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Colombia after violent conflict

ICIP

INTRODUCTION

Colombia, avoiding another hundred years of solitude

Rafael Grasa
President of the International Catalan Institute for Peace

This special issue, the second in the new phase of the magazine, is dedicated to scenarios following the violent conflict in Colombia. More specifically, it gives an overview of the challenges pending and the roadmap for the future. This is the second time the magazine *Peace in Progress* has been especially dedicated to Colombia (the first was in December 2012). In this case, the publication appears days before the start of an international conference in Barcelona, organised by the ICIP with the support of the Catalan Agency for Development Cooperation, Barcelona City Council and the Province of Barcelona, entitled *Post-conflict scenarios in Colombia. Agenda, opportunities and roadmap.* The seminar brings together some fifty experts (around thirty of them Colombians) to discuss, under the Chatham House Rule (one can quote what was said but not who said it) the challenges and opportunities in Colombia following the agreement with the FARC and, in the future, with the ELN (exploratory talks are under way in Ecuador which will most probably result in a framework agreement to open early formal negotiations).

Specifically, the seminar is based on a fundamental premise: agreeing peace (making a deal at the negotiating table and implementing it, with there being little likelihood of violence re-emerging) is not the same as building peace (a process that takes 10 to 15 years, based on the "three R's": reconstruction, resolution and reconciliation). These two processes are of a completely different nature, with different agendas, actors, tempos and dynamics. Both in the magazine and in the seminar the emphasis is on building peace: that is, paraphrasing the title of a famous article by James A. Robinson, on seeing how one can face up to the challenge of breaking with another 100 years of

solitude, how to avoid any agreement on terminating the armed violence turning into the beginning of another century of solitude. Or, what is the same thing, how to break the "specificity" or "solitude" of Colombia: that of being a country that for over a century has cyclically reproduced political violence and, despite the current economic growth, is still the most unequal country in Latin America. To do this, peace building must address, step by step, the great challenges facing the country: the structural problems and those produced by the partial solutions and partial reforms of recent decades. In short, one must avoid a "Lampedusian" solution, one that follows the rule that Tomasi di Lampedusa put into the mouth of one of the characters of *The Leopard* when speaking of the troubled political situation in Sicily: "If we want things to stay as they are, things will have to change."

Therefore, the seminar will be structured around six lines of debate, which will be reflected in the final report and the book:

1. Peacebuilding in Colombia: from agreements to public policies.

2. The political dimension: the political system, decentralisation and territorial actors.

3. Development and the economic dimension.

4. Actors who are not directly political: participation, the humanitarian challenge and social and identity aspects.

5. Policies concerning memories of the past: reconciliation as a future prospect.

6. Security and defence policies.

In keeping with this orientation, therefore, this magazine deals with these same issues. And it does so with contributions from the speakers at the seminar: Rafael Grasa (the challenges of peacebuilding and the political actors), Maria Victoria Llorente and others (long term challenges and overcoming cyclical violence), Borja Paladini (the need to have infrastructures for peace), Luis Jorge Garay (rural development), Farid Benavides (policies for memories of the past which avoid impunity) and Gustavo Duncan (criminal violence and the risk of the "Mexicanisation" of Colombia). All this is complemented by an interview with León Valencia.

In short, this is an attempt to mark out a roadmap that will allow Colombia to look directly at the underlying problems and escape from the dead end of violence and exclusion — all of which have reproduced themselves cyclically, one generation after another — thus breaking with their structural causes and their different triggers, catalysts and multipliers. We need to avoid counterposing short term and long term peace; these are interrelated and need each other if we are to end the ongoing cycles of violence.

Photography: Borja Paladini Adell (C)

INTERVIEW

León Valencia, director of Fundación Paz y Reconciliación

Món Sanromà
International Catalan Institute for Peace

León Valencia*, director of Fundación Paz y Reconciliación. Member of the group of historical memory. Writer and political analyst.*

León Valencia was a member of the central commando of the ELN guerrilla group in the 80's. In 1994 he participated in the signing of a peace agreement with the national government. As a writer, he is a columnist for several media and has published political books. He is a co-founder of Corporación Arco Iris, a centre of thought, investigation and social action for reconciliation, and the Fundación Paz y Reconciliación, which aims at generating qualified knowledge for the incidence of the country's political, social and economic debates as a mechanism to contribute to building peace and national reconciliation.

Your trajectory is marked by the years you spent in the ELN. How do you remember that time of your life?

