

Shifting Frames, Vanishing Resources, and Dangerous Political Opportunities: Legal Mobilization among Displaced Women in Colombia

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Abstract

How can we make sense of the use of legal claims and tactics under conditions of internal displacement and armed conflict? This article argues that in violent contexts mobilization frames are unstable and constantly shifting, resources tend to vanish, and political opportunities often imply considerable physical danger. It is grounded on a three-year, multi-method study that followed internally displaced women's organizations as they demanded government assistance and protection in Colombia. Through detailed examples of specific cases, this article illustrates the constraints of legal mobilization in violent contexts, as well as different social movement strategies of resistance. It thus contributes to decentering theories of social movement uses of law that tend to be based on the legal cultures and institutions of industrialized liberal democracies, rather than on those of the Global South, and hence, tend to exclude violence.

Colombia is a constitutional democracy with a strong administrative state and a steadily growing economy. Its 1991 constitution and Constitutional Court are widely viewed as representative of a new Latin American constitutionalism that is both liberal and egalitarian. Since the adoption of this constitution, a variety of grassroots organizations have relied on the strong enforcement mechanisms of the Constitutional Court, as well as on the Court's progressive activism. At the same time, Colombia has been engaged in a protracted civil conflict involving guerrilla warfare, counterinsurgency and drug war operations, paramilitary armies, and extensive militarization of everyday life. The conflict has resulted in massive internal displacement affecting millions of peasants. However, among the numerous grassroots organizations asking the Constitutional Court for relief there is a vigorous presence of internally displaced people.

How can we make sense of the use of legal claims and tactics under conditions of internal displacement and armed conflict? More generally, what impacts does violence have on legal mobilization and collective action by vulnerable groups? In order to explain legal mobilization in conditions of conflict and acute insecurity, we focus on the dynamics between internally displaced women and the law in Colombia, and use detailed empirical descriptions to ground a theory of legal mobilization in violent contexts.

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Internally displaced persons (henceforth IDP) form a significant portion of Colombia's 48 million inhabitants (DANE 2014.) Armed conflict, waged mostly in rural areas, has taken an enormous toll on civilian populations. According to official data, as of October 2014, almost 7 million Colombians had registered as victims of armed conflict. The vast majority is rural residents forced to migrate to urban areas, giving up their land and livelihoods. At 5, 9 million, Colombia has one of the highest rates of internal displacement in the world (UARIV 2014, IDMC 2014). Most IDP are individuals and families that have fled either to small or midsized cities in their own regions, or to large urban centers, joining the ranks of the urban poor. IDP struggle to survive in informal housing and unregulated labor markets; they also face great difficulties accessing already overtaxed poverty-alleviation programs (Ibáñez & Moya 2010). IDP are discriminated on the basis of their rural (and often racial) origins, as well as their political identities: many Colombians imagine IDP to be guerrilla collaborators, paramilitary informants, or participants in the drug trade. Indigenous and Afro-Colombian communities, which are disproportionately represented within the displaced population, also face culture loss. Women and girls, who constitute slightly over half the IDP population face additional gender-specific risks, such as sexual violence and poor maternal health; women also have a comparatively greater risk of losing property without compensation (Meertens 2010; OAS 2006; Centro de Memoria Histórica 2010, 2011).

The problems confronting IDP are not limited to poverty, discrimination, and loss of livelihood and of community. Despite a favorable legal framework and an abundance of supportive institutions, IDP also face enormous difficulties when attempting to organize in order to claim rights, largely because of the persistent violence that characterizes their environment. Since 2000, hundreds of social movement leaders (including leaders from the IDP community and human rights defenders) have been killed or disappeared (Somos Defensores 2013), and threats, harassment, and physical attacks are part of everyday life. Not surprisingly, few IDP belong to any type of organization, a problem that is compounded by low levels of legal literacy (Comisión de Seguimiento 2008; Petesch & Gray 2009).

Despite these obstacles, a vocal network of organizations has mobilized to defend the rights of internally displaced women; they often use legal forums and institutions, as well as rights discourse, to do so. Much of this activism has emerged in response to the Constitutional Court's 2004 orders for structural reform of the government's humanitarian response to internal displacement; it has also benefited from the interest of international donors and agencies. More recently, with the adoption of a legal framework of transitional justice, through Law 975 of 2005 (the Justice and Peace Law) and Law 1448 of 2011 (the Victims' Law), women's IDP organizations have also positioned themselves as beneficiaries of truth, justice, and reparations. Such activities, however, carry personal and collective risk, including threats, physical attacks, and assassination.

There is ample literature—both theoretical analysis and case studies—on law and social movements (for succinct overviews, see Vanhala 2011; Tsutsui et al. 2012). For the most part, however, such literature is based on the legal cultures and institutions associated with liberal democracies in industrialized countries. These studies do not adequately address the impact of contextual differences on dominant theories, particularly the implications of violent contexts on legal mobilization.

Likewise, the literature on women in conflict evades the question of legal mobilization in violent contexts. In theory, absent state collapse, the best way for women to claim rights should be through civic and political organizations that are capable of holding

the existing state accountable for lack of protection. Citizen participation in humanitarian crisis and transitional justice is often mentioned as the appropriate way to guarantee human rights (De Greiff & Rubio 2007). However, there is little to no consideration in the literature of the risks of citizen participation in violent contexts, low-intensity conflict, or transitional situations, nor is there research on the ways that such participation actually occurs.

We use materials collected in a three-year study of internally displaced women and their organizations to illustrate a theory of legal mobilization that takes insecurity and violence into account. Using insights from Colombia, this article addresses the gap in theories about legal mobilization in violent contexts. It is based on extensive fieldwork. Between 2009 and 2013, the research team—which consisted of the authors, three graduate students, and two undergraduate research assistants—conducted a multi-method study that followed internally displaced women’s organizations as they demanded government assistance and protection. We maintained updated reviews of the literature and press coverage of internal displacement in Colombia and we also mapped internally displaced women’s organizations. By 2013, we had identified 66 organizations in 26 of Colombia’s 32 provinces and interviewed 63 of their leaders; we also recorded their public appearances in various forums and collected media coverage of their appearances. We interviewed key government officials and observed twelve extended public meetings between IDP leaders and government entities. We spent between six months and a year with each of six women’s IDP organizations, producing extended case studies.

This article addresses the gap in the legal mobilization literature by exploring the impact of violence and insecurity on legal mobilization. Grounding our theory in abundant data, we adapted three key concepts commonly used to explain collective action: frames, resources and political opportunities. We argue that in violent contexts mobilization frames are unstable and constantly shifting and resources tend to vanish and political opportunities often imply considerable physical danger. Finally we argue that violence and insecurity are not insurmountable obstacles to legal mobilization, and describe the forms of resistance that sustain it in violent contexts. We thus contribute to decentering theories of social movement uses of law that tend to be based on experiences in industrialized liberal democracies rather than on in the democracies of the Global South. We also contribute to a better understanding of the persistence of democratic institutions in spite of the absence of a state monopoly of legitimate violence. The following section presents our theoretical framework, followed by our methods and data section, and finally by detailed examples from our fieldwork.

Legal Mobilization in Violent Contexts: Toward a Theoretical Framework

Legal mobilization—a means of seeking social change through legal norms, discourse, or symbols—is widely understood to extend beyond litigation, and to include activism in different political arenas. In recognition of this diversity, some of the literature on legal mobilization draws on interdisciplinary social movement theory, which maps out the workings of collective action for social change.² Aligning ourselves with this approach, we propose that the three concepts widely used to analyze collective action in social

² See, for example, Marshall (2003) and Pedriana (2006). Other research has focused on legal opportunity structures (defined as those that are generated by rules of access to judicial governance); see, for example, Hilson (2002), and Wilson & Cordero (2006). Still other studies have emphasized access to resources, especially with respect to the legitimating effect of litigation and the many institutional difficulties faced by the poor in attempting to achieve social change through the courts: see, for example, Galanter (1974). Grossman et al. (1999), and Rhode (2004). Finally, for a more ethnographically oriented strand of the literature, see Ewick & Silbey (1998) and Engel & Munger (2003).

movement theory—frames, resources, and political opportunities³—can help illuminate legal mobilization in violent contexts, once they have been modified to take insecurity into account.

