coffers had limits. These limitations put them in the frustrating role of "accidental gatekeeper" as they were forced to decide where and how to use their resources to help the communities they can.

Turning back to this thesis's overall argument, the framework of "accidental gatekeepers" uncovers an important limitation for civil society actors trying to turn to institutional channels for participation. In addition to constraints placed on them by oppositional politicians and firms wielding business power, they also face constraints on their side of the lever. Despite their best efforts, some communities may find themselves on their own as they try to hold down their side of the balance. If failure to activate participatory institutions leads to democratic disillusionment, as suggested by the last section of this chapter, this situation could pose challenges to expanding political participation beyond the *consulta*. I return to this theme in the next, concluding chapter.

Chapter 8 - Conclusion

Introduction

On March 26, 2022, over a dozen members of the *Comité Ambiental y Campesino de Cajamarca y Anaime* met at the base of La Guala Creek to celebrate the fifth anniversary of Cajamarca's *consulta popular*. The crowd included community members of all sorts—young and old. One person carried the Wiphala flag—an emblem used to represent the native peoples of the Andes that has emerged over the last two years of protest in Colombia as a symbol of rural resistance.[117] Another held a young child in her arms. As the rest of the attendees milled about, a couple of men began putting up a banner that would greet anyone passing by on the road: "This territory is free of open-pit mining—thanks to the first *consulta popular* by citizen initiative… Thanks to the 6,165 people who voted NO, the municipality will continue working to protect its environmental riches and guarantee food security for present and future generations."[118]

This thesis has examined the David and Goliath-like struggle that *campesino* communities across Colombia have faced as they have tried to use mechanisms of participatory democracy to challenge their country's pro-extractive development policy. Where Cajamarca succeeded in holding a *consulta popular*, many others failed to convert community mobilization into institutional implementation. My research has sought to

---

[117] Field notes, Bogotá, 30 November 2019. See also images from France24 of protests in Bogotá in 2019 https://www.france24.com/es/diaporama/20191130-en-imágenes-la-whipala-y-la-bandera-mapuche-s%C3%ADmbolos-de-resistencia-latinoamericana, accessed 31 March 2022, and tweets by journalist Dylan Baddour from the 2019 *Paro Nacional* in Bogotá: https://twitter.com/dylanbaddour/status/1199724521399488514, accessed 31 March 2022.

[118] The event was documented on the Comité Ambiental y Campesino de Cajamarca y Anaime Facebook page, accessed 31 March 2022, https://www.facebook.com/Comite-Ambiental-y-Campesino-de-Cajamarca-y-Anaime-729020350847753.

provide an explanation for this variation in institutional implementation in order to develop a framework to understand why participatory democracy struggles to live up to its promises transformation and empowerment. In this final, concluding chapter, I reiterate the main findings of this thesis and offer possible avenues for further research.

Revisiting the argument

This thesis brings a new perspective to the study of participatory democracy in at least two ways. First, it builds on a burgeoning field of literature on participatory institutions activated and implemented from below: that is, by civil society groups instead of by state actors (Mayka 2019b, 2019a; Rodriguez-Franco 2017). This type of institutional implementation increases opportunities for civil society to leverage participatory reforms to broaden overall political participation. Civil society can still use participatory institutions, even when the state is ambivalent or hostile to their implementation. Further, civil society-led institutional activation holds the potential to facilitate particularly transformative types of participation. Civil society groups can use participatory institutions to counter policies implemented by national political and economic elites, rather than relying solely on informal mobilization.

At the same time, civil society-led institutional implementation also features unique challenges that require us to rethink the process of institutional implementation more broadly. Existing theories of implementation and enforcement primarily focus on the perceptions and motivations of state agents as the most common actor charged with institutional implementation. Whether a particular institution is enforced in practice, these theories suggest, is conditioned by those agents' perception of the balance of power

between proponents and opponents of institutional enforcement (Brinks et al. 2020). In the case of FPIC, for example, state agents weigh out the preferences and relative power of local communities demanding consultation compared to mining companies with a vested interest in ensuring that their proposed projects proceed. The deep power asymmetries between (often) marginalized indigenous communities and multinational companies almost ensures that business interests will win out. In other instances, state agents might face conflicting motivations from their voter bases compared to superiors within their political party (Holland 2020), and so on.

When institutional implementation is driven by civil society, the relationships and power dynamics that determine enforcement look different. First, civil society leaders must consider the *de jure* and *de facto* political and judicial environments to determine whether transformative participation is feasible. Where state actors, judicial bodies, and constitutional provisions are hostile to civil society participation, institutional implementation may simply not be an option for civil society to pursue. When at least one of these conditions changes—participatory reforms are introduced or the Supreme Court signals an activist position on social and environmental rights, for example—civil society groups can begin to consider institutional activation from below.

Assessing power dynamics within the state is only one step in the process of institutional implementation. Civil society leaders must also evaluate and negotiate power dynamics within their own communities. Mobilization is a crucial force on the lever for citizen-led institutional implementation, and achieving sufficient pressure requires sustained leadership, coordination, and organization across sometimes diverse communities. Alliances with NGOs and experts outside of the community may facilitate

mobilization, but relationships between communities and these support structures is not guaranteed. NGOs must weigh their own priorities and resources, as they face high demand on their limited capacity. Finally, shifting economic dynamics can strengthen or weaken potential veto players, which in turn shifts the relative power balance between civil society and business. All of these interactions are conditioned by the context—both historical and contemporary—in which they play out.

The empirical chapters of this thesis examine the power dynamics within and between each component of Archimedes' Lever—the fulcrum (the state), civil society, and veto players—in the context of Colombia's 2013-2018 wave of anti-extractive *consultas populares*. I review three of the chapters' key findings here.

Peace and conflict create opportunities

Transitions from conflict to peace are rarely straightforward. Ceasefires may fall apart. Political reforms can be slow to materialize. Violence might persist. Nonetheless, the discussion laid out in chapter four indicates that even imperfect and failed peace processes can create democratic openings for civil society. Colombia experienced many separate attempts to sow peace between the outbreak of *La Violencia* in 1948 and the most recent peace agreement with the FARC-EP in 2016. While each process was imperfect, the series of participatory and democratic reforms introduced over the decades of negotiations ultimately made possible the activation and implementation of the *consulta popular*.

The country's long process of reform, beginning with the creation of community councils in the 1960s, continuing through the 1991 constitutional convention, and culminating in the 2016 concept of territorial peace, created a legal framework that

encouraged decentralized decision-making and citizen participation. This framework is what allowed local communities to see participatory democracy as a legitimate and accessible tool to express their grievances. Further, the 1991 constitution's overhaul of the Colombian judicial system created a legal structure that could, and in many cases did, bolster civil society-led institutional implementation (through Constitutional Court rulings) and balance out opposition to participation from within the executive branch. These reforms are what placed the fulcrum of Archimedes' Lever into the Realm of Possibility for participation through *consultas*.

Experiences of peace and conflict also shape civil society-led institutional implementation on the local level. Anti-extractive movements explicitly avoided discourses that invoked their communities' experiences during armed conflict as they tried to mobilize community members to demand implementation of the *consulta*. Nonetheless, chapter five argues that municipalities' history of conflict nonetheless can shape the leadership and organization of civil society, even around issues that are ostensibly unrelated to war. Correlations between conflict exposure and mobilization around *consultas populares* are strong and positive, and this relationship is particularly strong where the FARC-EP established its presence in relatively early stages of Colombia's armed conflict. I do not argue that former FARC-EP affiliates are driving anti-extractive movements in rural Colombia. Rather, I suggest that overlaps between the FARC-EP's goals and agrarian collectives in some parts of the country may have allowed civil society leaders to operate relatively unconstrained compared to leaders in areas controlled by right-wing paramilitary groups or perhaps even the state. This relative freedom would have allowed civil society to cultivate leadership and organizational capacity.

Taken together, chapters four and five of this thesis indicate that episodes of both peace and conflict have contributed to civil society's (still limited) access to mechanisms for transformative participation.

Business power has limits

Much of the scholarly and activist criticism of participatory mechanisms in the extractives sectors—namely FPIC—focuses on the uneven power balance between local communities and companies. Businesses, many argue, will almost always win out over communities in negotiations held within state institutions (Jaskoski 2020; Negrete Montes 2013; Rodríguez-Garavito 2011). Business, however, do not always win. An extensive literature on business power in North American and European democracies (for example: Lindblom 1977; Mills 1956; Poulantzas 1973; Vogel 1978) has argued that it does have limits. This thesis updates this set of literature by identifying contemporary constraints on business power and expands our understanding to the Global South.[119] While mining and oil companies can serve as strong veto players in processes of citizen-led institutional implementation, chapter six contends that their power is not universal. Shifting dynamics within the Colombian economy and the predicted value of minerals and hydrocarbons can affect companies' influence relative to civil society. Evidence from the CPC database indicates that firms promoting hydrocarbon projects, for example, were significantly less successful in vetoing civil society progress toward institutional implementation than gold-mining projects regardless of company size or headquarters location. These variations in

[119] See also Payne 1994 for an examination of business power in Brazil's democratic transition.

veto power can create openings for civil society to exploit and achieve rare successes in challenging business' interests.

Alliances are complicated

Finally, chapter seven reiterates how the relationships and negotiations that occur *within* each set of actors operating across Archimedes' lever are complicated. Civil society is comprised of both local movements and the NGOs, individuals, and other allies that make up the *consulta* support structure. Previous studies of social movements (Keck and Sikkink 1998; Tarrow 2001), legal mobilization (Epp 1998, 2009; Vanhala 2018b), and participatory democracy (Abers and Keck 2013; Baiocchi 2005; Fung and Wright 2003) stress the importance of experts and allies as an important variable whose presence can help movements succeed in their cause. While the statistical analyses presented in chapter five and the end of chapter six support this statement, chapter seven adds nuance by arguing that more attention should be paid to members of support structures as dynamic players in their own right.

NGOs and experts may have more knowledge, technical skills, and resources than the communities they work with. They still, however, must operate within certain constraints. Some of these constraints mirror those facing local movements, such as limited funds and logistical barriers posed by continued violence and insufficient state infrastructure. These limitations force members of the support structure into a dual role of potential ally and accidental gatekeeper; their support is crucial to movements' success, but they are unable to respond to all requests for support. This finding challenges the implicit assumption in much of the existing scholarship that NGOs and experts can help fill gaps

between the state and marginalized communities. They might in some cases, but they can only do so much.

What happens next?

What happens after institutional implementation? What does transformative participation mean for the individual, community, or society writ large? This thesis, in general, leaves these questions to the side, as my analysis of *consultas populares* ends when the vote is held. But what happens next? In this concluding chapter, I offer some thoughts as to what citizen-led institutional implementation might mean for broader processes of democratization and community empowerment in Colombia and beyond. I begin by looking at the direct and indirect impacts of Colombia's wave of extractive-related *consulta* and then expand my analysis to a discussion of its theoretical contributions.

Impacts of the consulta wave

The direct impacts of civil society activated *consultas populares* may be considered underwhelming by those who hoped that the referenda would halt extractive development in Colombia. According to Law 134 of 1994, which governs the use of the *consulta popular*, the final outcome of any vote is legally binding and must be adopted by the relevant government officials as long as the total number of votes cast exceeds a minimum threshold of one-third of the electorate. All ten of the votes completed in the CPC dataset exceeded this threshold and resulted in over 90 percent of votes cast *against* extractive development. Yet even though communities overcame the veto power of business to

implement the *consulta* as an expressive instrument, what has happened since indicates that companies may still exert overriding veto power to prevent communities from translating democratic participation into transformative action. As of this writing, local governments in all ten municipalities have yet to pass legislation enshrining prohibitions on extractive development into law. This is likely due, at least in part, to legal challenges filed by the companies targeted by *consultas*. These companies have argued, in alignment with the rhetoric of national government officials, that the votes exceeded local governments' mandates and violated the national government's constitutional right to make decisions about development of the subsoil.

While companies exerted pressure individually against civil society to block local cases of institutional activation, they collectively sought to shift the fulcrum of Archimedes' Lever away from civil society's favor. By 2018, their efforts succeeded. Colombia's Constitutional Court, after expanding communities' access to *consultas populares* in 2015, issued a ruling in October 2018 that prohibited future local governments and communities from using *consultas* to ban extractive development. All *consultas* that were still in planning stages were cancelled. This ruling, in effect, moved the fulcrum of Archimedes' Lever out of the Realm of Possibility and into a fully exclusionary position as applied to transformative participation on issues of extractive governance. This reversal in the *de jure* context for extractive-related *consultas* demonstrates how each part of Archimedes' Lever—including the fulcrum—can interact and change positions over time.

I describe in chapter seven how communities' inability to carry out *consultas populares* has led to a degree of disillusionment with democracy in rural Colombia, but it

is worth highlighting this point again in this concluding chapter. Individuals staunchly opposed to mining are understandably frustrated that the *consulta* has proved less transformative than they had hoped, as even the few votes that took place have failed to stop extractive development. Activists are also frustrated for a different reason—they have been robbed of their right to democratic participation. While *consultas* in Colombia have become associated with anti-extractive mobilizations, they are not, as an institution, inherently anti- or pro- any-policy. They are, at their foundation, a tool for eliciting civil society input through democratic processes. Indeed, one activist I spoke to in Boyacá told me that he was not sure which side of the argument would have won had a *consulta* been held in his municipality. He estimated that the municipality was evenly split between residents who opposed mining for environmental reasons and residents who benefitted economically from extractive activity. The point of the *consulta*, he had hoped, would be to give both sides of the argument a chance to voice their preferences through democratic means.[120]

The impact of each individual *consulta* was limited in terms of affecting the development of individual extractive projects. That said, if we consider the wave of *consultas* national-level discussions about extractive policy, the impact is much greater. For non-ethnic minority communities that were ineligible for FPIC, the *consulta popular* offered a framework for communities to mobilize around, a shared language to discuss participation, rights, and information, and a way to channel conflict. In some communities, the effort to organize a *consulta* began within pre-existing organized environmental groups. In many others, the impulse to implement the participatory mechanisms seeded the

[120] Online interview #8018 with environmental activist, July 2021.

creation of new organizations that sometimes cut across existing class or other social cleavages.[121] The framework of the *consulta* thus facilitated cooperation and solidarity among previously unorganized community members.[122] These within-community coalitions could be repurposed for future political action. As I mention in the previous chapter, one activist told me that, even though the municipality's attempt to hold a *consulta* had failed, environmental groups planned to repurpose the momentum behind the movement to force future mayoral candidates to oppose mining.[123]

Equally important, the *consulta* framework also helped develop networks of activists and citizens across regions and between the countryside and Bogotá. Together, the regional and national alliances built by local communities around the framework of the *consulta popular* transformed local contention over particular extractive projects into a national-level debate about community participation and extractive development. Extensive press coverage of the "boom" of *consultas populares* (El Espectador 2017) highlighted the shortcomings of existing legislation regarding community participation and its exclusion of many rural communities from existing consultative processes. Ironically, national-level recognition of this lacunae is best demonstrated by the same Constitutional Court decision that ruled against future use of the *consulta popular* on issues related to extractives. Even as they denied communities the right to organize future *consultas*, the court's magistrates recognized existing legislation violated citizens' constitutional right to participation by excluding non-ethnic minority communities from FPIC (Expediente T

[121] Interview with environmental activist, Cundinamarca, November 2019.
[122] Interview with environmental activist, Boyacá, November 2019.
[123] Interview with environmental activist, Boyacá, November 2019

628958, 2018: p. 2). The Court explicitly called on Congress to define one or more mechanisms for participation to take over the ad-hoc role of the *consulta popular*.