Twenty years ago, in 1994, we signed the peace treaty. I remember I had to reflect upon the set of values, where social justice, revolution, people's inclusion, democracy were… In the guerrilla I learnt to appreciate life. I remember that we were increasingly moving towards a more irrational and dirty violence… The main victims of the conflict were the civil population. It was no longer a confrontation with the state, but elites killing people. On the guerrilla groups' side, social leaders and defenceless politicians were being murdered. The enormous grief that it inflicted on the civil population scared me. Also, there was not a horizon of military triumph, there were no transformations or changes. It had no future.

What made you leave the ELN? When did you decide you had had enough?

There were two important events. On one hand, in 1988 we lived a painful massacre in Segovia, where soldiers allied with a political sector impersonated militiamen and killed 45 people and injured 47 more just because the population had voted the left. Our guerrilla group was powerful: it had more than 10,000 troops, received money from oil, and our central command was only three kilometres away from the scene, but we could not avoid the slaughter nonetheless. On the other hand, the guerrilla killed a bishop. The organisation I run had a Catholic background and was lead by the priest Manuel Pérez Martínez. Consequently, I found it barbaric that the guerrilla murdered a bishop on the grounds that his was a right-wing ideology. That was the image and the absurd justification that was attributed to us. It was very sad. I realised that it was not my political cause, that it was too poisoned and militarily powerless. All of that made me give up and start the peace negotiations.

" We get involved in the public discussion and take risks because we think Colombian society must be shaken. "

How do you see it twenty years later?

I think that my predictions have been confirmed. War has caused a large number of victims. I am glad I pulled back. It has been confirmed that there is no military solution: neither the government nor the guerrilla groups can prevail. It is a painful draw for Colombia, and the only way out is a political one.

You have led several investigations on parapolitics. Is this phenomenon the great tragedy of Colombia?

It is the other side of Colombia's coin. In this country there is a double tragedy. On one hand, the guerrilla shoots democracy from the outside but, on the other hand, some people shoot democracy from within: politicians allied with illegal forces, drug barons,

etc., in order to achieve local power and influence the national power. And the shootings from within were more effective than those of the guerrilla: the latter could not beat the institutions in a conclusive way, but these forces did. We carry out purely academic investigations on this matter. If we add mayoralties and other positions, there are some 500 legal politicians convicted or under investigation.

Which role may parapoliticians play in the peace process?

There are different degrees of parapoliticians. Some used alliances for electoral reasons, others handled large amounts of mafia money, still others participated in enormous crimes and massacres… Colombia's reassessment, the transition to post-conflict, is not only an agreement with the guerrilla groups, but also with democracy and the Colombian elites that have allied with mafias and illegal groups. This is the enormous challenge of reconciliation.

Which is the main message that you want to transmit through your work and that of Corporación Arco Iris and Fundación Paz y Reconciliación?

Corporación Arco Iris is a NGO devoted to social tasks. It deals with reinserted people, partners, communities… In Fundación Paz y Reconciliación we investigate the post-conflict. There are two things I want to highlight. On one hand, social investigation must be a service for public debate. Books and reflections must not remain on the shelves, but be part of the discussion and public service. So our investigations are aimed at having media and social impact. On the other hand, we must go beyond investigations and put a name to phenomena. In doing so, we have put our safety at risk and we have received threats, but we have managed to make society react. There is fear in the Colombian research community, and for a reason. The great centres of the main universities do not dare address certain subjects and do not have enough impact. We get involved in the public discussion and take risks, because we think Colombian society must be shaken.

" With Uribe, two things must be done. First, he must be politically defeated in his aspirations to end the peace process. But then he must be talked into reconciliation. "

You have entered some dialectics with the former president Álvaro Uribe. What role is he playing in the peace process?

Uribe is fighting a battle against the peace process in Havana. He is a sniper against negotiations. He believes that the solution is a military one. He tried, but he couldn't. But he wants to try again. He has leaked the secret negotiations under way and the draft agreement with the aim of aborting the process; he has made up that the peace commissioner, Sergio Jaramillo, was negotiating a kidnapping in Cuba with FARC; he has publicised the coordinates where the military forces were to pick up two FARC delegates and take them to Havana; he has gone to the Court in The Hague with the attorney Ordóñez to litigate against the peace process on the grounds that an impunity agreement is under way... He has opposed with legitimate but also illegitimate arguments and he has tried to fight a dirty war.

Is reconciliation feasible without Álvaro Uribe's cooperation?

With Uribe, two things must be done. First, he must be politically defeated in his aspirations to end the peace process. But then he must be talked into reconciliation. He represents stockbreeders, the entrepreneurs of the agrarian world, big landowners, regional political elites... They are a tough but powerful side. We need them and they must participate in the process.