In our analysis we argue that the three concepts, frames, resources and political opportunities reflect different and equally important, dimensions of mobilization. We resist the hegemonic pull of the concept of political opportunities, and its related concept of legal opportunities, as the sole factor to consider in the explanation of legal mobilization.⁴ Instead we adopt an understanding that both allows the coexistence of the three concepts (frames, resources and political opportunities) and curtails the frequent overextension of the political opportunities conceptual frame.⁵ Cognizant of Goodwin and Jaspers' (2004) accurate contention that the overextension of the concept of political opportunity renders it useless for analysis, we use a more curtailed definition of political opportunity as a social movement actor's perception that an organized challenge to the status quo will be successful (McAdam (1999/1982); McAdam, Tilly & Tarrow (2001)).

We are particularly interested in the impact of violent contexts on legal mobilization: the use of law in violent contexts seems paradoxical, given the inability of state institutions to guarantee security in the manner of industrialized democracies. Not surprisingly, there is a dearth of socio-legal literature on the use of legal means in violent contexts (c.f. Massoud 2011; Golan & Orr 2012; Israel 2013). The phenomenon, however, is widespread. The lack of examination of these contexts hinders the understanding of much social movement legal organizing outside industrialized democracies. Neither social violence nor armed conflict necessarily eliminates legal mobilization: they do, however, present particular challenges to the way it is carried out. Our research addresses the gap in the literature through the example of internally displaced women in Colombia.

Based on our field data, we suggest that in violent contexts, mobilization responds to the interplay between *shifting* frames, *vanishing* resources, and *dangerous* political opportunities. The notion of shifting frames refers to the notorious instability of both laws and their normative references in violent contexts. In Colombia, laws and legal interpretations applicable to IDP have changed repeatedly since the late 1990s, when internal displacement was first identified as a problem. In 1997 Colombia adopted its groundbreaking Law 387, which granted IDP special rights to humanitarian assistance and what it called the

³ *Frames* refers to the construction of meaning—in particular, meanings that allow people to see their situation as an injustice (McAdam 1982; Snow & Benford 1988, 2000). *Resources* refers to the human and material assets that must be mobilized for social movement organization (McCarthy & Zald 2001). *Political opportunities* refers to the belief, on the part of participants in a social movement, that the system is open to being challenged—which implies, in turn, the possibility of achieving social transformation through mobilization (McAdam 1982; Tarrow 1998).

⁴ While there is a general agreement in sociology and political science that political opportunities refer to elements exogenous to a social movement, the operationalization of the concept has been widely contested (Meyer and Minkoff 2004; Guigni 2009), with the political system's "openness" to challenge a distinct factor. Gamson and Meyer (1996) famously described this concept of political opportunity as a "sponge" that "soaked up" every aspect of social movements.

⁵ We do not use the concept of legal opportunity structures (LO), derived from political opportunities. The concept of legal opportunity structures focuses on the impact of courts on social movement, especially of access to courts and other issues of institutional design that affect social movement's willingness to go take their claims to courts (Sikkink 2005; Valhalla 2012). This analysis excludes the focus on cognition we find is central to including danger in the analysis of opportunities. Further, we understand LO to be better suited to comparative studies, whether among countries or subnational units, or within different time periods in the same place, than to our data.

right to socioeconomic stabilization. In 2005 Congress adopted Law 975, to allow a negotiated peace between the government and paramilitary armies. Initially the law excluded internal displacement caused by paramilitary armies, but that changed when it was substantially amended by the Constitutional Court (Decision C-360 of 2006) and by Congress (Law 1592 of 2012) to add increasingly stringent demands for truth, justice, and reparations. In 2011 yet another law (the Victims' Law) added more guarantees of reparations, including land restitution for IDP, and created new agencies in charge of both reparations and land restitution. The different laws and the decision affect and frame internal displacement differently, determining the kinds of reparations IDP can ask for, including reparations for internal displacement as a crime.

It could be argued that legal frames, at least for certain contentious issues (for example minority rights), can be construed as constantly shifting across a wide range of contexts. Shifting legal frames are probably germane to the migration of political contestation to legal arenas, and the shifts in laws reflect the instability of the political coalitions that attempt to contested views (for example, women's rights generally). The changes then would reflect which coalition is able to press its views forward in a given moment, soon to be upturned by the triumph of the opposing group.

In contexts of violence and insecurity, however, the shifting legal frames also reflect the persistent need for the renewal of state legitimacy through the symbolic power of the law. In this sense, changing laws may be a direct effect of violent context. When a government is unable to guarantee the legitimate monopoly on violence required by liberal political theory, maintaining government power seems to demand the repeated renewal of other forms of legitimacy. As García (1993, 2014) has argued, the adoption of new rules and regulations is one means of achieving legitimacy, at least temporarily, in Colombia—hence their proliferation. When state legitimacy wavers in the face of insecurity, governments and legislatures constantly enact new laws that reassure their constituency of their capacity to respond to violence. This legitimating effect, however, lasts only for a short period, since violence soon shatters the symbolic effect of the new laws. Within a short span of time, new ones are required.

The notion of shifting frames also reflects the fact that pervasive violence, by fostering tolerance for suffering and degradation, destabilizes social meaning regarding justice and human dignity (Lemaitre 2009). Enactment of new laws that insist on human dignity, as well as litigation seeking court-ordered reaffirmation of this dignity, is also a form of resistance against the symbolic effects of violence. There is a contest over social meanings between the violence of everyday life, which creates its own norms and meanings, and the aspirations of social justice movements. This contest animates the production of law that challenges the symbolic effects of violence, for example by granting rights to embattled minorities. The tension between the move to reaffirm human dignity through law, and the social norms that emerge from violent practices, also contributes to the instability of the mobilizing frames.

There are diverse organizational responses to shifting frames. Generally, those organizations that survive manage the shifts by adapting their claims to changes made, by intervening themselves to make changes, and by resisting the changes. An important part of resistance is the insistence on using rights without limiting them to positive law, but rather including organizations' own sense of people's value "as human beings."

In addition to contributing to the instability of legal frames, violence diminishes the resources available for mobilization, a phenomenon we refer to as vanishing resources.

Resources vanish when changing rules and regulations require new paperwork, a new type of registration with the government and/or new modes of self-presentation. Social movement organizations must relearn the procedures necessary to ask for recognition and resources. In the process, they both lose access to some resources and must use their own human and material resources to adapt to these changes.

Internal displacement is a prime example of this phenomenon. Peasants in Colombia have sought peaceful property over land for several decades, using different legal frames. They have often been evicted by force from the land they cultivate. And they have organized using different legal schemes to keep their land. In the seventies, they formed cooperatives and learned the language of agrarian reform; in the eighties and nineties, many demanded ethnic land rights. Current efforts mobilize the right to return to their land, and receive land restitution. Each frame brought its own government bureaucracy and subsidies, its own forms and regulations. While the actions involved are relatively similar (to be granted land and guaranteed peaceful tenancy over the land), the legal frames, institutions, and bureaucratic procedures have varied dramatically over time, and peasant organizations have followed vanishing resources.

Resources vanish also as they follow shifting fads among international funders that are attracted to the plight of people surviving violent contexts. International humanitarian organizations flocked to fund poverty alleviation projects for IDP in the early 2000's. The projects were often similar to those that had previously been labeled as development aid, for example health care centers, clean water initiatives, and urban farming. After a decade, the attention of humanitarian donors shifted to other refugee situations around the world, and the new laws attracted resources that focus on the facilitation of truth, justice and reparations, with a particular concern for vulnerable populations like women, children and ethnic minorities. IDP organizations seeking resources must learn to adapt their requests these changing priorities.