Iris Marion Young, a prominent political theorist and scholar of deliberative democracy, argues that "democratic processes sometimes accomplish something, however small or slow to come" (Young 2000:4). Anti-extractive activists may be disappointed that Colombia's wave of *consultas populares* has neither stalled nor reversed the march of extractive development across the country. Nonetheless, Colombia's *consultas populares* have achieved some small victories by projecting local grievances about the environmental impacts of oil and mining projects onto national-level dialogues about Colombia's future.

Thinking beyond the consulta

What are the theoretical contributions of the above narrative? This section points in two directions to answer this question. First, we can think about how participatory democracy can contribute to our understanding of broader processes of democratization. Second, we can consider what participatory democracy offers for transitioning or post-conflict societies specifically.

Democratization

Archon Fung and Erik Olin Wright, two noted political theorists and proponents of participatory reforms, present participatory democracy as a way to improve democracy writ large by building up the democratic skills and consciousness of a country's citizens (Fung and Wright 2003). Participatory democracy, they argue, offers a kind of democratic empowerment. Citizen engagement in participatory institutions kickstarts a social learning

process that encourages individuals to educate themselves on political issues and become familiar with state institutions. Further, participatory democracy's promise to allow citizens to shape politics themselves, rather than waiting for traditional election cycles, offers a motivation for engagement that is lacking from purely representative democracies. This is a view echoed by Diana Rodríguez-Franco, who sees the potential of participatory institutions to create "awareness"—"which refers to the potential of such institutions to transform the way a problem is perceived by participants and by others. Through deliberation, participants in the institution can become aware of their own preferences or come to understand an issue differently" (Rodriguez-Franco 2017:60). In sum, current theories of participatory democracy suggest that it encourages citizens to adopt the language and tools of democracy. Citizens can then apply these skills to future engagement in politics.

We do see some evidence of this form of empowerment emerging from the wave of *consultas*. Local movements adapted their language to emphasize the *democratic* nature of the institution. They also had to make substantial investments in democratic pedagogy to ensure that the communities they mobilized understood what the mechanism offered, why they were using it, and how to use it. The process of engaging with electoral institutions—such as the National Registry, campaigning, and encouraging community members to turn out to vote served as a form of democratic learning that could help counter the apathy and low voter turnout that is the norm in Colombia. The fact that some movements indicated that they planned to use what they had learned to inform other democratic processes, like recalls and local elections, in spite of their frustrations with the *consulta popular*, indicates that participatory democracy may indeed function as a "school of democracy," in the

words of Gianpaolo Baiocchi (2005).[124] Participatory institutions, at least when implemented on the local level, may serve an important role in building a population that is educated in the value and power of democratic participation in various arena. Future studies might investigate how strong the link is between participation in *consultas* and other participatory institutions and later electoral participation. Another direction would be to measure how long-lasting "democratic empowerment" through participatory democracy is in a given population.

Post-conflict

We can also think about the lessons that Colombia's *consultas* might hold for processes of democratization in post-conflict societies, in particular. Most post-conflict reconstruction programs consider the establishment of a stable democracy to be an ideal, successful outcome (Carothers 2004). Promises of democratization, scholars and practitioners seem to agree, are crucial to both bringing combatants to the negotiating table and to addressing the root causes of violence (Diamond 2006). There is less agreement, however, on how best to achieve this outcome. There is a large body of literature that examines processes of democratization after war and conflict recurrence. Of particular concern is the timing of post-conflict elections. Some scholars argue that early elections improve a country's chance of consolidating democracy by strengthening the legitimacy of post-conflict governments (Diamond 2006). Another version of this argument insists that

[124] See also Dankwar Rustow's (1970) habituation thesis.

elections, even if they are flawed, habituate voters and candidates to the democratic process and can lead to clean elections in the future (Lindberg 2004).

At the same time, a growing list of studies of post-conflict elections introduce concerns that elections held too early after conflict cessation can lead to conflict recurrence (Brancati and Snyder 2013; Call 2012; Matanock 2017; Paris 2004). Former warring parties often view the elections directly following settlements as high-stakes affairs. Rebel groups struggling to gain ground with voters in the political arena may claim that elections are fraudulent and resume the armed struggle, as occurred with the Khmer Rouge in 1993 in Cambodia and UNITA in Angola's 1992 elections (Höglund, Jarstad, and Kovacs 2009). Incumbents, meanwhile, may react to post-conflict challenges to their rule by reverting to repression, restarting cycles of violence (Brancati and Snyder 2013). These issues can arise both in national elections and local elections. Leah Ann Carroll's (2011) documentation of "counterreform" violence and Abbey Steele's (2017) work on "political cleansing" and forced displacement serve as warnings against local democratization during conflict or too early in periods of transition.[125]

Amidst this uncertainty about when and how to promote electoral democracy, there may be a place for participatory democracy. Staffan Lindberg's claim that early elections can establish democratic norms among voters and politicians seems to echo Fung and Wright's social learning argument about the empowering effects of participatory democracy. It is possible, therefore, that the implementation of participatory institutions could help strengthen broader democratic processes from below by establishing legitimacy

[125] Aila Matanock's (2017) work on electoral participation provisions offers one possible solution to this tension between democratization and peace. She argues that mechanisms for external engagement that allow external observers to detect and impose sanctions for noncompliance by either incumbents or rebel groups can help lower the risk of conflict recurrence.

and engagement with state institutions. Of course, this is not a given. On the one hand, participatory institutions that challenge the status quo may still spark counterreform violence. On the other hand, citizens may be further disillusioned by weak institutions that do not lead to any meaningful change in their circumstances. Nonetheless, participatory democracy on the whole can offer pathways for democratic engagement in contests with lower stakes than formal national or local elections. This kind of local-level democracy, scholars like Jonathan Fox (1994) have argued previously, can affect the prospects for national democratic governance.

The contributions of local-level participatory democracy might also extend another tenet of peacebuilding—societal reconciliation. Scholarship in peace studies has recently turned away from programs implemented on the national level to examine efforts to build peace from the "ground up." Formal initiatives, such as memory workshops (Ruiz Romero 2012), or even informal, everyday experiences and interactions that come from living in the same community can help individuals form common bonds that facilitate reconciliation after violence (Theidon 2006) and even the reincorporation of former combatants (Kaplan and Nussio 2018; Osborne, D'Exelle, and Verschoor 2018) by "demystifying the other" created during armed conflict (Mac Ginty and Richmond 2013). Processes of reconciliation are particularly strong when individuals are able to unite for a common goal or within the bounds of a particular institution. By setting out clear processes through which community members can participate in discussions about a common concern, participatory institutions might serve as a vehicle for disparate members of a community to interact.

The creation of unlikely alliances between local elites and *campesinos* was a clear takeaway from the process of implementing the *consulta popular* in Piedras, according to

Diana Rodríguez-Franco's (2017) ethnographic study of the municipality. The creation of regional and national alliances in the *consulta* support structure also provide evidence of instances of reconciliation. Business elites in Antioquia with vacation homes in Jericó have spoken alongside youth activists from Cajamarca in anti-extractive protests, uniting two groups that have been rumored to associate with opposing sides of Colombia's armed conflict.

Local movements and civil society support structures might also serve as infrastructures for peace (van Tongeren 2013). Similar to the mobilization infrastructures discussed in chapters 2 and 5, infrastructures for peace leverage existing organizations and connections to implement peacebuilding initiatives. Ample evidence points to the role that local institutions and community organizations play in helping communities resist violence during armed conflict (e.g. Arjona 2016; Kaplan 2017a; Masullo 2018; Vargas Castillo 2019). Connections formed through participatory initiatives may do the same during the transition and post-conflict period. Future studies might examine whether this prediction holds in communities that implemented *consultas* in Colombia or other post-conflict countries that experienced similar movements, such as El Salvador and Peru.

Limitations

Like any research project, this thesis has its limitations. The first limitation relates to the question of generalizability. The section above suggests ways in which participatory democracy might contribute to democratization and peacebuilding in Colombia and other contexts. It is important to reiterate, however, that the *consulta popular* represents a particular kind of participatory institution. Communities seeking to resist extractive

development were drawn to the *consulta* as an especially strong institution that explicitly required local government to adopt the votes' outcome as law. The unique strength of the *consulta* may limit the generalizability of this study to other (possibility less contentious) forms of participatory democracy with lower levels of authority.

State officials and private actors have viewed other institutions, including FPIC, as a way to contain and diffuse community demands and be more willing to facilitate their implementation. Such decisions would change the relative positions of veto players and the state across Archimedes' lever to make implementation more likely. At the same time, the type of participation that communities can access would be less transformative; participation would likely be channeled toward upholding the status quo rather than challenging it. That said, this thesis focuses explicitly on the barriers that communities face when trying to access the institutions that give them the most voice. Understanding what these barriers are and why they are difficult to overcome can help us make sense of why participatory democracy so often struggles to live up to its promise of transforming the relationship between citizens and the state.

Another limitation of this thesis lies in its lack of clarity regarding the causal mechanisms driving some of the relationships identified in the statistical analysis presented in chapters five and six. As I explain in detail in my methods chapter, the onset of the COVID-19 pandemic just as I was planning to ramp up my field research in Colombia forced me to adapt my research plans and revise the scope of my thesis project. This included scrapping plans to test my theoretical framework through a paired case study comparison, which would have allowed me to better identify causal relationships. Gathering more data to probe the relationships outlined in chapters five and six through in-

depth process and tracing is a future avenue of research that I plan to pursue during my postdoctoral research fellowship.

Policy implications

As a way of closing, I offer a few ways that my findings might be applied practically. The first relates to the field of natural resource governance and extractive policy. The activation of *consultas populares* across over 100 municipalities in Colombia indicated a dire need for more channels for citizen consultation on extractive governance. As Patricia Vásquez warned in 2014, "participatory democracy usually provides early warnings of potential tensions that, if properly and promptly addressed, may serve to prevent later explosions" (Vasquez 2014:54). Viewed in this way, the wave of extractive-related *consultas* was a warning signal that conflicts between communities, companies, and the state will continue and grow as projects push into new areas. Some officials within the Colombian government seem to have heeded this warning. A group of congressmembers proposed new legislation in 2021 that would allow non-ethnic minority communities the right to consultation on extractive development.[126] The process, however, continues to move slowly and, as of this writing has yet to proceed beyond initial discussions in Congress.

The wave of *consultas* should also serve as a lesson for countries beyond Colombia, as the global extractive frontier continues to grow (Bebbington and Bury 2013). Communities in Peru, El Salvador, Argentina, and Mexico have turned to similar participatory institutions to contest extractive development. Mining and oil projects have

[126] See Legislative Project 107/2021C from https://www.camara.gov.co/participacion-en-contextos-extractivos. Accessed 31 March 2022.

been points of contention in countries outside of Latin America, including those in the Global North. Indigenous groups in Canada, for example have contested proposed oil pipelines that would cross their territories (Brown 2021). Contention over fracking, meanwhile, has roiled communities across the globe, including the United States (Galbraith 2011) and the United Kingdom (Reed 2019). Existing processes of consultation have failed to stem protest and occasional violent unrest in these cases. Policymakers and those in the extractive industry need to think proactively about how to change practices of consultation to address citizen grievances. Who has access to current mechanisms? Who is left out? What other mechanisms might be necessary? Extractive development is unlikely to stop, as even "green" technologies require non-renewable resources, like cobalt, coltan, and gold, to run. It is therefore in the interests of governments, companies, and citizens to develop workable channels to minimize conflicts and contention.

The second practical implication of the research presented in this thesis relates to the NGO sector. Chapter seven acknowledges that NGOs and individual experts often must make difficult decisions about how to best allocate their limited resources, which may leave some areas and communities consistently left out of the fray. It is important that both NGOs and their donors are able to recognize these patterns of decision-making and reflect on how their provision of services aligns with their missions. I talked to a number of representatives from international funders that work with Colombian organizations during the course of this project. Most acknowledged that the field is often structured to allow funds to "trickle down" from NGO partners to local communities; donors do not have the time or resources to identify and vet local movements, leaving alone the question of whether grassroots organizations have the technical capacity to manage large grants. This

places a responsibility on donors, NGOs, and experts to be aware of persistent biases or oversights in their own work.

Finally, I conclude this thesis by encouraging policymakers across the globe to diversify their sources of inspiration. This thesis has presented *consultas* as a way that citizens in Colombia have tried to implement change in extractive development from below. But the concept of "democratization from below" can also be applied to the spread of participatory institutions as policy globally. Cesar Rodríguez-Garavito, Boaventura de Sousa Santos, Gianpaolo Baiocchi, and Ernesto Ganuza have all presented participatory democracy—and participatory budgeting in particular—as a unique democratic innovation that has spread across the world "from below": that is, from the Global South to the Global North. Studies in other fields, including transitional justice (Payne et al. 2020), also make the case that Global North may have something to learn from innovations originating in the Global South. I hope this thesis will join in this growing chorus of voices that acknowledge the agency and invention of marginalized actors and what their lessons might offer to their communities and beyond.