Is it positive for Colombia's future? Which post-conflict scenarios do you foresee?

I think there will be an agreement with FARC and ELN. Ours will be a long and difficult post-conflict, but we are still not aware of it. We must stress two things in that regard. On one hand, the peace process under way will change the history of the country. But, on

the other hand, we have a society that has turned its back on the changes that have occurred in South America and that, regardless of the conversations in Havana, has some demands. The difficult part is that there are no political subjects leading this change. There is no left with enough muscle to lead a transformation, and in the political elites there is no reformist sector. The most reformist is Santos, but it is a timid, faint-hearted and pale reformism.

Photography: León Valencia

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Colombian political actors and the challenge of peacebuilding

Rafael Grasa

President of the International Catalan Institute for Peace

The following reflections are based on two paradoxical observations. On the one hand, a structural tendency exists in Colombia toward the intergenerational reproduction of political violence, which is linked to a system of governance that reproduces and amplifies inequality, with a key role for political and territorial elites (in the capitals and the regions). This tendency, in addition, is closely tied to the dysfunctional organisation of Colombian society. Authors such as James Robinson have accurately suggested that Colombia's problems, beginning with the violence, are rooted in the perpetuation of an anachronistic system of indirect governance characteristic of Europe's imperial powers. Remember, urban elites, in our case in Bogota, delegate the effective functioning of rural and peripheral areas to local elites through a system of mutually beneficial reciprocity. It is a broad and generous delegation: whoever wants to can govern and have representation in the Congress in exchange for a *quid pro quo* that guarantees their political support and acceptance without challenge for the general rules of the game of the national and capital elites. It results in a combination of an essentially strong centralism and the "de-localisation" of the management of the territories. This manner of governing the country, according to Robinson's thesis, is the cause of almost all Colombia's problems, and generates the chaos and illegality that exacerbates other problems. Beyond the academic debate over why such a chaotic and dysfunctional system has been perpetuated and become stable, it is clear that the political system, and in particular, the party system, is based on this.

On the other hand, the second observation, paradoxically, is that, if the discussions in Havana and those that will soon be publicly and formally initiated with the ELN, have success, we will go from a phase of peacemaking, under the control of elites, to a

process of peacebuilding in which all social actors have importance. However, as we will see, the political actors of indirect government are key both for making peace and for launching at a good rhythm the peacebuilding process. Making peace may take two to five years, while peacebuilding may take no less than 10 or even 15 years. In the intermediate stage between one and the other, political actors play the key role for several reasons. First, because they are political actors allied with armed actors and with legal and illegal economic actors, who can act as spoilers, making tdhe implementation of agreements fail. Secondly, and more importantly, because it will be actors from the institutional political system, political parties, and above all, current legislators, who will hold the key to the initial success or failure of the peace agreements, who must substantiate and concretize agreements within the government and parliament. And third, because in the consolidation phase of the agreements and in peacebuilding in the fullest sense, beginning with the third or fourth year, the key will be in the interactions of less institutional and more conventional actors (social actors, trade unionists and community activists, without excluding illegal actors) with elected officials, such as mayors, governors, and others holding regional political offices. All this will place real decentralisation – not mere de-concentration – and the pacts and agreements on the centre of the agenda.

> **" A long-term deficit exists in the party system, which is weak and lacking apparatus, in comparison with the importance of the human factor, the personalities of party leaders and candidates. "**

In short, the functioning of the political system, in particular the party system and the legislative decision-making system, will be crucial. And therein will begin the structural and conjunctural difficulties.

Regarding structural difficulties, a long-term deficit exists in the party system, which is weak and lacking apparatus, in comparison with the importance of the human factor, the personalities of party leaders and candidates, which reinforces the tradition of voting for the person and the system of preferential voting. The political parties, since the 1950s and at the mercy of the reinforcement of this system with the reforms of the 2000s, are much less important than the persons. A clear tradition of a multi-party institutional presence and alliances also exists, although modified by reforms from decades ago. In short, this is a system formed by middle-sized parties that do not reach even one-third of the parliament and with a tendency toward changes and pacts fostered by the offer of personal or group incentives (the distribution of "marmalade" is the local expression). The results are a very clear division in the opposition, in particular, on the left, but also among governing majorities, a surge in social movements and lack of connection of the population with the political parties and, even, social movements (surveys show that 60% of the population feels no affinity with any parties or movements).

But Colombia also faces conjunctural difficulties, linked to the 2014 legislative and presidential elections and their results, now firm regarding the legislature and strictly speculative regarding the presidential elections. The Legislature, the President, and the Government that emerge from these elections will have the task of implementing the eventual peace agreements and initiating the process of peacebuilding.