Resources also vanish as a direct result of the actions of armed actors. First, through threats and various forms of physical attack (e.g., arson and theft), armed actors can destroy physical assets, scatter social movement networks, and demoralize both leaders and followers. This happens in at least two scenarios: as a strategy of state repression, and as social control by illegal armed actors. Both are common and are widely documented in human rights reports on Colombia (HRW2013) Second, resources vanish when public funds come under private control, especially that of armed actors. As has been widely documented, Colombian municipal officials—and, as a consequence, municipal funds, including those intended for investment in the poor—are in some cases under the direct control of armed groups (Duncan 2006; Garay 2008). Therefore, in practical terms, public resources controlled by armed actors cannot be accessed through community demands on the local governments, but must instead be obtained through engagement with the local ruling armed faction—which typically meets any resistance with violent repression.

Organizations pursue vanishing resources in different ways. Many flounder and disappear when external funding dries up, or shrink to the possibilities afforded by their own community resources. Others persist in the constant quest for “a project,” a word widely used as a synonym for funding. In their quest, they engage in strategic self-presentation both to philanthropic and to national government actors, and before local powers. This is probably true of all quests for external funding, but it is especially critical for these organizations given the scarcity of resources in violent contexts. Chasing after “projects” as an IDP organization requires not only strategic self-presentation; but also a difficult balancing act so as to not

overtax family resources to benefit organizing, nor use community resources to respond to urgent family needs.

Violence doesn't only affect resources; it also impacts perception of political opportunities. Dangerous political opportunities are the third and perhaps most visible effect of violent context. A cognitive definition of political opportunities (McAdam, Tilly & Tarrow 2001) is central for understanding the impact of perceived danger on social movements. Political opportunity exists when a system is perceived as being open to challenge; but in violent contexts, such challenges are accompanied by risk—and, hence, by pervasive fear, secrecy, and mistrust. Focusing on the cognitive allows us to describe a perception of danger that is not easily captured by institutional analysis or objective measurement of risk. Collective action can be deterred by nonexistent dangers, or can advance, undeterred by real violence that is not perceived as a reason not to challenge authorities.

In violent contexts however the articulation of social movement strategy requires an estimation of risk, and the adoption of self-protection measures. In our research we found perceived dangers have significant bearings on women's political action. While some are willing to brave danger, most take actions to protect themselves. Through analysis of our data, we found two salient self-protection strategies among organized internally displaced women. The first revolves around the common understanding that visibility in public spaces creates risk, and requires the strategic limitation of visibility, including, the adoption of a "low profile" (*bajo perfil*.) For example, activists arrange for others to speak for them in public, tone down contentious demands, and do not appear on the radio or allow themselves to be photographed or quoted in the press. The ultimate reduction of visibility is of course exile.

The second common self-protection measure was gendered self-presentation. Older women, such as mothers and grandmothers, took advantage of traditional gender roles that render women as apolitical. Women's traditional roles limit their work to the domestic sphere: the care of children, the sick and the elderly, the production of food, and the maintenance of the home. In Colombia, it is regarded as normal that women extend their traditional care for the domestic sphere to community issues, such as street crime, clean water, electricity, basic sanitation, schools, and health care facilities. These demands are imagined as an extension of their domestic role and, as such, are generally considered to be independent of local power struggles. This view is compounded by a general understanding of women as weaker, less combative, more vulnerable, and harmless.

In our fieldwork, we observed that these traditional gender roles can be a form of protection for women who take advantage of perceived political opportunities for social change. Women use their status as mothers to make demands of local authorities and these demands are tolerated as legitimate and as apolitical expressions of concern for their children. Therefore, while being regarded as apolitical can make agency more difficult, it can also be an asset. If women are assumed to be apolitical, their organizations are more likely to be perceived as independent of the ideological struggles that accompany armed conflict. In contrast, organizations perceived to be demanding social justice are often viewed as partisan—and are therefore at greater risk of losing resources or being vulnerable to threats or violence.

Over time, however, the protection offered by the identification with vulnerability and harmlessness wears thin, particularly in cases of sustained activism. We saw this happen with IDP organizations, including those established by and for women. In our interviews,

public officials questioned the authenticity and decried the motives and politics of numerous leaders of IDP organizations, especially those who were particularly vocal and perceived as “politicized.” This kind of suspicion breeds danger.

Women who participate in social movement organizations in general (that is, not just in IDP organizations) are subject to additional risk. Leaders whose behavior challenges gender norms are targeted by armed actors for sexualized forms of punishment or harassment, including taunts, humiliation, and torture. Thus, empowerment can lead to violent reprisals—either for challenging gender norms (being “like men”), for being “politicized,” or both. Traditional gender roles are also a limitation of freedom, and illegal armed actors can punish women for transgressions of these roles.⁶ Independent and proud women who do not visibly belong to a particular man, who disobey their husbands and other powerful men, or who violate dress codes and curfews, are targeted for punishment along with those who have links to opposite factions. Reprisals for independence are not limited to the public sphere: some women have been subjected to violent reprisals by their male partners for challenging gender norms, and others have experienced more subtle but gender-specific punishments, such as the loss of sexual or romantic partners or the loss of support from friends and family.⁷

The leaders and organizations we studied have learned how to manage shifting frames, pursue vanishing resources, and brave dangerous political opportunities. While this article focuses on the way violent contexts shape mobilization, it is important to note in general that there is, in fact, legal mobilization in these circumstances. The organizations we studied framed their claims as rights, found the resources to mobilize, and perceived the political system as open to debate through legal means. The fact that frames shifted, resources vanished, and political opportunities were dangerous did not deter them. The next section further traces the methods and data that ground our theoretical proposal and is followed by an empirical examination of its application in the specific case we address.

Legal Mobilization of Internally Displaced Women in Colombia: Methods, Data and Findings

Unless otherwise noted, the information in this article is based on interviews, participant observation, a mapping exercise, and six case studies. In this section, we first describe each method used and include a methodological explanation of the relationship between the empirical material and the proposed theory. This is followed by a detailed description of our case study.

Our research team conducted 105 semi-structured interviews, eight of which had more than one participant. Sixty-three of the interviewees were internally displaced women who led IDP organizations. These interviews produced basic information on the activities of forty displaced women’s organizations (see mapping exercise below). We conducted an additional 33 interviews of activists and grassroots leaders as part of our case studies. We also interviewed six high-ranking public officials, two field officers from the United Nations High Commissioner for Refugees (UNHCR), and a field worker for Doctors without Borders.

The interviewees were recruited through government-organized human rights or transitional justice workshops, leads from news stories, contacts from UNHCR and the Colombian government, and referrals from IDP leaders themselves. We identified many of the interviewees by approaching them at local and national events, which led to further referrals. We were able to gain the trust of IDP leaders partly through the previous

⁶ For specific examples see Comisión de Memoria Histórica (2010 and 2011).

⁷ For more on continuums of violence and gendered impact of conflict, see Wood (2008).

professional affiliations and academic work of members of the research team, and partly because leaders who trusted us in turn introduced us to others.

The interviews focused on asking IDP leaders about their organizations. We avoided questions about the reasons for their displacement and their multiple losses. We focused instead on the histories of their organizations, their past and present activities, their sense of achievement, their main challenges, and their hopes for the future. The interviews lasted between 40 minutes and an hour. For the case studies, we did more focused interviews on specific topics relevant to particular organizations. Our interviews of public officials, NGO leaders, and UNHCR officers were about their perception of the activities and predicament of IDP organizations.

During the study period, we observed three public hearings at the Constitutional Court, one congressional session with IDP leaders, five participatory workshops at which government staff disseminated the regulations related to the Victims' Law, two meetings with government officials organized by IDP organizations, and the national displaced women's congress in Santa Marta, Colombia. Finally, we observed several meetings between IDP leaders and municipal government officials and visited some of the organizations' offices. The field journals from these visits were coded and included in the theoretical analysis.