Bibliography

Abbott, Jared, and Benjamin Goldfrank. 2021. "Scaling-Up and Zooming-Out: Understanding How and When Participatory Institutions Matter." *Comparative Politics* 53(4):735–54. doi: 10.5129/001041521X16059819775864.

Abers, Rebecca, and Margaret E. Keck. 2013. *Practical Authority: Agency and Institutional Change in Brazilian Water Politics*. New York: Oxford University Press.

Agencia Prensa Rural. 2007. "Movilización Nacional Agraria y Popular." Retrieved December 15, 2021 (https://prensarural.org/spip/spip.php?article693).

Aguilera Peña, Mario and Centro de Memoria Histórica. 2016. *Tomas y ataques guerrilleros (1965-2013)*. Bogotá, Colombia: Centro Nacional de Memoria Histórica.

Aguirre, Jessica Camille. 2021. "Playing the Flute: Oil Spills in Colombia." *Harper's Magazine*, February 5.

Almeida, Paul, and Allen Cordero, eds. 2015. *Handbook of Social Movements across Latin America*. Dordrecht: Springer.

Altman, David. 2011. *Direct Democracy Worldwide*. New York ; Cambridge: Cambridge University Press.

Altman, David. 2019. *Citizenship and Contemporary Direct Democracy*. Cambridge, United Kingdom ; New York, NY: Cambridge University Press.

Alvarez, Sonia E. 2017. "Beyond the Civil Society Agenda? Participation and Practices of Governance, Governability, and Governmentality in Latin America." Pp. 316–30 in *Beyond civil society: activism, participation, and protest in Latin America*, edited by S. E. Alvarez, J. W. Rubin, M. Thayer, G. Baiocchi, A. Laó-Montes, and A. Escobar. Durham: Duke University Press.

Alvarez, Sonia E., Evelina Dagnino, and Arturo Escobar. 1998. *Cultures of Politics, Politics of Cultures: Re-Visioning Latin American Social Movements*. Boulder, Colo. ; Oxford: Westview Press.

Alvarez, Sonia E., Jeffrey W. Rubin, Millie Thayer, Gianpaolo Baiocchi, Agustín Laó-Montes, and Arturo Escobar, eds. 2017. *Beyond Civil Society: Activism, Participation, and Protest in Latin America*. Durham: Duke University Press.

Amengual, Matthew. 2016. *Politicized Enforcement in Argentina Labor and Environmental Regulation*. Cambridge: Cambridge University Press.

Amengual, Matthew. 2018. “Buying Stability: The Distributive Outcomes of Private Politics in the Bolivian Mining Industry.” *World Development* 104:31–45. doi: 10.1016/j.worlddev.2017.11.008.

Amengual, Matthew, and Eduardo Dargent. 2020. “The Social Determinants of Enforcement: Integrating Politics with Limited State Capacity.” Pp. 161–82 in *The Politics of Institutional Weakness in Latin America*, edited by D. M. Brinks, S. Levitsky, and M. V. Murillo. Cambridge: Cambridge University Press.

Amenta, Edwin, Neal Caren, Elizabeth Chiarello, and Yang Su. 2010. “The Political Consequences of Social Movements.” *Annual Review of Sociology* 36(1):287–307. doi: 10.1146/annurev-soc-070308-120029.

Arce, Moisés. 2014. *Resource Extraction and Protest in Peru*. Pittsburgh PA, UNITED STATES: University of Pittsburgh Press.

Archila, Mauricio. 2003. *Idas y venidas, vueltas y revueltas: protestas sociales en Colombia, 1958-1990*. Bogotá, D.C.: Instituto Colombiano de Antropología e Historia : Centro de Investigación y Educación Popular.

Archila, Mauricio. 2011. “Latin American Social Movements at the Start of the Twenty-First Century: A Colombian Case Study.” *Labor: Studies in Working-Class History of the Americas* 8(1):57–75. doi: 10.1215/15476715-2010-045.

Arjona, Ana. 2016. *Rebelocracy: Social Order in the Colombian Civil War*. New York: Cambridge University Press.

Arriscado Nunes, Joäo, Marisa Matias, and Susana Costa. 2005. “Bottom-Up Environmental Law and Democracy in the Risk Society: Portuguese Experiences in the European Context.” Pp. 363–83 in *Law and globalization from below: towards a cosmopolitan legality, Cambridge studies in law and society*, edited by C. A. Rodríguez Garavito and B. de S. Santos. Cambridge, UK ; New York: Cambridge University Press.

Asher, Kiran. 2009. *Black and Green: Afro-Colombians, Development, and Nature in the Pacific Lowlands*. Durham, N.C. : Chesham: Duke University Press ; Combined Academic distributor.

Autesserre, Séverine. 2014. *Peaceland: Conflict Resolution and the Everyday Politics of International Intervention*. Cambridge: Cambridge University Press.

van Baalen, Sebastian. 2021. “Local Elites, Civil Resistance, and the Responsiveness of Rebel Governance in Côte d’Ivoire.” *Journal of Peace Research* 002234332096567. doi: 10.1177/0022343320965675.

Baiocchi, Gianpaolo. 2005. *Militants and Citizens: The Politics of Participatory Democracy in Porto Alegre*. Stanford University Press.

Baiocchi, Gianpaolo, and Ernesto Ganuza. 2017. *Popular Democracy: The Paradox of Participation*. Stanford, California: Stanford University Press.

Balcells, Laia. 2012. "The Consequences of Victimization on Political Identities: Evidence from Spain." *Politics & Society* 40(3):311–47. doi: 10.1177/0032329211424721.

Balcells, Laia, and Jessica A. Stanton. 2021. "Violence Against Civilians During Armed Conflict: Moving Beyond the Macro- and Micro-Level Divide." *Annual Review of Political Science* 24(1):annurev-polisci-041719-102229. doi: 10.1146/annurev-polisci-041719-102229.

Balderacchi, Claudio. 2016. "Problems and Contradictions of Participatory Democracy: Lessons from Latin America." *Contemporary Politics* 22(2):164–77. doi: 10.1080/13569775.2016.1153282.

Bandura, Albert. 1977. *Social Learning Theory*. Englewood Cliffs, N.J: Prentice Hall.

Banfield, Jessica, Virginia Haufler, and Damian Lilly. 2005. "Transnational Corporations in Conflict-Prone Zones: Public Policy Responses and a Framework for Action." *Oxford Development Studies* 33(1):133–47. doi: 10.1080/13600810500099766.

Barczak, Monica. 2001. "Representation by Consultation? The Rise of Direct Democracy in Latin America." *Latin American Politics and Society* 43(3):37–59. doi: 10.2307/3177143.

Bauer, Arnold J. 2001. *Goods, Power, HIstory: Latin America's Material Culture*. Cambridge: Cambridge University Press.

Bauer, Michal, Christopher Blattman, Julie Chytilová, Joseph Henrich, Edward Miguel, and Tamar Mitts. 2016. *Can War Foster Cooperation? Working Paper*. 22312. National Bureau of Economic Research. doi: 10.3386/w22312.

Bauldry, Shawn, Jun Xu, and Andrew S. Fullerton. 2018. "Gencrm: A New Command for Generalized Continuation-Ratio Models." *The Stata Journal: Promoting Communications on Statistics and Stata* 18(4):924–36. doi: 10.1177/1536867X1801800410.

Bautista, Sandra Carolina Bautista. 2012. "Alternativas analíticas en el campo de la movilización social en Colombia: la acción colectiva de alto riesgo. Lecturas a propósito de la protesta campesina en el Tolima." *Estudios Políticos* (41):57–79.

BBC News. 2021. "Ethiopia's Tigray War: The Short, Medium and Long Story - BBC News." *BBC News*. Retrieved March 31, 2022 (https://www.bbc.co.uk/news/world-africa-54964378).

Bebbington, Anthony. 1997. "New States, New NGOs? Crises and Transitions among Rural Development NGOs in the Andean Region." *World Development* 25(11):1755–65. doi: 10.1016/S0305-750X(97)00066-1.

Bebbington, Anthony, and Jeffrey Bury, eds. 2013. *Subterranean Struggles: New Dynamics of Mining, Oil, and Gas in Latin America*. Austin: Univeristy of Texas Press.

Bebbington, Anthony, Denise Humphreys Bebbington, Leonith Hinojosa, María-Luisa Burneo, and Jeffrey Bury. 2013. "Anatomies of Conflict: Social Mobilization and New Political Ecologies of the Andes." Pp. 241–66 in *Subterranean struggles: new dynamics of mining, oil, and gas in Latin America*, edited by A. Bebbington and J. Bury. Austin: Univeristy of Texas Press.

Bell, Christine, and Catherine O'Rourke. 2007. "The People's Peace? Peace Agreements, Civil Society, and Participatory Democracy." *International Political Science Review* 28(3):293–324. doi: 10.1177/0192512107077094.

Bell-Martin, Rebecca V., and Jerome F. Marston. 2019. "Confronting Selection Bias: The Normative and Empirical Risks of Data Collection in Violent Contexts." *Geopolitics* 1–34. doi: 10.1080/14650045.2019.1659780.

Bellows, John, and Edward Miguel. 2009. "War and Local Collective Action in Sierra Leone." *Journal of Public Economics* 93(11–12):1144–57. doi: 10.1016/j.jpubeco.2009.07.012.

Bergquist, Charles, Ricardo Peñaranda, and Gonzalo Sánchez, eds. 1992. *Violence in Colombia: The Contemporary Crisis in Historical Perspective*. Wilmington, DE: Scholarly Resources Inc.

Bermeo, Nancy. 2003. "What the Democratization Literature Says—or Doesn't Say—About Postwar Democratization." *Global Governance: A Review of Multilateralism and International Organizations* 9(2):159–77. doi: 10.1163/19426720-00902006.

Bernal-Bermúdez, Laura. 2017. "The Power of Business and the Power of People: Understanding Remedy and Business Accountability For Human Rights Violations--Colombia 1979-2014." University of Oxford, Oxford.

Berry, Marie E. 2018. *War, Women, and Power: From Violence to Mobilization in Rwanda and Bosnia-Herzegovina*. New York: Cambridge University Press.

Bielefeld, Wolfgang, and James C. Murdoch. 2004. "The Locations of Nonprofit Organizations and Their For-Profit Counterparts: An Exploratory Analysis." *Nonprofit and Voluntary Sector Quarterly* 33(2):221–46. doi: 10.1177/0899764003260589.

Birks, Melanie, Jane Mills, and Askews & Holts Library Services. 2011. *Grounded Theory: A Practical Guide*.

Blattman, Christopher. 2009. "From Violence to Voting: War and Political Participation in Uganda." *American Political Science Review* 103(02):231–47. doi: 10.1017/S0003055409090212.

Blee, Kathleen M. 1993. “Evidence, Empathy, and Ethics: Lessons from Oral Histories of the Klan.” *The Journal of American History* 80(2):596. doi: 10.2307/2079873.

Bloodgood, Elizabeth A., Joannie Tremblay-Boire, and Aseem Prakash. 2014. “National Styles of NGO Regulation.” *Nonprofit and Voluntary Sector Quarterly* 43(4):716–36. doi: 10.1177/0899764013481111.

Blunt, Peter, and Mark Turner. 2005. “Decentralisation, Democracy and Development in a Post-Conflict Society: Commune Councils in Cambodia.” *Public Administration and Development* 25(1):75–87. doi: 10.1002/pad.349.

Bob, Cliford. 2009. “Introduction: Fighting for New Rights.” Pp. 1–13 in *The International Struggle for New Human Rights*, edited by Clifford Bob. Philadelphia: University of Pennsylvania Press.

Bond, Kanisha, Milli Lake, and Sarah E. Parkinson. 2020. “Lessons from Conflict Studies on Research During the Coronavirus Pandemic.” *Social Science Research Council*. Retrieved March 14, 2022 (https://items.ssrc.org/covid-19-and-the-social-sciences/social-research-and-insecurity/lessons-from-conflict-studies-on-research-during-the-coronavirus-pandemic/).

Botero Miranda, Alfonso. 2007. *La ruta del oro: una economía primaria exportadora : Antioquia, 1850-1890*. 1. ed. Medellín: Fondo Editorial Universidad EAFIT.

Boulding, Carew. 2014. *NGOs, Political Protest, and Civil Society*. New York: Cambridge University Press.

Brabazon, Honor. 2017. “Occupying Legality: The Subversive Use of Law in Latin American Occupation Movements.” *Bulletin of Latin American Research* 36(1):21–35. doi: 10.1111/blar.12527.

Brancati, Dawn, and Jack L. Snyder. 2013. “Time to Kill: The Impact of Election Timing on Postconflict Stability.” *Journal of Conflict Resolution* 57(5):822–53. doi: 10.1177/0022002712449328.

Brass, Jennifer N. 2012. “Why Do NGOs Go Where They Go? Evidence from Kenya.” *World Development* 40(2):387–401. doi: 10.1016/j.worlddev.2011.07.017.

Brass, Jennifer N. 2017. *Allies or Adversaries NGOs and the State in Africa*.

Breslawski, Jori. 2020. “The Social Terrain of Rebel Held Territory.” *Journal of Conflict Resolution* 002200272095185. doi: 10.1177/0022002720951857.

Brigden, Noelle K., and Anita R. Gohdes. 2020. “The Politics of Data Access in Studying Violence across Methodological Boundaries: What We Can Learn from Each Other?” *International Studies Review* 22(2):250–67. doi: 10.1093/isr/viaa017.

Brinks, Daniel M., Steven Levitsky, and Maria Victoria Murillo. 2020. *The Politics of Institutional Weakness in Latin America*. Cambridge: Cambridge University Press.

Brown, Beth. 2021. “Mine Blockade Sparks Solidarity Protests across Nunavut.” *CPC News*, February 8.

Brown, Dana L., Antje Vetterlein, and Anne Roemer-Mahler. 2010. “Theorizing Transnational Corporations as Social Actors: An Analysis of Corporate Motivations.” *Business & Politics* 12(1):1–37.