Participation in the legislative elections in March, in the Senate (100 seats) and in the Chamber of Representatives (163 seats)[1], was low, around 44%, with a high number of invalid votes (approximately 12%), due to the complexity of the electoral system and in concrete the ballot form, and with a significant proportion of blank votes (6%). The final result was tight, with an even greater predominance of the mid-size parties than in the prior legislature.

In the Senate, the victory of the Social Party of National Unity (led by President Santos), with 21 seats, followed by the Conservative Party and Uribe's Democratic Center (both with 19 seats)[2], the Liberal Party, with 17 seats, Radical Change (9 seats), the Green Party (5 seats), Democratic Pole and Citizen Option (5 seats). Regarding the popular vote, it was practically a tie: only 2% separated the first four parties. In the Chamber of

Representative, in seats, the Liberal Party won the most (39), although in percentage of the vote the Party of National Unity, with 37 seats, won. Following was the Conservative Party (27 seats), Radical Change (16), Democratic Center (12), the Green Party and Citizen Option (6), Pole and the MIRA party (3) and three parties with one seat each.

" It is still too soon to know what impact the parapolitical and illegal groups will have on the new legislature. What is clear is that it will have an impact. "

Overall, the losers are clear: the MIRA, despite winning seats in the Chamber of Representatives; and the left-wing parties, with the Patriotic Union without representation in the Chamber, the Democratic Pole, which lost representation, and the Green Party that showed no improvement, in the two chambers the left-wing parties winning a total of 19 out of 263 seats. The winners are also clear: Uribe, with three strongholds, Cordoba, Antioquía and Bogotá and, in the prospective future, Santos, likely president despite difficulties. A clear right-wing majority has been consolidated and a clear presidential majority, around 65% in the Senate (although it had been 80%). In relative terms and regarding expectations, the Conservative Party also won, with results better than expected and better than the Liberal Party, which was a loser in slipping to fourth place in the Senate when it had hoped to be first.

But the elections, apart from determining majorities and minorities in the chambers, also had an important impact on: a) Uribe's political future; b) the approaching presidential elections (May 25) and the peace process that will mark a new political cycle; c) the eventual hinge parties in future governability; d) the party system, above all in regards to the degree of renovation and continuity in the parties and the role of small parties; e) the future of the left-wing parties; and f) the parapolitical influence of illegal groups in the future of the country.

Regarding Uribe's political future, the following is clear: no one has ever gotten similar results on a closed list, although with very plural participants, and with a campaign focused to such an extent on the candidate and his ideas. He will be the main opposition to Santos, but now in a new scenario, the legislative chambers. However, the result is worse than expected overall, despite the spectacular results in Bogota and Antioquia.

Regarding impact of the legislative elections on the presidential elections and on the Havana negotiations, it is clear that, although the campaign will be difficult, there are no indications that Santos might lose. The obstacle will not be in the legislative chambers either: in the future we will see passionate dialectics, however, given the support of the Democratic Pole and the Greens for the discussions in Havana, the percentage in favour of the peace process is 80%. Therefore, what is at stake is not the possibility that measures against peacebuilding could be approved, but instead, the need to reach agreement on the measures to be taken. In addition, Claudia Lopez, Jorge Robledo and Ivan Cepeda, all great speakers, will provide responses to Uribe.

" The cycles of intergenerational political violence will not be broken without changing the system of governance. "

Some brief reflections regarding the hinge parties and governability and the future party system: Despite the possibilities of the conservatives forming varying alliances, it is not likely they will do so with Uribe. However, a policy of alliances will require great subtlety in this legislature. Regarding the party system, it continues to be the weak link in the Colombian political system, as it is dependent above all on personalities and not parties and has little capacity for renovation. The good news is that many of the small parties have resisted disappearing. Regarding the left-wing parties, the essential has already been discussed. We could add that, sociologically, the left in Colombia will not achieve similar results to those found in neighbouring countries until peace agreements are a reality and are implemented.

Lastly, it is still too soon to know what impact the parapolitical and illegal groups will have on the new legislature. What is clear is that it will have an impact: a study of the candidates from the departments, published before the elections, identified 131 candidates with direct or indirect relations to them.

In short, the first stage of the peace making process is complicated, needing effort and agreement. Subsequent stages will be fascinating because the cycles of intergenerational political violence will not be broken without changing the system of governance, as previously discussed. To do this, institutional political actors that emerge and prosper in this system must be agents of change. These will be passionate times that will demand, if win-win strategies are to be found, long-term strategic thinking.