The results of the interviews and press analysis were manually coded and became the basis for six cases studies in Spanish, four of which were coauthored with activists who had been working with IDP leaders. We spent between six months to a year working on each case study. The case studies were selected based on experience working on legal mobilization in Colombia, as well as on the relevant literature related to internally displaced women and women in the Colombian conflict. A seventh organization withdrew from the study, citing safety concerns for our research team due to rising local violence in the run-up to the 2011 municipal elections. We chose four of the cases because they were especially successful achieving their goals and sustaining activism over time.. We chose two of the case studies because they were outliers to organizing trends: one was the case study of a failure, and the second of an organization that did not identify as internally displaced women. Three additional researchers contributed to producing these two outlier case studies.⁸ Our two main case studies (in the towns of Turbaco, Bolivar and Mocoa, Putumayo) involved the collaborative design and application of a household survey. The lawyer-founder of the organization at our Turbaco case study, the Liga de Mujeres Desplazadas, was an activist-in-residence at Universidad de los Andes in Bogotá for three months; during this period, the los Andes team participated in discussions on legal action a tutela against the Turbaco mayor for failing to provide information on municipal programs, as well as in the preparation for a meeting with the national government on extended security measures.

In addition to these case studies, we compiled data on over fifty organizations in total, based on interviews, visits, press coverage, and other publications. For forty of these organizations, we built a small database in Excel, as well as a physical file, that became the

⁸ The Liga de Mujeres Desplazadas (Displaced Women's League); the Mesa Municipal de Organizaciones de Población Desplazada de Mocoa (Mocoa Municipal Committee of Organizations of Internally Displaced People); the Colectivo de Mujeres al Derecho (loosely, Upright Women's Lawyers Collective); the Consejo Nacional de Mujer Indígena (National Council of Indigenous Women)(by Ana Manuela Ochoa); the Corporación Casa Amazonía (Amazonian House Corporation), and the (unorganized) survivors of the Chengue massacre (by Alejandra Azuero and Paula Rodriguez).

basis for the mapping component of our larger project. This database also helped us better understand the trends represented by our case studies.

Taking our cue from the grounded theory approach, we responded to the finding of pervasive violence, and of its multidimensional impact on organizing, by revising our agenda and developing a theory that responded to the particularity of violent contexts. Our continued analysis of field data and the literature (Glaser & Strauss 1967) as the project unfolded allowed ongoing adjustment of our goals, through the interaction between theories and methodology (Bentzon et al. 1998; Charmaz 2001). In practice, this meant that as we were gathering data on the field, we were also identifying themes to code, and linking our codes and reflections from the codes and clusters of codes to more general analytic categories that, in turn, shaped our analysis (Glaser & Strauss 1967; Emerson, Fretz & Shaw 1995).

Our initial coding included themes based on the concepts related to legal mobilization.⁹ We coded available resources, gender, number of members, ethnicity, scope of action (neighborhood, city, region, national), qualifications of leaders (formal education, previous organizing experience), forms of organizing (i.e. networks), and activities (self-help, fundraising, political organizing, law reform, lawsuits, other legal actions, etc.). We also built timelines of our selected case studies. We then compared codes within and between the various sources of data. Thematic patterns related to personal and collective insecurity then began to emerge from this process, and we developed new coding categories: whether or not leaders had received threats, been followed, had government protection, and had other security concerns.

All case studies were presented to IDP audiences and to members of the organizations we studied; in the course of the presentations, we explained the coding of key interviews and identified the basic findings described in this article. In May 2013, we presented the main findings in a closed session with 20 activists and academics in Colombia, and in an open session with 23 public officials working on IDP issues. In these presentations, we received comments that confirmed and expanded our conclusions.

The next section traces three particular settings of legal mobilization in the midst of Colombia's violence and insecurity. We explicitly draw on our research to exemplify our theory by describing the effect violent context has on the legal mobilization of internally displaced women in three different legal environments: (1) the Constitutional Court, (2) court-ordered participation in municipal planning, and (3) the 2011 Victims' Law. In each of these cases, the organizations we studied used legal claims and tactics under conditions of violence and insecurity.

Standing before the Constitutional Court

The 1991 Colombian constitution created a petition procedure, the *tutela*, under which anyone can file a claim objecting to a violation of basic rights. Since the early 2000s, IDP and their organizations have made increasing use of tutelas to seek enforcement of Law 387 of 1997 ('the IDP Law'), which granted them specific rights to humanitarian assistance as well as social and economic rights. The availability of tutela proceedings and the increased visibility of the humanitarian crisis generated a notable political opportunity for organizing and rights claims; this became particularly true after 2004, when the Constitutional Court—which had already made a number of decisions favoring IDP—adopted decision T-025. This

⁹ The first case study was coded using Atlas ti. For the remainder of the studies, we manually coded the material and used word processing programs for memo writing and discussion.

decision declared that the government's failure to respond appropriately to displacement constituted an unconstitutional state of affairs.

Decision T-025 did not close the case. Instead the Court issued specific orders (known as Autos) and oversaw compliance through public hearings and follow-up reports until such a time when it considers the government actions have managed to put an end to the unconstitutional state of affairs. As part of its continued vigilance, the Court has issued Autos that have both judicialized humanitarian policies and, under the rubric of a "differential approach," delivered remedies that are explicitly sensitive to gender, ethnicity, age, and physical and mental capacity. In Auto 092 of 2008, one of the follow-up decisions to T-025, the Constitutional Court found that the government had failed to adopt policies that addressed the disparate impact of displacement on women. The Auto also granted individual protection orders to 600 women across the country, including specific monetary awards categorized as humanitarian aid.

Auto 092 was the first follow-up decision in which the Court went beyond general recommendations to demand that the government adopt specific programs—this included thirteen national programs for displaced women. The programs were designed to respond to the court's list of women's specific vulnerabilities; for example, Auto 092 required the establishment of programs to prevent sexual violence in armed conflict, to promote political participation among displaced women, and to protect the leaders of displaced women's organizations.

Although the programs ordered by Auto 092 were poorly implemented,¹⁰ it became a symbol of, and a reason for, women's grassroots organizing. Structural litigation in general, and Auto 092 in particular, gave women's organizations unprecedented access to the Constitutional Court, both through the submission of documents and through public hearings. Second, access to the court created the opportunity to frame the interests of internally displaced women as violations of fundamental rights—not only in light of the humanitarian emergency, but also in light of what the Court called "women's special vulnerabilities." Third, the Auto helped give rise to national networks of organizations focused on the needs of IDP, including the *Mesa de Seguimiento del Auto 092* (Auto 92 Follow-Up Committee), an NGO network created to monitor implementation.

In sum, litigation created a political opportunity: organizations saw potential in the legitimacy, power, and commitment of the Constitutional Court, and in the Court's increasing influence on government officials (Rodríguez & Rodríguez 2010). At the same time, however, shifting legal frames—stemming from statutory reforms and changing judicial interpretations over time—have in some cases eroded the effectiveness of legal mobilization. Crucial statutory reforms included the adoption of two different transitional justice mechanisms: one in 2005 and the other in 2011. The 2011 Victims' Law, in particular, created an enormous institutional apparatus that, among other effects, has largely replaced the term *internal displacement* with *victimization*. The Victims' Law also sidestepped the issue of whether the government has a special obligation to guarantee IDP social and economic rights, an endeavor that was referred to in the previous legal regime (Law 387) as "socioeconomic stabilization" but which became an ancillary concern for reparations.