Brown, Graham, Arnim Langer, and Frances Stewart. 2008. *A Typology of Post-Conflict Environments: An Overview*. 53. Oxford, UK: Centre for Research on Inequality, Human Security and Ethnicity.

Burnyeat, Gwen. 2013. “On a Peak in Darien: Community Peace Initiatives in Urabá, Colombia.” *Journal of Human Rights Practice* 5(3):435–45. doi: 10.1093/jhuman/hut016.

Burnyeat, Gwen. 2018. *Chocolate, Politics and Peace-Building: An Ethnography of the Peace Community of San Jose de Apartado, Colombia*. 1st edition. New York, NY: Springer Science+Business Media.

Burstein, Paul. 1991. “Legal Mobilization as a Social Movement Tactic: The Struggle for Equal Employment Opportunity.” *American Journal of Sociology* 96(5):1201–25.

Bushnell, David. 1998. “The Politics of Clientelism: Democracy and the State in Colombia. by John D. Martz.” *Journal of Interamerican Studies and World Affairs* 40(1):116–17.

Bushnell, David. 2003. *The Making of Modern Colombia: A Nation in Spite of Itself*. 4. print. Berkeley: Univ. of California Press.

Cairo, Heriberto, Ulrich Oslender, Carlo Emilio Piazzini Suárez, Jerónimo Ríos, Sara Koopman, Vladimir Montoya Arango, Flavio Bladimir Rodríguez Muñoz, and Liliana Zambrano Quintero. 2018. “‘Territorial Peace’: The Emergence of a Concept in Colombia’s Peace Negotiations.” *Geopolitics*.

Call, Charles T. 2012. *Why Peace Fails: The Causes and Prevention of Civil War Recurrence*. Washington, UNITED STATES: Georgetown University Press.

Call, Charles, and Vanessa Wyeth. 2008. *Building States to Build Peace*. Boulder, Colo.: Lynne Rienner Publishers.

Cameron, Maxwell A., Eric Hershberg, and Kenneth E. Sharpe, eds. 2012. *New Institutions for Participatory Democracy in Latin America: Voice and Consequence*. New York: Palgrave Macmillan US.

Campbell, Susanna, Matthew DiGiuseppe, and Amanda Murdie. 2019. "International Development NGOs and Bureaucratic Capacity: Facilitator or Destroyer?" *Political Research Quarterly* 72(1):3–18. doi: 10.1177/1065912918772941.

Carothers, Thomas. 2004. *Critical Mission: Essays on Democracy Promotion*. Washington, D.C: Carnegie Endowment for International Peace.

Carpenter, R. Charli. 2007. "Studying Issue (Non)-Adoption in Transnational Advocacy Networks." *International Organization* 61(03). doi: 10.1017/S002081830707021X.

Carpenter, R. Charli. 2010. "Governing the Global Agenda: 'Gatekeepers' and 'Issue Adoption' in Transnational Advocacy Networks." Pp. 202–37 in *Who Governs the Globe?*, edited by D. D. Avant, M. Finnemore, and S. K. Sell. Cambridge University Press.

Carpenter, sR. Charli. 2011. "Vetting the Advocacy Agenda: Network Centrality and the Paradox of Weapons Norms." *International Organization* 65(1):69–102. doi: 10.1017/S0020818310000329.

Carroll, Leah Anne. 2011. *Violent Democratization: Social Movements, Elites, and Politics in Colombia's Rural War Zones, 1984-2008*. Notre Dame, Ind.: University of Notre Dame Press.

Casey, Katherine, Rachel Glennerster, and Edward Miguel. 2012. *Healing the Wounds: Learning from Sierra Leone's Post-War Institutional Reforms*. Working Paper 18368. Cambridge, Mass.: National Bureau of Economic Research.

Cheng, Christine. 2018. *Extralegal Groups in Post-Conflict Liberia: How Trade Makes the State*. Oxford: Oxford University Press.

Chopra, Jarat, and Tanja Hohe. 2004. "Participatory Intervention." *Global Governance: A Review of Multilateralism and International Organizations* 10(3):289–305. doi: 10.1163/19426720-01003004.

CINEP. 2004a. *Noche y Niebla*. 2009. Bogotá: CINEP.

CINEP. 2004b. *Noche y Niebla: Deuda Con La Humanidad, Paramilitarismo de Estado En Colombia 1988-2003*. 28. Bogotá: CINEP.

CINEP. 2008. *Noche y Niebla*. 36. Bogotá: CINEP.

CINEP/Programa por la Paz. 2013. *Minería, conflictos sociales y violación de derechos humanos en Colombia*. Bogotá: CINEP/PPP.

Ciurlizza, Javier. 2016. "Post-Conflict in Colombia: The International Potential of Peace." *International Crisis Group*. Retrieved March 15, 2022

(https://www.crisisgroup.org/latin-america-caribbean/andes/colombia/post-conflict-colombia-international-potential-peace).

Collier, Paul, and Anke Hoeffler. 2000. *Greed and Grievance in Civil War*. Policy Research Working Paper 2355. Washington D.C.: The World Bank.

Colombia Solidarity Campaign. 2013. *La Colosa: A Death Foretold: Alternative Report about AngloGold Ashanti Gold Mining Project in Cajamarca, Tolima, Colombia*. London: Colombia Solidarity Campaign.

Conde, Marta, and Philippe Le Billon. 2017. "Why Do Some Communities Resist Mining Projects While Others Do Not?" *The Extractive Industries and Society* 4(3):681–97. doi: 10.1016/j.exis.2017.04.009.

Conge, Patrick J., Samuel H. Barnes, Max Kaase, Joan M. Nelson, John H. Booth, Mitchell A. Seligson, Mitchell A. Seligson, and John H. Booth. 1988. "The Concept of Political Participation: Toward a Definition." *Comparative Politics* 20(2):241. doi: 10.2307/421669.

Congreso de la República. 2011. *Acto Legislativo 5 de 2011*.

Corredor, Gabriel. 2020. "Periodismo Precario." *FLIP Centro de Estudios*.

Cosoy, Natalio. 2016. "Colombia: El Gobierno y Las FARC Firman Un Nuevo Acuerdo de Paz." *BBC Mundo*, November 12.

Cronin-Furman, Kate, and Roxani Krystalli. 2021. "The Things They Carry: Victims' Documentation of Forced Disappearance in Colombia and Sri Lanka." *European Journal of International Relations* 27(1):79–101. doi: 10.1177/1354066120946479.

Cruz Rodríguez, Edwin. 2017. "La Rebelión de Las Ruanas: El Paro Nacional Agrario En Colombia." *Análisis* 49(90 (En-Ju)):83. doi: 10.15332/s0120-8454.2017.0090.04.

Davis, Diane E. 1999. "The Power of Distance: Re-Theorizing Social Movements in Latin America." *Theory and Society* 28(4):585–638. doi: 10.1023/A:1007026620394.

Davis, Wade. 2020. *Magdalena River of Dreams*. London: The Bodley Head.

de Sousa Santos, Boaventura. 1998. "Participatory Budgeting in Porto Alegre: Toward a Redistributive Democracy." *Politics & Society* 26(4):461–510.

Deglow, Annekatrin, and Ralph Sundberg. 2021. "Local Conflict Intensity and Public Perceptions of the Police: Evidence from Afghanistan." *The Journal of Politics* 83(4):1337–52. doi: 10.1086/711559.

Diamond, Larry. 2006. "Promoting Democracy in Post-Conflict and Failed States Lessons and Challenges." *Taiwan Journal of Democracy* 2(2):93–116. doi: doi:10.29654/TJD.200612.0005.

Dietz, Kristina. 2018. “Consultas Populares Mineras En Colombia: Condiciones de Su Realización y Significados Políticos. El Caso de La Colosa.” *Colombia Internacional* (93):93–117. doi: 10.7440/colombiaint93.2018.04.

Dietz, Kristina. 2019. “Contesting Claims for Democracy: The Role of Narratives in Conflicts over Resource Extraction.” *The Extractive Industries and Society* 6(2):510–18. doi: 10.1016/j.exis.2019.03.004.

Dietz, Kristina, and Bettina Engels. 2017. “Contested Extractivism: Actors and Strategies in Conflicts over Mining.” *DIE ERDE – Journal of the Geographical Society of Berlin* 148(2–3):111–20.

Dirección Nacional de Planeación. 2014. *Plan Nacional de Desarrollo 2014-2018, Todos por un Nuevo País*.

Dix, Robert H., and Jorge Pablo Osterling. 1990. “Democracy in Colombia: Clientelistic Politics and Guerrilla Warfare.” *The Hispanic American Historical Review* 70(1):204. doi: 10.2307/2516402.

Donaghy, Maureen M. 2013. *Civil Society and Participatory Governance: Municipal Councils and Social Housing Programs in Brazil*. New York, NY: Routledge.

Dresse, Anaïs, Itay Fischhendler, Jonas Østergaard Nielsen, and Dimitrios Zikos. 2019. “Environmental Peacebuilding: Towards a Theoretical Framework.” *Cooperation and Conflict* 54(1):99–119. doi: 10.1177/0010836718808331.

Dudley, Steven. 2004. *Walking Ghosts: Murder and Guerrilla Politics in Colombia*. New York: Routledge.

Edelman, Lauren B., Gwendolyn Leachman, and Doug McAdam. 2010. “On Law, Organizations, and Social Movements.” *Annual Review of Law and Social Science* 6(1):653–85. doi: 10.1146/annurev-lawsocsci-102209-152842.

Edenhofer, Nathan. 2022. “Mining Boom and Contentious Politics across Central America: Elites, Movements and Party Systems.” *Journal of Latin American Studies* 1–29. doi: 10.1017/S0022216X22000207.

El Espectador. 2017. “Así explotó el ‘boom’ de las consultas populares.” *ELESPECTADOR.COM*. Retrieved March 1, 2019 (https://www.elespectador.com/noticias/medio-ambiente/asi-exploto-el-boom-de-las-consultas-populares-articulo-695826).

Epp, Charles R. 1998. *The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective*. Chicago: University of Chicago Press.

Epp, Charles R. 2009. *Making Rights Real: Activists, Bureaucrats, and the Creation of the Legalistic State*. Chicago: University of Chicago Press.

Erb, Sebastian. 2019. “Colombia Is Becoming an Online Country, but a Digital Divide Still Separates Cities from the Countryside.” *Deutche Welle*. Retrieved May 12, 2022 (https://www.dw.com/en/colombia-is-becoming-an-online-country-but-a-digital-divide-still-separates-cities-from-the-countryside/a-47563079).

Escobar, Arturo, and Sonia E. Alvarez, eds. 1992. *The Making Of Social Movements In Latin America: Identity, Strategy, And Democracy*. Westview Press.

Fairfield, Tasha. 2015a. *Private Wealth and Public Revenue in Latin America: Business Power and Tax Politics*.

Fairfield, Tasha. 2015b. “Structural Power in Comparative Political Economy: Perspectives from Policy Formulation in Latin America.” *Business and Politics* 17(3):411–41. doi: 10.1515/bap-2014-0047.

Falleti, Tulia G. 2020. “Social Origins of Institutional Strength: Prior Consultation over Extraction of Hydrocarbons in Bolivia.” Pp. 253–76 in *The Politics of Institutional Weakness in Latin America*, edited by D. M. Brinks, S. Levitsky, and M. V. Murillo. Cambridge: Cambridge University Press.

Falleti, Tulia G., and Thea N. Riofrancos. 2018. “Endogenous Participation Strengthening Prior Consultation in Extractive Economies.” *World Politics* 70(1):86–121. doi: doi: 10.1017/s004388711700020X.

Felbab-Brown, Vanda. 2017. *The Extinction Market: Wildlife Trafficking and How to Counter It*. London: Hurst & Company.

Felstiner, William L. F., Richard L. Abel, and Austin Sarat. 1980. “The Emergence and Transformation of Disputes: Naming, Blaming, Claiming . . .” *Law & Society Review* 15(3/4):631–54. doi: 10.2307/3053505.

Fernández Milmanda, Belén, and Candelaria Garay. 2020. “A Multilevel Approach to Enforcement: Forest Protection in the Argentine Chaco.” Pp. 183–207 in *The Politics of Institutional Weakness in Latin America*, edited by D. M. Brinks, S. Levitsky, and M. V. Murillo. Cambridge: Cambridge University Press.

Fox, Jonathan. 1994. “Latin America’s Emerging Local Politics.” *Journal of Democracy* 5(2):105–16. doi: 10.1353/jod.1994.0021.

Fox, Jonathan. 1996. “How Does Civil Society Thicken? The Political Construction of Social Capital in Rural Mexico.” *World Development* 24(6):1089=1103.

Fruttero, Anna, and Varun Gauri. 2005. “The Strategic Choices of NGOs: Location Decisions in Rural Bangladesh.” *Journal of Development Studies* 41(5):759–87. doi: 10.1080/00220380500145289.

Fujii, Lee Ann. 2010. “Shades of Truth and Lies: Interpreting Testimonies of War and Violence.” *Journal of Peace Research* 47(2):231–41. doi: 10.1177/0022343309353097.

Fujii, Lee Ann. 2015. “Five Stories of Accidental Ethnography: Turning Unplanned Moments in the Field into Data.” *Qualitative Research* 15(4):525–39. doi: 10.1177/1468794114548945.

Fullerton, Andrew S. 2009. “A Conceptual Framework for Ordered Logistic Regression Models.” *Sociological Methods & Research* 38(2):306–47. doi: 10.1177/0049124109346162.

Fung, Archon, and Erik Olin Wright. 2003. *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance*. London: Verso.

Gafaro, Margarita, Patricia Justino, and Ana M. Ibañez. 2014. *Collective Action and Armed Group Presence in Colombia*. 178. Brighton: University of Sussex.

Gáfaro, Margarita, Patricia Justino, and Ana M. Ibañez. 2014. “Collective Action and Armed Group Presence in Colombia.” *SSRN Electronic Journal*. doi: 10.2139/ssrn.2489128.

Galanter, Marc. 1974. “Why the ‘Haves’ Come out Ahead: Speculations on the Limits of Legal Change.” *Law & Society Review* 9(1):95. doi: 10.2307/3053023.