The establishment in 2012 of a new bureaucracy focused on reparations, especially of the government agency known as *la Unidad de Víctimas* (the Victims' Unit) and of a

¹⁰ See, for example, Auto 28 of 2013, in which the court followed up on inadequate implementation.

smaller but also important *Unidad de Restitución de Tierras* (Land Restitution Unit) changed the Court's response to internal displacement. During 2013 and 2014, the Court continued to oversee government compliance with T-025, but it also considered partially or completely lifting the declaration of an unconstitutional state of affairs. At the time of writing, the court was accepting government reports on compliance that focused on reparations rather than on a response to a humanitarian emergency. However, displacement has continued unabated (IDMC 2014).

Organizations have adapted to shifts in statutory law and judicial interpretations in several ways. Some have changed their names to include the word *victim*, altering the way they refer to themselves and the narratives they use. Another common response has been to resist the replacement of the previous legal frame (Law 387) by the new one (the Victims' Law) insisting instead on the full applicability of both. This expansive interpretation holds national and local governments accountable for a generous range of human-rights protections, including social and economic rights, as well as for an adequate response to the humanitarian crisis and for full reparations for victims of armed conflict.

In our analysis, maximalist demands for full enjoyment of social and economic rights, as well as a belligerent attitude toward the government in public hearings, easily create suspicion of guerrilla sympathies. More generally, visibility in public hearings and in written requests to the court has also created risks for IDP. Some of the leaders we interviewed complained of rumors linking them to guerrillas, a rumor that was also brought up in some of our interviews with public officials. The Court has framed the increased insecurity of IDP as a matter of vulnerability with respect to armed non-state actors, especially in the case of populations already deemed as vulnerable, such as women. In Auto 098 of 2013 the Court described the increasing insecurity of internally displaced women leaders. It ordered the government to provide immediate protection through a mandatory presumption of risk rather than through the usual bureaucratic process of official estimation of risk.

In a charged political environment, internally displaced women have become adept at sustaining the appearance of nonpartisanship, which is useful when facing dangerous political opportunities. Informal reports and our observation of court hearings suggest that judges are more comfortable protecting vulnerable populations under the differential approach than assisting poor people who demand social justice. In recent years, the number of follow-up hearings has diminished, as has the Court's attention to displacement more generally. The Court however has remained receptive to internally displaced women's organizations and consistently insisted on their special vulnerability.

Legal mobilization before the Constitutional Court not only exemplifies dangerous political opportunities and shifting frames, it also exemplifies social movement resistance. First, as mentioned above, activists have adapted to and resisted shifts in frames, in turn reframing the shifts, such as when insisting that both Law 387 and the Victims' Law are good law. Second, in response to the dangers of political opportunity, activists have adopted self-protection strategies, especially keeping a low profile, and demanding protection from the Court and the governmental protection unit. They have also skillfully deployed their vulnerability as women and as victims of internal displacement to resist the political stigma that magnifies danger in a violent context. We now move to a different environment, municipal planning, to show how these features of legal mobilization in violent contexts are also present at the local level.

Participation in Municipal Planning: Vanishing Resources and Dangerous Political Opportunities

Political opportunities for IDP organizing extend beyond litigation before the Constitutional Court. One such opportunity comes from participation in municipal planning. Through a number of Autos, the Constitutional Court ordered that municipal development plans, which are adopted every four years, address the needs of IDP. Meanwhile, Law 1190 of 2008 mandated that municipalities integrate IDP into their local planning processes through a specific type of participatory plan known as the Single Integrated Plan (*Plan Integral Unico*, or PIU). Furthermore, in 2010, the Constitutional Court adopted Auto 383, which not only insisted on the inclusion of IDP in municipal development plans, but also ordered that this inclusion be accomplished through the direct participation of local organizations in the PIU.

Organizations widely perceived participation in municipal planning as a political opportunity. Municipal planning is tied to local budgeting exercises, since the budget must follow the municipal development plan. Municipal administrations are accountable to watchdog institutions and to the national government for the proper adoption of development plans. Therefore, municipalities throughout the country engaged in PIU processes, convening local participation. IDP organizations interpreted this call as evidence of a new openness of the system, especially in light of previous frustrated attempts when attempting to influence municipal budgets. Not surprisingly, results were varied, in large part because of the impact of the violent context.

In many municipalities, the presence of armed non-state actors is constitutive of everyday life—whether that presence is visible, in the form of patrols, or invisible, in the form of political and economic control of municipal governments. Although some observers consider the presence of armed non-state actors to be evidence of state weakness or failure, others regard it not as an existential threat to the state but as a shared form of governance characteristic of many Latin American democracies.¹¹ Decentralization and outsourcing of public services, such as garbage collection, electricity and health care, has strengthened shared governance as these services fall under the control of armed non state actors that own the private companies that in turn provide these services (Garay 2008; Meertens 2010).

Paradoxically, participatory forums are central to the same institutional design that fosters the decentralization and outsourcing of public resources that in turn sustains shared governance. These designs are imagined to foster transparency and accountability (and thereby limit graft and corruption) and to improve efficiency in the allocation of scarce public resources. It appears increasingly disingenuous, however, to assume that citizen participation will limit corruption in settings where armed non-state actors foster corruption—and where citizen oversight of municipal budgets clearly entails personal risk. It seems equally misguided to assume that participation in planning and public policy design will guarantee citizens access to public resources when these are part of rents controlled by illegal armed actors and corrupt politicians.

In short, the presence of armed non-state actors at the municipal level has a chilling effect on social demands, contributing to vanishing resources and dangerous political opportunities. Combined with decentralization and outsourcing, it further constrains the resources available for already impoverished communities. First, public resources wind up

¹¹ For a key contribution, see Arias & Goldstein (2010). For the links between neoliberalism, decentralization, and corruption, see Comaroff & Comaroff (2006).

in the pockets of private contractors. Second, elected officials are less accountable to the electorate than to local warlords. Third, grassroots opposition is met with violence against both people and property. To the extent that political opportunities arise from the belief that the system is open to challenges—and that social change can therefore be achieved through organized action—the risk of violent reprisals will clearly weaken confidence in such beliefs, while strengthening the perception that collective action is risky.

In the realm of local political opportunities, gender plays a paradoxical role. As explained above, women are imagined to be nonpolitical when their participation is focused on demands—such as community improvement and poverty relief—that expand on their domestic roles. Women leaders have used this protective cover to push the limits of danger in municipal planning, demanding budgetary allowances for these issues.

The two case studies that follow illustrate in more detail the political opportunities created by the PIU orders, the dangers that followed them, and the way IDP braved danger using two strategies: keeping a low profile and presenting themselves as apolitical women. They make for an interesting comparison: while the two municipalities are of a similar size, there are significant differences. They are located at opposite ends of the country, and while Turbaco is close to a large urban center, Mocoa is located in the isolated foothills of the Andes, sloping into the Amazon forest. While Turbaco has a small IDP population, Mocoa has a disproportionately large number of IDP. While the Turbaco internally displaced women we followed had a successful organization that was recognized internationally and had access to significant resources, in Mocoa we followed the fragile alliance of IDP leaders who were, for the most part, dedicated to their informal settlements and had little access to outside resources. And yet, in spite of these differences, their story is similar in terms of their participation in the local PIU. This demonstrates the explanatory potential of our theory of shifting frames, vanishing resources and dangerous political opportunities.

The Liga and the Turbaco PIU

At the time of study, the Liga included approximately 160 women, most of whom had been displaced in the early 2000s and had migrated to the northern city of Cartagena and nearby towns. The Liga is best known for having constructed its own settlement—the Ciudad de Mujeres (City of Women)—which consists of almost 100 houses in Turbaco, a small, mostly rural municipality near Cartagena. The organization has also successfully brought cases before the Constitutional Court and the Inter-American Human Rights System, and has been highly effective at lobbying international humanitarian agencies and donors. That said, a 2010 survey undertaken by the research team in collaboration with the Liga indicated that despite widespread recognition and the ability to navigate national and international sources of assistance, Liga members still lived in extreme poverty, and in environments permeated by violence. The organization and its leaders regularly receive death threats. Nevertheless, both the survey and our follow-up interviews with 16 members showed general appreciation of the organization and its role in the transformation of their own understanding of their personal value and rights (Lemaitre et. al. 2014a).