Galbraith, Kate. 2011. “Resistance to Gas Drilling Rises on Unlikely Soil in Texas.” *The New York Times*. Retrieved March 31, 2022 (https://www.nytimes.com/2011/04/24/us/24ttnaturalgas.html).

Galtung, Johan. 1996. *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*. London, UNITED KINGDOM: SAGE Publications.

Ganz, Marshall. 2009. *Why David Sometimes Wins: Leadership, Strategy and the Organizatin in the California Farm Worker Movement*. Oxford: Oxford University Press.

Garay-Salamanca, Luis Jorge, Mauricio Cabera Leal, Jorge Enrique Espitia Zamora, Julio Fierro Morales, Rodrigo E. Negrete Montes, Luis Álvaro Pardo Becerra, Guillermo Rudas Lleras, and Fernando Vargas Valencia. 2013. *Minería En Colombia: Fundamentos Para Superar El Modelo Extractivista*. Bogotá, Colombia: Contraloría General de la República.

Garcés Villamil, Miguel Ángel, and William Gabriel Rapalino Bautista. 2016. “La Consulta Popular como mecanismo de participación ciudadana para evitar actividades mineras.” *Justicia juris* 11(1):52. doi: 10.15665/rj.v11i1.617.

García, María Cecilia Roa, and Kristina Dietz. 2020. *Democracia ambiental, consultas populares y la paz territorial en Colombia*. 8. Bogotá: CAPAZ Instituto Colombo-Alemán para la Paz.

Geddes, Barbara. 1990. "How the Cases You Choose Affect the Answers You Get: Selection Bias in Comparative Politics." *Political Analysis* 2:131–50. doi: 10.1093/pan/2.1.131.

Gerring, John. 2007. "Is There a (Viable) Crucial-Case Method?" *Comparative Political Studies* 40(3):231–53. doi: 10.1177/0010414006290784.

Gillooly, Shauna N. 2021. "Who's an Expert? Leveraging Trauma as Expertise in Peacebuilding Movement." *St. Antony's International Review* 16(2):271–88.

Goldfrank, Benjamin. 2011. *Deepening Local Democracy in Latin America: Participation, Decentralization, and the Left*. University Park: The Pennsylvania State Univeristy Press.

Goldfrank, Benjamin. 2021. "Inclusion Without Power? Limits of Participatory Institutions." Pp. 117–54 in *The Inclusionary Turn in Latin American Democracies*, edited by D. Kapiszewski, S. Levitsky, and D. Yashar. Cambridge: University of Cambridge Press.

Gomez-Suarez, Andrei. 2014. *Genocide, Geopolitics and Transnational Networks: Con-Textualising the Deconstruction of the Unión Patrotica in Colombia*. London: Routledge.

González, Yanilda María. 2021. *Democratic Processes and Authoritarian Policing in Latin America: Contested Security in Latin America*. Cambridge, United Kingdom ; New York, NY: Cambridge University Press.

González-Ocantos, Ezequiel A. 2016. *Shifting Legal Visions: Judicial Change and Human Rights Trials in Latin America*. Cambridge: University of Cambridge Press.

Goodwin, Jeff. 1997. "The Libidinal Constitution of a High-Risk Social Movement: Affectual Ties and Solidarity in the Huk Rebellion, 1946 to 1954." *American Sociological Review* 62(1):53–69. doi: 10.2307/2657452.

Goodwin, Jeff, James M. Jasper, Francesca Polletta, and Randall Collins. 2001. *Passionate Politics: Emotions and Social Movements*. University of Chicago Press.

Greene, Jennifer C. 2008. "Is Mixed Methods Social Inquiry a Distinctive Methodology?" *Journal of Mixed Methods Research* 2(1):7–22. doi: 10.1177/1558689807309969.

Griffin, Oliver. 2020. "Colombia Was Deadliest Country for Land Rights Activists in 2019." *Reuters*. Retrieved February 9, 2021 (https://www.reuters.com/article/us-colombia-violence-environment-idUSKCN24U16G).

Griffin, Oliver, and Luis Jaime Acosta. 2020. “Colombia’s Mining Future Tied to Metals Not Coal, Minister Says | Reuters.” *Reuters*. Retrieved March 29, 2022 (https://www.reuters.com/article/us-colombia-energy-idUSKBN26N2HK).

Grossman, Guy, Devorah Manekin, and Dan Miodownik. 2015. “The Political Legacies of Combat: Attitudes Toward War and Peace Among Israeli Ex-Combatants.” *International Organization* 69(4):981–1009. doi: 10.1017/S002081831500020X.

Guba, Egon, and Yvonna S. Lincoln. 2013. “Pardigmatic Controversies, Contradictions, and Emerging Confluences.” Pp. 166–83 in *The landscape of qualitative research*, edited by N. K. Denzin and Y. S. Lincoln. Los Angeles: SAGE Publications.

Gutiérrez Rodríguez, Juan David. 2018. “The Connection between Oil Wealth and Internal Armed Conflicts: Exploring the Mechanisms of the Relationship Using a Subnational Lens.” *The Extractive Industries and Society*. doi: 10.1016/j.exis.2018.10.008.

Gutiérrez-Rodríguez, Juan D. 2015. “Investing for Peace? On the Use of Resource Revenues to Finance an Eventual Post-Conflict Process in Colombia.” *Revista Análisis Internacional* 6(1):221–50.

Haas, Peter. 2008. “Epistemic Communities.” Pp. 792–805 in *Oxford Handbook of International Environmental Law*, edited by D. Bodansky, J. Brunnée, and E. Hey. Oxford: Oxford University Press.

Haas, Peter M. 1992. “Introduction: Epistemic Communities and International Policy Coordination.” *International Organization* 46(1):1–35. doi: 10.1017/S0020818300001442.

Hadzic, Dino, and Margit Tavits. 2019. “The Gendered Effects of Violence on Political Engagement.” *The Journal of Politics* 81(2):676–80. doi: 10.1086/701764.

Hager, Anselm, Krzysztof Krakowski, and Max Schaub. 2019. “Ethnic Riots and Prosocial Behavior: Evidence from Kyrgyzstan.” *American Political Science Review* 113(4):1029–44. doi: 10.1017/S000305541900042X.

Hancock, Landon E., and C. R. Mitchell. 2018. *Local Peacebuilding and Legitimacy: Interactions between National and Local Levels*. Abingdon, Oxon ; New York, NY: Routledge.

Haslam, Paul Alexander. 2021. “The Micro-Politics of Corporate Responsibility: How Companies Shape Protest in Communities Affected by Mining.” *World Development* 139:105322. doi: 10.1016/j.worlddev.2020.105322.

Herrera, Veronica, and Lindsay Mayka. 2020. “How Do Legal Strategies Advance Social Accountability? Evaluating Mechanisms in Colombia.” *The Journal of Development Studies* 56(8):1437–54. doi: 10.1080/00220388.2019.1690134.

Hilson, Chris. 2002. “New Social Movements: The Role of Legal Opportunity.” *Journal of European Public Policy* 9(2):238–55. doi: 10.1080/13501760110120246.

Hincapié, Sandra. 2017. “Extractivismo, Consultas Populares y Derechos Políticos ¿El Renacimiento de La Democracia Local En Colombia?” *Reflexión Política* 19(37):86–99.

Hoetmer, Raphael. 2017. “‘There Is No Longer a Democracy...’ Thoughts on the Local Referendums on Mining in Peru’s Northern Frontier.” Pp. 179–98 in *Beyond civil society: activism, participation, and protest in Latin America*, edited by S. E. Alvarez, J. W. Rubin, M. Thayer, G. Baiocchi, A. Laó-Montes, and A. Escobar. Durham: Duke University Press.

Höglund, Kristine, Anna K. Jarstad, and Mimmi Söderberg Kovacs. 2009. “The Predicament of Elections in War-Torn Societies.” *Democratization* 16(3):530–57. doi: 10.1080/13510340902884689.

Holland, Alisha C. 2017. *Forbearance as Redistribution: The Politics of Informal Welfare in Latin America*. Cambridge, UK New York: Cambridge university press.

Holland, Alisha C. 2020. “Coercion Gaps.” Pp. 119–40 in *The Politics of Institutional Weakness in Latin America*, edited by D. M. Brinks, S. Levitsky, and M. V. Murillo. Cambridge: Cambridge University Press.

Holland, Alisha C., and José Incio. 2019. “Imperfect Recall: The Politics of Subnational Office Removals.” *Comparative Political Studies* 52(5):777–805. doi: 10.1177/0010414018797939.

Htun, Mala, and Francesca R. Jensenius. 2020. “Aspirational Laws as Weak Institutions: Legislation to Combat Violence Against Women in Mexico.” Pp. 141–60 in *The Politics of Institutional Weakness in Latin America*, edited by D. M. Brinks, S. Levitsky, and M. V. Murillo. Cambridge: Cambridge University Press.

Huang, Reyko. 2016. *The Wartime Origins of Democratization: Civil War, Rebel Governance, and Political Regimes*. Cambridge: Cambridge University Press.

Huntington, Samuel P. 1968. *Political Order in Changing Societies*. New Haven: Yale Univ. Press.

Ide, Tobias, Carl Bruch, Alexander Carius, Ken Conca, Geoffrey D. Dabelko, Richard Matthew, and Erika Weinthal. 2021. “The Past and Future(s) of Environmental Peacebuilding.” *International Affairs* 97(1):1–16. doi: 10.1093/ia/iiaa177.

Idemudia, Uwafiokun. 2017. “Business and Peace in the Niger Delta: What We Know and What We Need to Know.” *African Security Review* 26(1):41–61. doi: 10.1080/10246029.2016.1264439.

Idler, Annette. 2019. *Borderland Battles: Violence, Crime, and Governance at the Edges of Colombia's War*. New York: Oxford University Press.

Internatinal Crisis Group. 2020. *Leaders under Fire: Defending Colombia's Front Line of Peace*. *Latin America Report*. 82. Brussels: International Crisis Group.

International Crisis Group. 2018. *The Missing Peace: Colombia's New Government and Last Guerrillas*. 68. Brussels: International Crisis Group.

Jackson, Paul. 2005. "Chiefs, Money and Politicians: Rebuilding Local Government in Post-War Sierra Leone." *Public Administration and Development* 25(1):49–58. doi: 10.1002/pad.347.

Jacquot, Sophie, and Tommaso Vitale. 2014. "Law as Weapon of the Weak? A Comparative Analysis of Legal Mobilization by Roma and Women's Groups at the European Level." *Journal of European Public Policy* 21(4):587–604. doi: 10.1080/13501763.2014.887138.

Jamali, Dima, and Ramez Mirshak. 2010. "Business-Conflict Linkages: Revisiting MNCs, CSR, and Conflict." *Journal of Business Ethics* 93(3):443–64. doi: 10.1007/s10551-009-0232-8.

Jaskoski, Maiah. 2020. "Participatory Institutions as a Focal Point for Mobilizing: Prior Consultation and Indigenous Conflict in Colombia's Extractive Industries." *Comparative Politics*. doi: 10.5129/001041520X15757670821639.

Jaskoski, Maiah. 2022. *The Politics of Extraction: Territorial Rights, Participatory Institutions, and Conflict in Latin America*. New York, NY: Oxford University Press.

Jha, Saumitra, and Steven Wilkinson. 2012. "Does Combat Experience Foster Organizational Skill? Evidence from Ethnic Cleansing during the Partition of South Asia." *American Political Science Review* 106(4):883–907. doi: 10.1017/S000305541200041X.

Jowett, Adam. 2020. "Carrying out Qualitative Research under Lockdown - Practical and Ethical Considerations." *LSE Impact Blog*. Retrieved March 14, 2022 (https://blogs.lse.ac.uk/impactofsocialsciences/2020/04/20/carrying-out-qualitative-research-under-lockdown-practical-and-ethical-considerations/).

Justino, Patricia, and Wolfgang Stojetz. 2018. *On the Legacies of Wartime Governance*. *Working Paper*. 263. Brighton: Households in Conflict Network.

Kalyvas, Stathis N. 2006. *The Logic of Violence in Civil War*. Cambridge ; New York: Cambridge University Press.

Kapiszewski, Diana, Steven Levitsky, and Deborah J. Yashar, eds. 2021. *The Inclusionary Turn in Latin American Democracies*. 1st ed. Cambridge University Press.

Kaplan, Oliver, and Enzo Nussio. 2018. “Community Counts: The Social Reintegration of Ex-Combatants in Colombia.” *Conflict Management and Peace Science* 35(2):132–53. doi: 10.1177/0738894215614506.

Kaplan, Oliver Ross. 2017a. *Resisting War: How Communities Protect Themselves*. Cambridge: Cambridge University Press.

Kaplan, Oliver Ross. 2017b. *Resisting War: How Communities Protect Themselves*. Cambridge: Cambridge University Press.

Karl, Robert A. 2017. *Forgotten Peace: Reform, Violence, and the Making of Contemporary Colombia*. Oakland, California: University of California Press.

Keck, Margaret E., and Kathryn Sikkink. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca, UNITED STATES: Cornell University Press.

Kessler, Mark. 1990. “Legal Mobilization for Social Reform: Power and the Politics of Agenda Setting.” *Law & Society Review* 24(1):121. doi: 10.2307/3053789.

King, Gary, Michael Tomz, and Jason Wittenberg. 2000. “Making the Most of Statistical Analyses: Improving Interpretation and Presentation.” *American Journal of Political Science* 44(2):347–61.

Kirby, Paul, and Laura J. Shepherd. 2016a. “Reintroducing Women, Peace and Security.” *International Affairs* 92(2):249–54. doi: 10.1111/1468-2346.12550.

Kirby, Paul, and Laura J. Shepherd. 2016b. “The Futures Past of the Women, Peace and Security Agenda.” *International Affairs* 92(2):373–92. doi: 10.1111/1468-2346.12549.

Koch, Dirk-Jan, and Ruerd Ruben. 2008. *Spatial Clulstering of NGOs: An Evolutionary Economic Geography Approach*. *Working Paper*. 08.14. Ultrecht: Ultrecht University.