Years before the PIU orders, the Liga began demanding favorable policies and programs from local authorities; but these efforts met with little success. In 2009, undeterred by numerous failures, the Liga participated with other IDP organizations in the adoption of a municipal PIU. The process received funds from the U.S. Agency for International Development (USAID) and culminated with the adoption of PIU through a municipal decree. However, the PIU was never implemented. In response, the Liga's monitoring committee engaged in a fervent exchange of letters with municipal authorities, demanding an

explanation for the failure to implement the PIU. Over 2010, it also presented 19 petitions to various municipal authorities, requesting information about the implementation of the PIU; they received no substantive responses. At the end of that year, the Liga initiated a tutela against the mayor, which was dismissed by the municipal judge. That decision was later reversed by the Constitutional Court, which reiterated the municipality's duty to report on the implementation of the PIU and urged various national monitoring bodies to supervise the process. The PIU was never implemented and elections brought a new mayor, municipal council and municipal development plan.

Liga members expressed little hope that there will be positive change in IDP policies in Turbaco. They see the successive mayors as part of a single political class that is unmoved by their demands. A number of Liga members and other local interviewees linked this situation to two causes: first, they claimed successive municipal administrations were affiliated with (right-wing) paramilitary groups and regarded IDP as covert (left-wing) guerrillas. Second, they claimed the private companies with which the local government had contracted services—including critical services, such as garbage collection and health care—were under the de facto control of an individual associated with both paramilitaries and drug trafficking.

This is exemplified by the story of how the Liga's participation in a health care committee aiming to pressure the municipal government to provide better service came to an abrupt end when two unknown armed men in civilian clothes approached a committee member and warned her to “stop complaining about health care”.¹² The warning also appeared to confirm the local rumor the same individual who controlled garbage collection, and was rumored to have links with paramilitary warlords, controlled health care. As this example shows, shared governance with illegal armed actors makes resources vanish and creates dangerous political opportunities.

Follow-up interviews with Liga members showed however their appreciation of community organizing as having a positive effect on their lives. They mentioned not only the material gains, especially having their own house, but a sense of community and a transformation of negative ideas about women and their role in politics and society. Some also pointed to a stronger sense of their own value, and the consequent renegotiation of family relations. While acknowledging the many difficulties, they also considered that challenging the system is a possibility, resources can be mobilized to do so, and danger can be carefully managed to eventually achieve common goals.

The Mocoa Mesa de Organizaciones de Población Desplazada and the Mocoa PIU

Although Mocoa is a small municipality, it is the capital of the war-torn southern province of Putumayo and a significant reception site for IDP. Because IDP make up more than half the population, they have some presence in local politics. Even so, in Auto 383, issued in 2010, the Constitutional Court included Mocoa in its list of municipalities that had failed to meet PIU orders—a designation that carried the risk of an official investigation by national watchdog institutions. In response, the municipal government engaged in a planning exercise to produce a PIU. It convened elections for a sixteen-person committee that would represent the IDP for PIU purposes: the *Mesa de Organizaciones de Población Desplazada de Mocoa* (Mocoa Committee of IDP Organizations—henceforth “the Mesa.”) Over half the members were women and all were IDP community leaders (Lemaitre et.al 2014b).

¹² ALO interview June 2010 on file with author.

Once the Mesa members had been elected, the municipal government expected a simple approval of the PIU, already drafted based on a model distributed by the national government. In 2011 and 2012, however, the 16 Mesa members not only resisted the passive role that the municipal government had assigned them. In an effort to establish the Mesa as an independent, politically relevant institution, they also began attending municipal council meetings, advocating for the inclusion of their interests in municipal policies, and asking for an office in city hall. They also produced, with the research team's collaboration, a survey of IDP in Mocoa, planning to use the data to advocate for a larger share of the municipal budget.

In 2012, however, the Mesa had to deal with the creation of a new entity: the *Mesa Municipal de Víctimas* (Municipal Victims' Committee- henceforth the Mesa de Víctimas). Under the Victims' Law, this committee would replace the Mesa, through elections held in 2012. The Mesa members agreed to the elections, and most retained their posts in the new Mesa de Víctimas. But the PIU they supported—which was eventually approved by the municipal council and integrated into the development plan for 2012 through 2016—did not include any budget provisions for IDP. In 2013, the new Mesa de Víctimas fragmented, and most of its members returned to working exclusively with their original community organizations. Some of the former Mesa members concentrated in carving out a livelihood for themselves and their families; while others attempted to improve the lot of their communities as well and a few also took part in the new transitional justice participatory spaces.

When asked in interviews about the municipal government's failure to implement the PIU and the Mesa de Víctimas' failure to use the survey data to push for implementation, two Mesa members offered an explanation. They argued there was both a lack of strong leadership among IDP, and a lack of inclination, on the part of the municipal government, to make IDP the beneficiaries of patronage. As one Mesa member noted, "None of us were in [the mayor's] campaign. We didn't vote for him, so he is not going to do anything for us"¹³. As it happens, the mayor for 2012–2016 is under investigation for charges of corruption, and there are rumors linking him to paramilitary interests in the region.

Throughout the study period, several Mesa members also expressed concern about their personal security. Although all members agreed that Mocoa was a safe location, three of the Mesa's 16 members stated that they had received death threats in 2012. That same year, two respected IDP leaders (not Mesa members) were murdered; in one case, the alleged reason was having attempted to report irregularities in municipal elections (Osorio 2011). In a group interview, several Mesa members described the significant local presence of paramilitaries—including neo-paramilitaries and former paramilitaries. As one member said, paramilitaries "can be seen everywhere."¹⁴ This presence dampened enthusiasm for organizing—not difficult to understand, given paramilitary record of harassing community organizations and assassinating leaders (Somos Defensores 2013).

Despite the risk, extended interviews with six women members of the Mesa revealed a surprising willingness to continue with their work. The women described having arrived at their commitment through self-reflection—specifically, a process in which they came to consciousness of their value and their rights as human beings. In many cases, the self-reflection was sparked by contact with governmental and NGO programs designed to

¹³ Interview with M.E.C, February 2012 on file with authors.

¹⁴ Interview with MEC September 2012 on file with authors.

promote women's empowerment. Participation did seem to produce, over time, deeper forms of self-reflection, a stronger sense of self, and, in some cases, more egalitarian family relations.

As in Turbaco, IDP leaders perceived PIU planning as an opportunity to challenge the system, and as potentially dangerous due to local state capture by illegal armed actors. As in Turbaco, the Mocoa example shows how shared governance makes opportunities dangerous and makes resources vanish; it also demonstrates how shifts in frames undermined PIU participation while creating other opportunities. The next section will focus on the changes brought about by the Victim's Law and the new environment it created for legal mobilization.

From IDP to Victims: Shifting Frames, New Resources, and Dangerous New Opportunities

The Victims' Law, adopted in 2011, is specifically designed to provide reparations for the harms suffered by victims of armed conflict, as part of a larger transitional justice process (see generally Summers 2012). By bringing about a major shift in frames for mobilization, the law has created new opportunities and challenges for IDP. The most important opportunity is the availability of compensation for past harms. The Victims' Law extended the small-scale mechanism for reparations previously created by the Justice and Peace Law of 2005, transforming it into a large-scale transitional justice process. It included the creation of a vast bureaucracy to address the needs of victims and provide reparations. The Victims' Unit is responsible for reparations and humanitarian aid, while the separate Land Restitution Unit focuses on land claims.