Kornbluh, Peter, ed. 2013. *The Pinochet File: A Declassified Dossier on Atrocity and Accountability*. rev. and updated ed., 40th anniversary edition. New York: The New Press.

Koubi, Vally, Gabriele Spilker, Tobias Böhmelt, and Thomas Bernauer. 2013. “Do Natural Resources Matter for Interstate and Intrastate Armed Conflict?” *Journal of Peace Research* 51(2):227–43. doi: DOI: 10.1177/0022343313493455.

Krause, Jana. 2016. “Non-Violence and Civilian Agency in Communal War: Evidence from Jos, Nigeria.” *African Affairs*. doi: 10.1093/afraf/adw068.

Krause, Jana. 2021. “The Ethics of Ethnographic Methods in Conflict Zones.” *Journal of Peace Research*.

Kreft, Anne-Kathrin. 2019. “Responding to Sexual Violence: Women’s Mobilization in War.” *Journal of Peace Research* 56(2):220–33. doi: 10.1177/0022343318800361.

Krystalli, Roxani. 2018.“Negotiating Data Management with the National Science Foundation: Transparency and Ethics in Research Relationships.”

Lake, Milli. 2022. “Policing Insecurity.” *American Political Science Review* 1–17. doi: 10.1017/S0003055421001441.

Lake, Milli May. 2018. *Strong NGOs and Weak States: Pursuing Gender Justice in the Democratic Republic of Congo and South Africa*. 1st ed. Cambridge University Press.

Lalinde Ordóñez, Sebastián. 2019. *Elogio a La Bulla: Protesta y Democracia En Colombia*. Bogotá: Dejusticia.

Lambrou, Yianna. 1997. “The Changing Role of NGOs in Rural Chile After Democracy.” *Bulletin of Latin American Research* 16(1):107–16.

Le Billon, Philippe, María Cecilia Roa-García, and Angelica Rocío López-Granada. 2020. “Territorial Peace and Gold Mining in Colombia: Local Peacebuilding, Bottom-up Development and the Defence of Territories.” *Conflict, Security & Development* 20(3):303–33. doi: 10.1080/14678802.2020.1741937.

LeGrand, Catherine C. 2003. “The Colombian Crisis in Historical Perspective.” *Canadian Journal of Latin American and Caribbean Studies / Revue Canadienne Des Études Latino-Américaines et Caraïbes* 28(55–56):165–209. doi: 10.1080/08263663.2003.10816840.

LeGrand, Catherine C., Luis van Isschot, and Pilar Riaño-Alcalá. 2017. “Land, Justice, and Memory: Challenges for Peace in Colombia.” *Canadian Journal of Latin American and Caribbean Studies / Revue Canadienne Des Études Latino-Américaines et Caraïbes* 42(3):259–76. doi: 10.1080/08263663.2017.1378381.

Lemaitre, Julieta, and Kristin Bergtora Sandvik. 2015. “Shifting Frames, Vanishing Resources, and Dangerous Political Opportunities: Legal Mobilization among Displaced Women in Colombia.” *Law & Society Review* 49(1):5–38. doi: 10.1111/lasr.12119.

Levitsky, Steven, and María Victoria Murillo. 2013. “Building Institutions on Weak Foundations.” *Journal of Democracy* 24(2):93–107. doi: 10.1353/jod.2013.0031.

Lieberman, Evan S. 2005. “Nested Analysis as a Mixed-Method Strategy for Comparative Research.” *American Political Science Review* 99(03):435–52. doi: 10.1017/S0003055405051762.

Lindberg, Staffan I. 2004. “The Democratic Qualities of Competitive Elections: Participation, Competition and Legitimacy in Africa.” *Commonwealth & Comparative Politics* 42(1):61–105. doi: 10.1080/14662040408565569.

Lindblom, Charles Edward. 1977. *Politics and Markets: The World’s Political Economic Systems*. New York: Basic Books.

Loveman, Mara. 1998. “High-Risk Collective Action: Defending Human Rights in Chile, Uruguay, and Argentina.” *The American Journal of Sociology* 104(2):477–525.

Mac Ginty, Roger, and Oliver P. Richmond. 2013. “The Local Turn in Peace Building: A Critical Agenda for Peace.” *Third World Quarterly* 34(5):763–83. doi: 10.1080/01436597.2013.800750.

MacLean, Lauren, Rahman, Nabila, Turner, Robin, and Corbett, Jack. 2021. “Original Article: Disrupted Fieldwork: Navigating Innovation, Redesign, and Ethics during an Ongoing Pandemic.” doi: 10.5281/ZENODO.4046546.

Mahoney, James, and Gary Goertz. 2004. “The Possibility Principle: Choosing Negative Cases in Comparative Research.” *American Political Science Review* 98(04):653–69. doi: 10.1017/S0003055404041401.

Mahoney, James, and Kathleen Thelen. 2009. “A Theory of Gradual Institutional Change.” in *Explaining Institutional Change: Ambiguity, Agency, and Power*, edited by J. Mahoney and K. Thelen. New York, UNITED STATES: Cambridge University Press.

Mampilly, Zachariah, and Megan A. Stewart. 2020. “A Typology of Rebel Political Institutional Arrangements.” *Journal of Conflict Resolution* 002200272093564. doi: 10.1177/0022002720935642.

Martin, Philip A., Giulia Piccolino, and Jeremy S. Speight. 2022. “The Political Legacies of Rebel Rule: Evidence from a Natural Experiment in Côte d’Ivoire.” *Comparative Political Studies* 001041402110474. doi: 10.1177/00104140211047409.

Massé, Frédéric, and Philippe Le Billon. 2018. “Gold Mining in Colombia, Post-War Crime and the Peace Agreement with the FARC.” *Third World Thematics: A TWQ Journal* 3(1):116–34. doi: 10.1080/23802014.2017.1362322.

Masullo, Juan. 2018. “Civilian Noncooperation as a Source of Legitimacy: Innovative Youth Reactions in the Face of Local Violence.” Pp. 68–83 in *Local peacebuilding and legitimacy: interactions between national and local levels, Routledge studies in peace and conflict resolution*, edited by L. E. Hancock and C. R. Mitchell. Abingdon, Oxon ; New York, NY: Routledge.

Masullo, Juan. 2020. “Civilian Contention in Civil War: How Ideational Factors Shape Community Responses to Armed Groups.” *Comparative Political Studies* 001041402091228. doi: 10.1177/0010414020912285.

Matanock, Aila M. 2017. *Electing Peace: From Civil Conflict to Political Participation*. Cambridge: Cambridge University Press.

Matanock, Aila M., and Miguel García-Sánchez. 2018. “Does Counterinsurgent Success Match Social Support? Evidence from a Survey Experiment in Colombia.” *The Journal of Politics* 80(3):800–814. doi: 10.1086/694915.

Mayka, Lindsay. 2019a. *Building Participatory Institutions in Latin America: Reform Coalitions and Institutional Change*. Cambridge: Cambridge University Press.

Mayka, Lindsay. 2019b. “Society-Driven Participatory Institutions: Lessons from Colombia’s Planning Councils.” *Latin American Politics and Society* 61(02):93–114. doi: 10.1017/lap.2018.79.

McAdam, Doug. 1986. “Recruitment to High-Risk Activism: The Case of Freedom Summer.” *American Journal of Sociology* 92(1):64–90. doi: 10.1086/228463.

McCammon, Holly J., and Allison R. McGrath. 2015. “Litigating Change? Social Movements and the Court System.” *Sociology Compass* 9(2):128–39. doi: 10.1111/soc4.12243.

McCarthy, John D. 1996. “Constraints and Opportunities in Adopting, Adapting, and Inventing.” in *Comparative perspectives on social movements: political opportunities, mobilizing structures, and cultural framings*, *Cambridge studies in comparative politics*, edited by D. McAdam, J. D. McCarthy, and M. N. Zald. Cambridge: Cambridge University Press.

McCarthy, John D., and Mayer N. Zald. 1977. “Resource Mobilization and Social Movements: A Partial Theory.” *American Journal of Sociology* 82(6):1212–41.

McNeish, John-Andrew. 2017a. “A Vote to Derail Extraction: Popular Consultation and Resource Sovereignty in Tolima, Colombia.” *Third World Quarterly* 38(5):1128–45. doi: 10.1080/01436597.2017.1283980.

McNeish, John-Andrew. 2017b. “Extracting Justice? Colombia’s Commitment to Mining and Energy as a Foundation for Peace.” *The International Journal of Human Rights* 21(4):500–516. doi: 10.1080/13642987.2016.1179031.

McNulty, Stephanie L. 2015. “Barriers to Participation: Exploring Gender in Peru’s Participatory Budget Process.” *The Journal of Development Studies* 51(11):1429–43. doi: 10.1080/00220388.2015.1010155.

McNulty, Stephanie L. 2019. *Democracy from above? The Unfulfilled Promise of Nationally Mandated Participatory Reforms*. Stanford, California: Stanford University Press.

Mercer, Claire. 2002. "NGOs, Civil Society and Democratization: A Critical Review of the Literature." *Progress in Development Studies* 2(1):5–22. doi: 10.1191/1464993402ps027ra.

Meyer, D. S., and D. C. Minkoff. 2004. "Conceptualizing Political Opportunity." *Social Forces* 82(4):1457–92. doi: 10.1353/sof.2004.0082.

Milanese, Juan Pablo, and Juan Albarracín. 2022. "Electoral Decentralisation with Weak Parties. Analysis of Colombia's Subnational Elections." *Regional & Federal Studies* 1–13. doi: 10.1080/13597566.2022.2028279.

Mills, Charles Wright. 1956. *The Power Elite*. London: Oxford University Press.

Misión de Observación Electoral. 2012. *Mecanismos de Participación Ciudadana en Colombia: 20 Años de Ilusiones*. Bogotá: Misión de Observación Eelctoral.

Montambeault, Françoise. 2016. *The Politics of Local Participatory Democracy in Latin America: Institutions, Actors, and Interactions [Electronic Resource]*. Stanford, California: Stanford University Press.

Montambeault, Françoise, and Annabelle Dias Félix. 2021. "When Informality Matters: Participatory Security Reform and Mechanisms of Social Embeddedness in Nezahualcóyotl, Mexico." *Journal of Latin American Studies* 53(3):465–92. doi: 10.1017/S0022216X21000468.

M.P Cristina Pardo Schlesinger. 2018. *Expediente T 628958 - Sentencia SU095/18*.

Muñoz, María Teresa, and Juliana Peña Niño. 2019. *Estudio de Caso: Auge y Decadencia de Las Consultas Populares Como Cecanismo de Participación y Refrendaci´øn de La Voz Ciudadana En El Sector Extractivo En Colombia*. Bogotá: Fundación Foro Nacional Por Colombia.

Mwambari, David, Andrea Purdeková, and Aymar Nyenyezi Bisoka. 2021. "Covid-19 and Research in Conflict-Affected Contexts: Distanced Methods and the Digitalisation of Suffering." *Qualitative Research* 146879412199901. doi: 10.1177/1468794121999014.

Negrete Montes, Rodrigo E. 2013. "Derechos, Minería y Conflictos. Aspectos Normativos." Pp. 23–57 in *Minería en Colombia: fundamentos para superar el model extractivista*. Bogotá: Contraloría General de la República.

Oetzel, Jennifer, Michelle Westermann-Behaylo, Charles Koerber, Timothy L. Fort, and Jorge Rivera. 2009. "Business and Peace: Sketching the Terrain." *Journal of Business Ethics* 89(4):351–73. doi: 10.1007/s10551-010-0411-7.

Olarte-Olarte, María Carolina. 2019. “From Territorial Peace to Territorial Pacification: Anti-Riot Police Powers and Socio-Environmental Dissent in the Implementation of Colombia’s Peace Agreement.” *Revista de Estudios Sociales* (67):26–39. doi: 10.7440/res67.2019.03.

Olson, Mancur. 1971. *The Logic of Collective Action: Public Goods and the Theory of Groups*. Cambridge, Mass.: Harvard University Press.

Osborne, Matthew, Ben D’Exelle, and Arjan Verschoor. 2018. “Truly Reconciled? A Dyadic Analysis of Post-Conflict Social Reintegration in Northern Uganda.” *Journal of Peace Research* 55(1):107–21. doi: 10.1177/0022343317729011.

Osterling, Jorge P. 1989. *Democracy in Colombia: Clientelist Politics and Guerrilla Warfare*. New Brunswick, New Jersey: Transaction Publishers.

Pabón, Fabio Andrés Díaz. 2017. “Protests Campaigns and Civil War: Can Continuous Processes Be Studied with a ‘Discrete’ Theory?”.

Palacios, Marco. 2006. *Between Legitimacy and Violence: A History of Colombia, 1875-2002*. Durham: Duke University Press.

Pardo, Daniel. 2021. “Paro Nacional En Colombia: Cuánto Influyeron Realmente Las Protestas En Que Sea En La Actualidad Uno de Los Países Más Afectados Por La Pandemia - BBC News Mundo.” *BBC News*. Retrieved March 15, 2022 (https://www.bbc.com/mundo/noticias-america-latina-57507296).

Paris, Roland. 2004. *At War’s End: Building Peace after Civil Conflict*. Cambridge: Cambridge University Press.

Parkinson, Sarah Elizabeth. 2013. “Organizing Rebellion: Rethinking High-Risk Mobilization and Social Networks in War.” *American Political Science Review* 107(03):418–32. doi: 10.1017/S0003055413000208.

Payne, Leigh A. 1994. *Brazilian Industrialists and Democratic Change*. Baltimore: Johns Hopkins University Press.

Payne, Leigh A., and Gabriel Pereira. 2016. “Corporate Complicity in International Human Rights Violations.” *Annual Review of Law and Social Science* 12(1):63–84. doi: 10.1146/annurev-lawsocsci-110615-085100.

Payne, Leigh A., Gabriel Pereira, and Laura Bernal Bermúdez. 2020. *Transitional Justice and Corporate Accountability from Below: Deploying Archimedes’ Lever*. New York: Cambridge University Press.

Payne, Leigh A., Gabriel Pereira, and Laura Bernal Bermúdez. 2022. *Economic Actors and the Limits of Transitional Justice: Truth and Justice for Business Complicity in Human Rights Violations*. Oxford: Oxford University Press.