The Victims' Law exerts a strong pull for grassroots leaders. Organizational name changes to include the term victim have been common and new victims' organizations appeared after passage of the law. Given that the victim identity appears to open access to new forums, including participatory forums, and new resources—compensation, land restitution, and donor-funded projects—changing the name of an organization would appear to be a strategic move. As explained by one leader, “we are no longer displaced, we are *victims* of displacement.”¹⁵ Unlike the IDP Law (387 of 1997) the Victims' Law does not grant IDP special social and economic rights; instead, it uses a transitional-justice framework to grant the right to “truth, justice, and reparations”—language that has been used in international transitions from war to peace, or from dictatorship to democracy, over the past decade or so. In Colombia, however, the persistence of armed conflict means that the rights to truth and justice are almost impossible to exercise; this leaves the right to reparation, which is guaranteed through lump-sum settlements. These settlements are overtly directed at helping a family overcome poverty, but they are also clearly framed as reparations for past harms that produced poverty. In this way, the change in legal frames has also contributed to reframing injustice and demands for justice, linking them to past harms rather than to present poverty.

The framing shift from IDP to victim brought about by the Victims' Law has also created new political opportunities. Perhaps the most significant origin of these perceived opportunities is public support from President Juan Manuel Santos (2010-2018) for the law and for victim's rights, in a context where IDP have been stigmatized and associated with insurgent guerrillas. The creation of the Victims' Unit to provide reparations to victims of

¹⁵ ABM, November 2012, interview on file with authors.

the internal conflict is a crucial part of this process of public support for victims. It is also important to keep in mind, however, that these are still dangerous opportunities, marked by threats to and assassinations of leaders of victims' rights organizations, especially those that have made land claims (HRW 2013).

While the shift in frame from IPD to victims diminishes stigma and therefore danger, insecurity again stigmatizes the new victim identity, underlining the instability of human rights as a shared cultural frame in violent contexts (Lemaitre 2009). Referring to someone as a victim implies both passivity and innocence—which gives rise to positive, or at least sympathetic associations. But when those that the law has defined as victims become the targets of threats or violence, it stigmatizes them, undermining the positive identity created by the Victims' Law. Threats carry their own alternative signifying power that rivals that of the law, through forceful language that defines victims as unsympathetic troublemakers whose elimination is politically desirable.

The danger that accompanies political opportunities was most visible in 2012—when, the municipal offices of the Victims' Unit and the Land Restitution Unit opened simultaneously around the country. In Mocoa, people stood in long lines to register their claims, in full view of armed actors—who, according to local reports, sat on park benches dressed as civilians, observing who was in each line and contemplating the effects of the new rules. The fact that there were lines shows a generalized perception that the new law could change the situation, and legitimized the government's efforts to respond to victims of civil conflict. But the widespread perception was that standing in the line, and thus making oneself visible as a victim, was potentially dangerous.

Shifts in frames require adaptation and breed confusion and regrouping among organizations. Interviews revealed that IDP organizations had difficulty grappling with the changes resulting from the transition to the Victims' Law; for example, the advent of the new law made it unclear whether PIUs were still applicable. In addition to causing confusion, the shift in frames altered the direction and intensity of resource flows, which not only has the potential to affect organizations' access to money but also the support and cooperation of public officials and sympathizers.

The next section describes two women's organizations that have adapted to and benefited from the changes resulting from the Victims' Law, and the risks they have assumed. They are similar in many respects: both are located in the northern or Caribbean region of Colombia, and both have been successful in adapting to the changes in legal frames by adapting their own mobilizing frames, and by following resources and braving the dangers of political opportunities. One of them, COLEMAD is an NGO that works with peasant women, some of whom are displaced; the other one, Narrar para Vivir, is a grassroots organization of women war survivors, as described in the next section.

“Women of Corn”: The emerging importance of Narrar para Vivir

Shifting frames can bring access to new resources for those organizations that adapt: despite obstacles, some organizations have been able to benefit from the new regime. Narrar para Vivir (literally, Tell to Live) is one such organization. In 2013, the Victims' Unit designated Narrar para Vivir, along with five other women's organizations, as beneficiaries of priority

collective reparations. The organization was also honored by the Land Restitution Unit, and is supported by national and international NGOs.¹⁶

Originally a network of thirty peasant women in the war-torn Montes de María region of northern Colombia, Narrar para Vivir started in 2001 as a self-help group where women talked about their experiences and participated in communal work. Its members sometimes refer to themselves “women of corn” (*mujeres del maíz*) because they have planted, harvested, and cooked corn together to feed their families (Narrar para Vivir n.d.). By exploring the relationship between memory and healing, the women realized that the memories of past harms had made them feel, as one of their leaders put it, “like clowns—laughing on the outside but drowning within” (Angarita 2012). Their activities focus on building trust and creating networks of affection among women, within which they feel safe talking about themselves, their grief, and their fears, as well as expressing identities—for example, as teachers, shop owners, mothers, or peasants—that go beyond their identities as “victims of war crimes.”

The Victims’ Law has provided the members of Narrar para Vivir with opportunities to grow. The organization’s profile seems to fit in perfectly with the Victims’ Unit vision of “truth, justice, and reparations.” Recognition of the work of Narrar para Vivir has brought funding from several sources, including governmental and international agencies, to conduct workshops on the Victims’ Law, healing, and land claims, and to promote citizen oversight of transitional justice processes. Finally, with support from United Nations (UN) Women and the UN Development Program, Narrar para Vivir has also initiated a land restitution project, in spite of the fact that land restitution claims in that region have been shown to be particularly risky (Dejusticia et al. 2010; Departamento de Prosperidad Social 2012; Victims’ Unit 2013).

Narrar para Vivir has become a national reference point for the transformative potential of transitional justice, but its increasing visibility—including participation in land restitution work—has created danger. In August 2012, Mayerlis Angarita, its most visible leader, narrowly survived an assassination attempt and a suspicious car accident; her government-assigned bodyguard saved her life (Escobar 2013). Other organization leaders have also reported receiving threatening phone calls and text messages, being followed, discovering that their houses were being watched by strange men, and being threatened by unidentified men during public meetings. At the same time, they have managed to receive increased attention and support from the national government, which often presents it as la *red de mujeres* Narrar para Vivir (*the women’s network* of Narrar para Vivir). We read this emphasis on the fact that they are women as a response to the cultural frame of women’s special vulnerability in armed conflict, and their apolitical nature. Like Narrar para Vivir, our next example, COLEMAD, also illustrates how an organization can benefit from shifting frames by adapting, following resources, and braving danger.

COLEMAD: Lawyering for Agrarian Reform under the Victims’ Law

In 2004, five women lawyers in the northern city of Barranquilla founded COLEMAD, the Colectivo de Mujeres al Derecho (a play on words meaning both “the collective of women in the law” and “the collective of women who are right, or upright”). COLEMAD’s members were inspired by the Latin American tradition of alternative or critical lawyers, who believe

¹⁶ While we had no association with Narrar para Vivir beyond an interview with its leader, the group has received extensive coverage.

that the law can and should be in the service of the poor, and are dedicated to working with impoverished communities. COLEMAD was also influenced by participatory action research (Fals Borda et al. 1972) and popular education (Freire 1970) movements—in particular, by the ways in which popular education adapted both to work with peasants (based on the work of Chambers 1983 and Fals Borda 1986) and women (Ruiz-Bravo & Barrig 2002).

When COLEMAD was first founded it conducted legal literacy workshops for IDP. The risks associated with teaching IDP about the Constitutional Court’s decision T-025 of 2004 soon became clear, however: what appeared to be plainclothes policemen stationed themselves near COLEMAD’s office and the homes of its staff. When renowned human-rights defender Alfredo Correa de Andreis, who also worked with IDP in Barranquilla, was murdered, COLEMAD decided to stop working in the city, and to concentrate instead on a series of land reform cases in the countryside, where the work would be outside the purview of the Barranquilla city police and security apparatus.