Peck, Laura R. 2008. “Do Antipoverty Nonprofits Locate Where People Need Them? Evidence From a Spatial Analysis of Phoenix.” *Nonprofit and Voluntary Sector Quarterly* 37(1):138–51. doi: 10.1177/0899764006298963.

Pereira, Gabriel, Leigh A. Payne, and Laura Bernal Bermúdez. 2022. “Justice from below: Corporate Accountability in Argentina.” *The International Journal of Human Rights* 1–37. doi: 10.1080/13642987.2022.2027764.

Ponce, Aldo F., and Cynthia McClintock. 2014. “The Explosive Combination of Inefficient Local Bureaucracies and Mining Production: Evidence from Localized Societal Protests in Peru.” *Latin American Politics and Society* 56(03):118–40. doi: 10.1111/j.1548-2456.2014.00243.x.

Poulantzas, Nicos Ar. 1973. *Political Power and Social Classes*. London: NLB; Sheed and Ward.

Prakash, Aseem, and Mary Kay Gugerty, eds. 2010. *Advocacy Organizations and Collective Action*. Cambridge: Cambridge University Press.

Prieto, Carlos, Catalina Rocha, and Isabela Marín. 2014. *Seis tesis sobre la evolución reciente del*. 23. Bogotá: Fundación Ideas Para La Paz.

Prieto, Juan Diego. 2012. “Together after War While the War Goes On: Victims, Ex-Combatants and Communities in Three Colombian Cities.” *International Journal of Transitional Justice* 6(3):525–46. doi: 10.1093/ijtj/ijs022.

Puljek-Shank, Randall. 2017. “Dead Letters on a Page? Civic Agency and Inclusive Governance in Neopatrimonialism.” *Democratization* 24(4):670–88. doi: 10.1080/13510347.2016.1206081.

Quijano-Mejía, Claudia, and Johana Linares-García. 2017. “Peasant Reserve Zone: territorialities on dispute.” *Revista de Trabajo Social e Intervención Social* (24):225–51.

Ramírez, María Clemencia. 2011a. *Between the Guerrillas and the State: The Cocalero Movement, Citizenship, and Identity in the Colombian Amazon*. Durham, N.C. : Chesham: Duke University Press ; Combined Academic distributor.

Ramírez, María Clemencia. 2011b. *Citizens’ Media against Armed Conflict Disrupting Violence in Colombia*. Minneapolis: University of Minnesota Press.

Reed, Stanley. 2019. “Fracking Wasn’t Supposed to Cause Quakes in U.K. But Then the Ground Shook.” *The New York Times*. Retrieved March 31, 2022 (https://www.nytimes.com/2019/01/21/business/energy-environment/fracking-britain-cuadrilla-resources.html).

Registraduría de Colombia. 2013. *EN CONSULTA POPULAR CELEBRADA EL DOMINGO 28 DE JULIO, LOS HABITANTES DE PIEDRAS, TOLIMA DIJERON*

"NO" A LA EXPLORACIÓN MINERA EN SU MUNICIPIO. Ibagué, Tolima: Registraduría Nacional del Estado Civil.

Restrepo, Jorge A., Michael Spagat, and Juan F. Vargas. 2003. *The Dynamics of the Colombian Civil Conflict: A New Data Set*. *SSRN Scholarly Paper*. ID 480247. Rochester, NY: Social Science Research Network.

Rettberg, Angelika, and Juan Felipe Ortiz-Riomalo. 2016. "Golden Opportunity, or a New Twist on the Resource–Conflict Relationship: Links Between the Drug Trade and Illegal Gold Mining in Colombia." *World Development* 84:82–96. doi: 10.1016/j.worlddev.2016.03.020.

Rettberg, Angelika, and Juan Felipe Ortiz-Riomalo. 2018. "Minería de Oro, Conflicto y Criminalidad En Los Albores Del Siglo XXI En Colombia: Perspectivas Para El Posconflicto Colombiano." *Colombia Internacional* (93):17–63. doi: 10.7440/colombiaint93.2018.02.

Rettberg, Angelika, and Juan Diego Prieto. 2018. "Conflicto crudo: Petróleo, conflicto armado y criminalidad en Colombia."

Reyes Bohorquez, Andrea. 2013. "Las zonas de reserva campesina como figuras para el desarrollo rural colombiano Peasant reserve areas as figures for colombian rural development." *Perspectivas Rurales* 11(22):12.

Rhodes-Purdy, Matthew. 2017. "Participatory Governance in Latin America: Promises and Limitations." *Latin American Politics and Society* 59(3):122–31. doi: 10.1111/laps.12029.

Rich, Jessica A. J. 2019. "Making National Participatory Institutions Work: Bureaucrats, Activists, and AIDS Policy in Brazil." *Latin American Politics and Society* 61(2):45–67. doi: 10.1017/lap.2018.80.

Rich, Jessica A. J., Lindsay Mayka, and Alfred P. Montero. 2019. "Introduction The Politics of Participation in Latin America: New Actors and Institutions." *Latin American Politics and Society* 61(02):1–20. doi: 10.1017/lap.2018.74.

Riofrancos, Thea N. 2017. "Scaling Democracy: Participation and Resource Extraction in Latin America." *Perspectives on Politics* 15(03):678–96. doi: 10.1017/S1537592717000901.

Roa-García, María Cecilia. 2017. "Environmental Democratization and Water Justice in Extractive Frontiers of Colombia." *Geoforum* 85:58–71. doi: 10.1016/j.geoforum.2017.07.014.

Rochlin, James. 2015. "Boom, Bust and Human Security in the Extractive Sector: The Case of Colombia." *The Extractive Industries and Society* 2(4):734–45. doi: 10.1016/j.exis.2015.06.006.

Rodríguez Garavito, César A., and Boaventura de Sousa Santos, eds. 2005. *Law and Globalization from below: Towards a Cosmopolitan Legality*. Cambridge, UK ; New York: Cambridge University Press.

Rodriguez-Franco, Diana. 2017. "Participatory Insititutions and Environmental Protection: Popular and Prior Consultations in Latin America." Ph.D., Northwestern University, Evanston, IL.

Rodríguez-Garavito. 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. doi: 10.2979/indjglolegstu.18.1.263.

Rodriguez-Garavito, Cesar. 2011. "Beyond the Courtroom: The Impact of Judicial Activism on Socioeconomic Rights in Latin America." *Texas Law Review* 89(7):1669–98.

Rodriguez-Garavito, César. 2014. "Amphibious Sociology: Dilemmas and Possiblities of Public Sociology in a Multimedia World." *Current Sociology* 62(2):156–67.

Rodríguez-Garavito, Cesar. 2014. *Law and Society in Latin America: A New Map*. London: Routledge.

Roldán, Mary. 2002. *Blood and Fire: La Violencia in Antioquia, Colombia, 1946-1953*. Durham: Duke University Press.

Ruiz Romero, Gabriel. 2012. "Voices Around Us: Memory and Community Empowerment in Reconstruction Efforts in Colombia." *International Journal of Transitional Justice* 6(3):547–57. doi: 10.1093/ijtj/ijs018.

Ruiz Ruiz, Nubia Yaneth, Mercedes Castillo de Herrera, and Karen Forero Niño. 2018. *Geopolítica del despjo: Minería y violencia en Colombia*. Bogotá: Universidad Nacional de Colombia.

Santos, Boaventura de Sousa. 2005. "Two Democracies, Two Legalities: Participatory Budgeting in Porto Alegre, Brazil." Pp. 311–38 in *Law and globalization from below: towards a cosmopolitan legality*, *Cambridge studies in law and society*, edited by C. A. Rodríguez Garavito and B. de S. Santos. Cambridge, UK ; New York: Cambridge University Press.

Santos, Juan Manuel. 2017."Palabras Del Presidente Juan Manuel Santos En La Clausura Del Congreso Nacional de Minería 2017." Presented at the Congreso Nacional de Minería, May 12, Cartagena.

Schonwalder, Gerd. 1997. "New Democratic Spaces at the Grassroots? Popular Participation in Latin American Local Governments." *Development and Change* 28(4):753–70. doi: 10.1111/1467-7660.00063.

Segura, Renata, and Delphine Mechoulan. 2017. *Made in Havana: How Colombia and the FARC Decided to End the War*. New York: International Peace Institute.

Shenk, Jamie. 2016. "Where Were You When the Killed Lara Bonilla?: Politics of Drugs and Peace in Colombia (1982-1984)." Undergraduate Thesis, Princeton University, Princeton.

Shenk, Jamie L. 2021. "Consultations and Competing Claims: Implementing Participatory Institutions in Colombia's Extractives Industries." *Comparative Politics*. doi: 10.5129/001041522X16358097946287.

Shesterinina, Anastasia. 2021. "Sources of Evidence and Openness in Field-Intensive Research on Violent Conflict." *Politics, Groups, and Identities* 1–7. doi: 10.1080/21565503.2021.1950015.

Shoemaker, Pamela J., and Tim P. Vos. 2009. *Gatekeeping Theory*. New York: Routledge.

Small, Mario Luis. 2011. "How to Conduct a Mixed Methods Study: Recent Trends in a Rapidly Growing Literature." *Annual Review of Sociology* 37(1):57–86. doi: 10.1146/annurev.soc.012809.102657.

Smith, Jackie, Charles Chatfield, and Ron Pagnucco. 1997. *Transnational Social Movements and Global Politics: Solidarity beyond the State*. Syracuse, N.Y.: Syracuse University Press.

Smith, Jackie, Samantha Plummer, and Melanie M. Hughes. 2017. "Transnational Social Movements and Changing Organizational Fields in the Late Twentieth and Early Twenty-First Centuries." *Global Networks* 17(1):3–22. doi: 10.1111/glob.12152.

Soss, Joe. 2018. "On Casing a Study versus Studying a Case." *Qualitative and Multi-Method Research* 16(1):21–27. doi: 10.5281/zenodo.2562167.

Spalding, Rose J. 2014. "Horizontalism and the Anti-Mining Movement." Pp. 312–39 in *Rethinking Latin American social movements: radical action from below, Latin American perspectives in the classroom*, edited by R. Stahler-Sholk, H. E. Vanden, and M. Becker. Lanham: Rowman & Littlefield.

Specht, Doug, and Mirjam AF Ros-Tonen. 2017. "Gold, Power, Protest: Digital and Social Media and Protests against Large-Scale Mining Projects in Colombia." *New Media & Society* 19(12):1907–26. doi: 10.1177/1461444816644567.

Staggenborg, Suzanne. 2020. *Grassroots Environmentalism*. Cambridge: Cambridge University Press.

Steele, Abbey. 2017. *Democracy and Displacement in Colombia's Civil War*. Ithaca: Cornell University Press.

Steenkamp, Chrissie. 2005. “The Legacy of War: Conceptualizing a ‘Culture of Violence’ to Explain Violence after Peace Accords.” *The Round Table* 94(379):253–67. doi: 10.1080/00358530500082775.

Stroup, Sarah S. 2022. “NGOs and States: Exploring National Diversity and Global Liberalism.” *International Studies Review* 24(1):viac011. doi: 10.1093/isr/viac011.

Tapias Torrado, Nancy R. 2020. “Indigenous Women Leading the Defence of Human Rights from the Abuses by Mega-Projects in Latin America, in the Face of Extreme Violence.” University of Oxford, Oxford.

Tarozzi, Massimiliano. 2020. *What Is Grounded Theory?* Bloomsbury ACADEMIC.

Tarrow, Sidney. 2001. “Transnational Politics: Contention and Institutions in International Politics.” *Annual Review of Political Science* 4(1):1–20. doi: 10.1146/annurev.polisci.4.1.1.

Tarrow, Sidney G. 2011. *Power in Movement: Social Movements and Contentious Politics*. Rev. & updated 3rd ed. Cambridge ; New York: Cambridge University Press.

Taussig, Michael T. 2004. *my cocaine museum*. Chicago: University of Chicago Press.

Theidon, Kimberly. 2006. “Justice in Transition: The Micropolitics of Reconciliation in Postwar Peru.” *Journal of Conflict Resolution* 50(3):433–57. doi: 10.1177/0022002706286954.

Tilly, Charles. 1978. *From Mobilization to Revolution*. Reading, Mass. ; London: Addison-Wesley.

Tilly, Charles. 2006. *Regimes and Repertoires*. Chicago: University of Chicago Press.

van Tongeren, Paul. 2013. “Potential Cornerstone of Infrastructures for Peace? How Local Peace Committees Can Make a Difference.” *Peacebuilding* 1(1):39–60. doi: 10.1080/21647259.2013.756264.

Toomer, G. J., and Alexander Jones. 1986. *Pappus of Alexandria Book 7 of the Collection: Part 1. Introduction, Text, and Translation.* New York: Springer New York.

Torres, Eduardo Martínez. 2014. “Conflictos y marcos de acción colectiva sobre y por territorios asociados con proyectos mineros a gran escala: Ecuador y Colombia.” *Revista Colombiana de Sociología* 37(2):19–42.

Tsebelis, George. 2002. *Veto Players: How Political Institutions Work*. Princeton, N.J: Princeton University Press.

Tubb, Daniel. 2020. *Shifting Livelihoods: Gold Mining and Subsistence in the Chocó Colombia*. Seattle: University of Washington Press.

Ulloa, Astrid, ed. 2016. *Extractivismos y posconflicto en Colombia: retos para la paz territorial*. Primera edición. Bogotá, D.C., Colombia: CINEP/Programa por la Paz : Universidad Nacional de Colombia.

Uribe de Hincapié, María Teresa. 2006. "Notas preliminares sobre resistencias de la sociedad civil en un contexto de guerras y transacciones." *Estudios Políticos* (29):62–78.

Van Isschot, Luis. 2015. *The Social Origins of Human Rights: Protesting Political Violence in Colombia's Oil Capital, 1919-2010*. Madison, Wisconsin: The University of Wisconsin Press.

Vanhala, Lisa. 2012. "Legal Opportunity Structures and the Paradox of Legal Mobilization by the Environmental Movement in the UK." *Law & Society Review* 46(3):523–56. doi: 10.1111/j.1540-5893.2012.00505.x.