These land reform cases were the first to reveal the extent of the corruption in Colombia’s national land-reform agency, the Instituto Colombiano de Desarrollo Rural (Colombian Institute for Rural Development, or INCODER).¹⁷ INCODER was in charge of land redistribution to landless peasants as well as providing technical assistance and facilitating credit through the Banco Agrario (Agrarian Bank). Instead of being given away, however, the land was sold to peasants at 30 percent of its commercial value; thus, individual peasants, as well as some women’s cooperatives, found themselves in debt for the land. Furthermore, by both overvaluing the land and withholding technical assistance, corrupt INCODER officials ensured that the new landowners would default on their debt. In some cases, these peasants were also threatened or displaced by private armies.

By 2006, COLEMAD had begun investigating 23 of these cases. As part of its legal support for peasant cooperatives, COLEMAD created a network of organizations in similar circumstances, providing office space and organizing yearly meetings and craft fairs. COLEMAD also took a number of steps to protect themselves: there was no sign outside the organization’s offices; staff did not speak at public events or make public demands; and the political aspect of the craft fairs was given little publicity. COLEMAD also took internal security measures: the offices had dark shades and barred windows, and visitors were carefully scrutinized before being buzzed in. Finally, despite its connection to national and international feminist networks, COLEMAD presented its undertakings more generally, as “work with women” and not as peasant organizing, or as feminist consciousness raising, although it was clearly doing both.

In 2010 and 2011, COLEMAD was especially skillful at adapting to the change in laws: it decided to lobby Congress to gain support for the inclusion in the Victims’ Law of a provision requiring the pardon of agrarian debts incurred by victims of the armed conflict. COLEMAD managed to get this provision into the law, which directly benefited its clients, while new data also showed the alliance between corrupt INCODER officials and paramilitary warlords.¹⁸ This achievement came with increased local and national visibility, which the organization began to warily embrace.

¹⁷ Until 2002, INCODER was known as the Instituto Colombiano de Reforma Agraria (the Colombian Institute for Agrarian Reform, or INCORA).

¹⁸ In 2011, COLEMAD won a tutela action that protected the women’s association from debt collection (T-610 of 2011), and in 2012 they won a case before the supreme administrative court, the Consejo de Estado, which

As the previous examples show, shifting laws also create dangerous political opportunities. By 2012, COLEMAD and its clients had received several death threats.¹⁹ In one incident, a public official's bodyguard (an employee of the state security services), took photographs of COLEMAD staff and their clients. They responded by reporting the incident through various networks of allies and sympathizers²⁰. COLEMAD staff has refused governmental protection for themselves but have requested protection for their clients.

Both COLEMAD and Narrar para Vivir have been successful in adapting to the shifting frames in an environment of transition to the Victim's Law regime. They have successfully deployed their identity as women in contexts of danger and have adapted to shifting frames, following vanishing resources and braving dangerous political opportunities.

Conclusion: Legal Mobilization beyond Industrialized Democracies

Generally, socio-legal literature assumes legal mobilization to require liberal institutions—including state monopoly over the legitimate use of violence, which is not the case of Colombia. Despite the differences between the Colombian context and that of industrialized democracies, however, it is possible to engage with legal mobilization without bracketing social violence and armed conflict. Our research shows that even in these situations, political organizing for rights can potentially improve lives, provide some measure of protection, and allow access to otherwise scarce resources.

Violent contexts do not exclude the use of legal claims and tactics, but they do require theories that take into account that activists must adapt to unstable frames, follow vanishing resources, and brave dangerous political opportunities. Frames for mobilization are unstable as both laws and norms change following the dynamics of pervasive social violence. Access to resources diminishes when legal frames are unstable because of changing rules and regulations. They also vanish following changing priorities among funders and they particularly disappear as the direct result of the actions of armed actors. Political opportunities are dangerous when social movements both perceive the political system as open to challenge, and also understand this challenge to come with significant risk. While this may also be true of industrialized democracies, it is rarely presented as a matter of pervasive danger to activist's lives.

This article presents an agenda for research, rather than a fully elaborated theory. More studies on legal mobilization in violent context will help explain the persistence of rights claims in the midst of insecurity, as well as the impact of variations in degrees and kind of insecurity. Legal mobilization in violent context will also be better understood through evaluations of the effectiveness of social movement strategies and of the impact of key political actors such as courts and transnational activist networks. Further study should examine how and why frames shift. Equally important issues are the trajectories of vanishing resources and the specific effects of changes in donor priorities and in municipal institutional design and power arrangements. Lastly, a better understanding of the realities and perception of political insecurity, and its impact on legal mobilization, requires more detailed documentation of different cases.

held that debt could not be collected from peasants displaced by violence from land granted to them through land reform (Consejo de Estado (2012).

¹⁹ For press coverage of these threats, including COLEMAD's public statement, see La Silla Vacía (2013).

²⁰ LER, May 2013, interview on file with authors.

Further studies must also take into account the fact that gender is an important category for the analysis of violent contexts. While we do not study its impact on the mobilization of men, women must deal with specific vulnerabilities in violent context. Internally displaced women in Colombia, for example, must mobilize in the intersection of displacement, poverty, and women's subordinate status in society. Traditional gender roles identify women as apolitical, an identification that has some advantages in terms of access to the Constitutional Court in particular, and more generally, as protection from the risks of political contention. At the same time gender stereotypes make women who challenge gender norms frequent targets of violence. Further attention is needed to the specific ways gendered groups (men, women and LGBTI) are vulnerable to violence, as well as their coping strategies and experiences of resiliency.

Throughout our research we found surprising resiliency—as well as the will to forge ahead, despite enormous personal risk. This willingness is best captured by a phrase we heard over and over again: “*Pa'lante es pa'llá*”—“That's the way forward”—which indicates both a willingness to invest personal effort in improving the situation, and a refusal to be preoccupied with past harms.

Further studies must be sensitive to the ethical dimension of the study of legal mobilization in violent contexts. Grassroots leaders and NGO that mobilize law in violent contexts do so often at enormous personal costs, under the understanding that there are few reasonable alternatives. When both passivity and armed insurgencies have failed, resignation can also be an untenable choice for desperately poor populations and their defenders. It is often claimed that legal mobilization is more instrumental to the reproduction of the status quo than transformative of social inequalities. This is probably true in industrialized democracies. That said, when civil society is faced with extensive violence, the legitimization of government institutions, in the form of democratic forums and human rights norms, seems to be a small price to pay. We have identified that the study of legal mobilization in violent contexts is a significant gap in the literature. Ultimately, however, we hope studies of this kind will be a fair representation of the people on the ground who adapt to shifting frames, chase after vanishing resources, and brave dangerous political opportunities. If our work contributes to a shift in that direction, then its relevance is assured.

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Appendix 1 Table of legal instruments

Institution	Measure	Title and year	Content
Congress	Law	Law 160 (1994)	INCODER market oriented agrarian reform law
Congress	Law	Law 387 (1997)	IDP rights and protection principles
Congress	Law	Law 975 (2005)	Demobilization of paramilitary armies and transition
Congress	Law	Law 1190 (2008)	Integration of IDP into municipal planning processes [PIU].
Congress	Law	Law 1448 (2011)	Victims' law
Congress	Law	Law 1592 (2012)	truth/justice/reparation components to Law 975
Constitutional Court	Tutela	T-025 (2004)	Unconstitutional state of affairs for IDP
Constitutional court	Tutela	T-610 (2011)	Protected women's association from debt collection
Constitutional court	Auto	C-360 (2006)	truth/justice/reparation components to Law 975
Constitutional court	Auto	Award 092 (2008)	Follow-up T-025, plight of internally displaced women
Constitutional Court	Auto	Award 383 (2010)	Demanded inclusion of IDP in PIU
Constitutional Court	Auto	Award 28 (2013)	Security of women IDP leaders
Consejo de Estado	Sala de lo Contencioso Administrativo	File N° 11001-03-15-000-2012-00031-00 (2012)	Debt-collection, displaced peasants, land-reform land
Turbaco municipal government	Decree	Municipal Decree 008 of 2011.	Adoption of local PIU

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