Vanhala, Lisa. 2018a. "Is Legal Mobilization for the Birds? Legal Opportunity Structures and Environmental Nongovernmental Organizations in the United Kingdom, France, Finland, and Italy." *Comparative Political Studies* 51(3):380–412. doi: 10.1177/0010414017710257.

Vanhala, Lisa. 2018b. "Shaping the Structure of Legal Opportunities: Environmental NGOs Bringing International Environmental Procedural Rights Back Home." *Law & Policy* 40(1):110–27. doi: 10.1111/lapo.12093.

Vargas Castillo, Andrés Ricardo. 2019. "Legacies of Civil War: Wartime Governance and Communal Authority in Rural Colombia." Yale University, New Haven.

Vargas, Gonzalo A. 2019. "Social Mobilisation in Colombia's Extractive Industries, 2000–2015." *The Extractive Industries and Society*. doi: 10.1016/j.exis.2019.06.002.

Vasquez, Patricia I. 2014. *Oil Sparks in the Amazon: Local Conflicts, Indigenous Populations, and Natural Resources*. Athens: University of Georgia Press.

Velasco, Marcela. 2015. "Social Movement Contention in Colombia, 1958-2014." in *Handbook of Social Movements Across Latin America*, edited by P. Almeida. Dordrecht: Springer.

Vélez, María Alejandra, and Iván Lobo. 2019. "Challenges of Organised Community Resistance in the Context of Illicit Economies and Drug War Policies: Insights from Colombia." *Journal of Illicit Economies and Development* 1(1):72–79. doi: 10.31389/jied.15.

Vélez-Torres, Irene. 2014. "Governmental Extractivism in Colombia: Legislation, Securitization and the Local Settings of Mining Control." *Political Geography* 38:68–78. doi: 10.1016/j.polgeo.2013.11.008.

Vélez-Torres, Irene. 2022. “Slow Violence in Mining and Crude Oil Extractive Frontiers: The Overlooked Resource Curse in the Colombian Internal Armed Conflict.” *The Extractive Industries and Society* 13.

Vélez-Torres, Irene, and Fabián Méndez. 2022. “Slow Violence in Mining and Crude Oil Extractive Frontiers: The Overlooked Resource Curse in the Colombian Internal Armed Conflict.” *The Extractive Industries and Society* 9. doi: https://doi.org/10.1016/j.exis.2021.101017.

Vicepresidencia de la República. 2002. *Panorama Actual Del Tolima*. 9. Bogotá: Observatorio del Programa Presidecial de Derechos Humanos y Derecho Internacional Humanitario.

Vogel, David. 1978. “Why Businessmen Distrust Their State: The Political Consciousness of American Corporate Executives.” *British Journal of Political Science* 8(1):45–78. doi: 10.1017/S0007123400001216.

Voors, Maarten J., Eleonora E. M. Nillesen, Philip Verwimp, Erwin H. Bulte, Robert Lensink, and Daan P. Van Soest. 2012. “Violent Conflict and Behavior: A Field Experiment in Burundi.” *American Economic Review* 102(2):941–64. doi: 10.1257/aer.102.2.941.

de Vries, Lotje, and Tim Glawion. 2021. “Studying Insecurity from Relative Safety — Dealing with Methodological Blind Spots.” *Qualitative Research* 146879412110610. doi: 10.1177/14687941211061061.

Walter, Mariana, and Leire Urkidi. 2017. “Community Mining Consultations in Latin America (2002–2012): The Contested Emergence of a Hybrid Institution for Participation.” *Geoforum* 84:265–79. doi: 10.1016/j.geoforum.2015.09.007.

Wampler, Brian. 2007. *Participatory Budgeting in Brazil: Contestation, Cooperation, and Accountability*. University Park, Pa: Pennsylvania State University Press.

Wampler, Brian. 2008. “When Does Participatory Democracy Deepen the Quality of Democracy? Lessons from Brazil.” *Comparative Politics* 41(1):61–81. doi: 10.5129/001041508X12911362383679.

Warnaars, Ximena. 2013. “Territorial Transformations in El Pangui, Ecuador: Understanding How Mining Conflict Affects Territorial Dynamics, Social Mobilization, and Daily Life.” Pp. 149–72 in *Subterranean Struggles: New Dynamics of Mining, Oil, and Gas in Latin America*, edited by A. Bebbington and J. Bury. Austin, Tex.: University of Texas Press.

Welp, Yanina, and Juan Pablo Milanese. 2018. “Playing by the Rules of the Game: Partisan Use of Recall Referendums in Colombia.” *Democratization* 25(8):1379–96. doi: 10.1080/13510347.2017.1421176.

Wolford, Wendy. 2010. “Participatory Democracy by Default: Land Reform, Social Movements and the State in Brazil.” *The Journal of Peasant Studies* 37(1):91–109. doi: 10.1080/03066150903498770.

Wood, Elisabeth Jean. 2003. *Insurgent Collective Action and Civil War in El Salvador*. New York: Cambridge University Press.

Wood, Elisabeth Jean. 2006. “The Ethical Challenges of Field Research in Conflict Zones.” *Qualitative Sociology* 29(3):373–86. doi: 10.1007/s11133-006-9027-8.

Wood, Elisabeth Jean. 2008. “The Social Processes of Civil War: The Wartime Transformation of Social Networks.” *Annual Review of Political Science* 11(1):539–61. doi: 10.1146/annurev.polisci.8.082103.104832.

Wright, Erik Olin. 2010. *Envisioning Real Utopias*. London: Verso.

Yanow, Dvora, and Peregrine Schwartz-Shea, eds. 2014. *Interpretation and Method: Empirical Research Methods and the Interpretive Turn*. 2nd ed. Armonk, N.Y: M.E. Sharp, Inc.

Young, Iris Marion. 2000. *Inclusion and Democracy*. Oxford: Oxford University Press.

Zald, Mayer N., and Roberta Ash. 1966. “Social Movement Organizations: Growth, Decay, and Change.” *Social Forces* 44(3):327–41. doi: https://doi.org/10.1093/sf/44.3.327.

Zemans, Frances Kahn. 1983. “Legal Mobilization: The Neglected Role of the Law in the Political System.” *American Political Science Review* 77(03):690–703. doi: 10.2307/1957268.

Zuckerman Daly, Sarah. 2012. “Organizational Legacies of Violence: Conditions Favoring Insurgency Onset in Colombia, 1964-1984.” *Journal of Peace Research* 79(3):473–91. doi: https://doi.org/10.1177/0022343311435801.

Zulver, Julia. 2022. *High-Risk Feminism in Colombia: Women’s Mobilization in Violent Contexts*. New Brunswick, NJ: Rutgers University Press.

Appendix

Table A.1. Completed *consultas populares* in Colombia prior to 2013

Municipality	Department	Date	Issue	Reached Threshold
Aguachica	Cesar	August 27, 1995	Peace	No
Santa Marta	Magdalena	October 27, 1995	Peace	No
Santa Marta	Magdalena	October 27, 1995	Environment	No
Malambo Soledad	Atlántico	August 27, 1996	Administrative	Yes
Puerto Tejada	Cauca	October 20, 1996	Administrative	Yes
Duitama	Boyacá	December 15, 1996	Municipal Services	No
Duitama	Boyacá	December 15, 1996	Municipal Services	No
Córdoba	Quindío	March 2, 1997	Municipal Services	Yes
El Roble	Sucre	September 2, 1996	Administrative	Yes
Valledupar Agustín Codazzi La Paz Manaré Balcón del Cesar San Diego	Cesar	March 8, 1998	Administrative	Yes
Galapa	Atlántico	July 26, 1998	Administrative	Yes
Cartagena	Bolívar	November 26, 1998	Administrative	Yes
Guadalupe	Huila	July 11, 1999	Municipal Services	No
Tolú	Sucre	July 18, 1999	Administrative	Yes
Bolívar Sucre	Cauca	July 18, 1999	Administrative	Yes
Balboa	Risaralda	October 31,1999	Administrative	No
Villanueva	La Guajira	December 19, 1999	Peace	No
San Juan del Cesar	La Guajira	December 19, 1999	Peace	No
Fonseca	La Guajira	December 19, 1999	Peace	No
Tamalameque	Cesar	February 29, 2000	Administrative	Yes
Bogotá	D.C.	October 29, 2000	Environment	Yes
Bogotá	D.C.	October 29, 2000	Environment	No
Sopetrán	Antioquia	July 22, 2001	Municipal Services	No
San Juan del Cesar	La Guajira	July 29, 2001	Administrative	Yes
Turbaco	Bolívar	September 16, 2001	Administrative	Yes
Yarumal	Antioquia	September 2, 2001	Municipal Services	No
Nemocón	Cundinamarca	May 26, 2006	Environment	No
Nemocón	Cundinamarca	May 26, 2006	Municipal Services	Yes
Ramiriquí	Boyacá	January 11, 2009	Municipal Services	No
Brazuelo de Papayal	Bolívar	January 23, 2011	Administrative	Yes
San Pablo del Norte	Bolívar	February 27, 2011	Administrative	Yes

Source: Author's elaboration with information from https://www.registraduria.gov.co/-Consultas-Populares,2411-.html

A.2. Constructing territorial control variables (Chapter Five).[127]

To construct my variables for armed group territorial control, I replicate and expand the dataset constructed by Aila Matanock and Miguel García-Sánchez (2018). Those authors note that measuring territorial control from observable variables is difficult; raw indicators of violence are not sufficient, as violence often *decreases* when armed groups consolidate control over an area. What we can do, as scholars, is 'use what we can observe (patterns of violence) to capture a phenomenon that has an unobservable dimension (armed actor control)'. Matanock and García-Sánchez do this by using Daniel Nagin's technique for identifying patterns and trajectories from longitudinal data. Rather than using raw measures of violence, this technique identifies common patterns of the ebb and flow of violent actions by actor subgroup. They find, as do I when I repeat their analysis, 'clear differences in patterns across the sample [violent events between 1993-2013 in Colombian municipalities] but similarities within subgroups [municipalities with different kinds of control].'

In-keeping with Matanock an García-Sánchez, contested, FARC-controlled, and paramilitary-controlled municipalities display identifiable patterns of violent events. 'Contested municipalities feature high levels of violent events perpetrated by multiple armed actors… Municipalities controlled or under strong influence of guerrilla groups, on the other hand, feature a few violent events by paramilitary groups, for example, but then guerrilla-perpetrated violent events that then decrease over time as the guerrillas consolidate a hegemonic position'. In other words, municipalities that are under the consolidated control of a non-state armed actor feature initially high rates of violence by that actor, and then a decrease in violent events by that armed actor.

Using this knowledge, I plot and hand-coded armed actor presence in the 985 municipalities included in my dataset. I follow Matanock and García-Sánchez's criteria: 'For paramilitary groups, the single trajectory of paramilitary violence identified by the model as optimal during this period, aside from no activity, is decreasing and then stable. Thus, if the paramilitaries are active during this period, they are thought to come out on top of the guerrillas at the end given their level of activity compared to those of the guerillas: in two of the intersections, paramilitary control resulted because the path of paramilitary actions (*Decreasing – stable*) was clearly above the guerrillas' trajectories (*No action* and *Moderate –decreasing)*; in the third (paramilitaries' *Decreasing – stable* and guerrillas' *High - decreasing* trajectories) is less clear, but our understanding, including from the qualitative benchmarking presented in the paper, is that, although guerrillas are active, the paramilitaries overpower them at the end of the period. For the guerrillas, however, when the paramilitary has no action in this period, and the guerillas still maintain a *High-decreasing* trajectory, this should result in dominance by the guerrillas'. When patterns of violence are difficult to distinguish between guerrilla-favoring, paramilitary-favoring and state-favoring, I create two measures. One measure codes the municipality as in control of the armed group. The other, more conservative estimate codes the municipality as under State control.

Comparisons of my expanded dataset to that used by Matanock and García-Sánchez demonstrate significant overlap in our coding. T-tests comparing municipalities

[127] This section quotes, at length, portions of the online appendix to Matanock and García-Sánchez's (2018) article on social support for counterinsurgency in Colombia.

coded as guerrilla-controlled show that the datasets do not display statistically significant differences for either more or less conservative coding. Differences in coding for paramilitary control are also not statistically significant.

Distribution of municipalities in dataset (less conservative)

Guerrilla control	Paramilitary control	State control
29%	14.8%	56%

Distribution of municipalities in dataset (more conservative)

Guerrilla control	Paramilitary control	State control
22.4%	0.09%	76.7

Distribution of cases:

	No FARC hegemony	FARC hegemony	Total
No *consulta* mobilization	637	255	892
Consulta mobilization	61	31	92
Total	698	286	984

	No paramilitary hegemony	Paramilitary hegemony	Total
No *consulta* mobilization	769	123	892
Consulta mobilization	69	23	92
Total	838	146	984

List of Municipalities in Matanock & Gárcía-Sanchez data

Antioquia	Caucasia
Antioquia	Medellín
Antioquia	Itagui
Antioquia	Envigado
Antioquia	Turbo
Antioquia	Taraz
Atlántico	Barranquilla
Atlántico	Malambo
Bogotá D.C.	Bogotá, D.C.
Bolívar	Turbaco
Caldas	Manizales
Caquetá	Florencia
Casanare	Yopal
Cauca	Piendamó
Cauca	Rosas
Cesar	Aguachica
Cesar	Agustín Codazzi
Córdoba	Tierralta
Córdoba	Planeta Rica
Córdoba	Montería
Cundinamarca	Madrid
Cundinamarca	Cota
Cundinamarca	Villeta
Huila	Gigante
Huila	Hobo
Huila	Neiva
Magdalena	Ciénaga
Magdalena	Santa Marta
Meta	Fuente de Oro
Meta	Acacías
Meta	Villavicencio
Nariño	Buesaco
Nariño	San Andres de Tumaco
Norte de Santande	Cúcuta
Putumayo	Orito
Putumayo	Puerto Asís
Quindio	Quimbaya
Santander	Lebrija
Santander	Barrancabermeja
Valle del Cauca	Cali
Valle del Cauca	Cartago
Valle del Cauca	Andalucía
Valle del Cauca	Calima
Valle del Cauca	Jamundí
Valle del Cauca	Buenaventura