1. I leave aside the analysis of the elections to the Parlamento Andino [Andean Parliament], probably the last elections, and also the special elections to choose seats in both chambers reserved for indigenous minorities and minorities of African descent.

2. A recount could give one more seat to the Democratic Center

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The Challenge of Change

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Once again, as on other occasions over the last thirty years, the Government of Colombia and the guerillas of the FARC have initiated a process of dialogue aimed at ending the armed conflict in our country. This is not a minor issue. Although there are those on the national scene who oppose this initiative, encouraging uncertainty and casting doubt on the process and results, it cannot be denied that the greatest desire of the majority of the people in Colombia and our greatest moral imperative is peace.

Nevertheless, on this occasion, and in contrast to prior processes, a range of voices have insisted upon the distance that exists between signing a possible agreement and the actual process of building peace, pointing out the importance of this latter concept in determining the future of our country. The very *High Commissioner for Peace*, Sergio Jaramillo, has said on various occasions that after the signing of an agreement with the FARC, a period of *transition* or *reconstruction* will follow; it is in the unfolding of this period that the country will determine the real possibilities of putting an end to the current state of conflict (Jaramillo, 2013).

What factors must be considered if this *transition* is to be the beginning of a chapter of peace and not the preamble to another cycle of violence and conflict? Answering this question requires recognizing, from the start, as has been proposed by James Robinson, that the problems of our country are not the result of drug trafficking, nor the guerrillas, but are much more deeply rooted (Robinson, 2013). In this sense, the *transition* period will be an opportunity to transform fundamental phenomena of a historical and, if you will, structural nature

" The transition period will be an opportunity to transform the institutional arrangements that determine the governing and administration of Colombian territory "

Transforming the institutional arrangements that determine the government and the administration of Colombian territory is indispensable. Robinson argues (2013) that current arrangements are not so different from those that existed in the colonial period, when national elites delegated control of peripheral regions to regional power structures under a tacit agreement in which the resources of these regions were controlled at the whim of those who held local power, as long as they did not defy the general structure of domination from the centre. The obvious effect of such arrangements has been the institutionalization of exploitation and scorn for the common good, which has been reproduced unchecked, and constitutes a breeding ground for corruption, violence and criminality. These arrangements are what Robinson and Acemoglu have referred to as "extractive institutions" (Robinson and Acemoglu, 2012).

As García Villegas and his collaborators have proposed (García Villegas, García Sánchez, and Rodrígez-Raga, 2011), rule by extractive institutions in Colombia's regions can be seen in the gaps between laws as they are written and the dynamics of daily life. These gaps are even more egregious in municipalities affected by the armed conflict. In effect, although our laws clearly establish the essential aims of the state and the functions its authorities must carry out at the regional level, we have to recognise that the effective capacity authorities – particularly civil authorities – have to coordinate the life of society is constrained by a system in which de facto power – often through violence – determines daily events, limiting the exercise of citizenship and the enjoyment of civil rights.

What does support for a transformation of this nature involve? A change of this order specifically involves reversing and challenging those arrangements by which

Colombian territory is managed, and consolidating what Robinson has called "inclusive institutions" and García Villegas, recalling Michael Mann, the rule of *infrastructural power* . This involves breaking vicious circles that have led to the creation of unlimited power, enormous inequalities and the absence of governing bodies to control abuses of power (Robinson and Acemoglu, 2012, p. 403) and, in their place, triggering virtuous circles in which there is a more pluralist distribution of political power and wealth in society (Robinson and Acemoglu, 2012, pp. 362-363). In other words, we must create environments in which regional actors, instead of acting based on dynamics of predation and disregard for public order, act to create and distribute well-being. This means institutional arrangements in which the state is able to exercise legal control through robust institutions and techniques that are present and effective at the regional level.

" Two initial steps are necessary: One that the government must take and that has so far been missing, and the second, one we can begin together immediately. "

If we accept the above, we should begin discussing how to make this transformation. If not, our notion of peacebuilding will remain limited by a generic discourse with few tools for taking action. From our perspective, two initial steps must be taken, one that the government must take and that has so far been missing, and the second, one we can begin together immediately.

Regarding the first step, we would argue that a transformation such as the one we propose, requires strong and positive leadership from the head of state. Thus, a message without ambiguities is necessary in order to facilitate the support of our population for a process that contains so many unknowns. All change generates fear and uncertainty and tests the capacities of those who lead it. As a society, we need inspiration and trust; we need to break with inertia; we need to free ourselves from the weight of the past, abandon our current place of safety and take risks to build a better

future for everyone (Kotter, 2012).

In terms of the second step, we believe the proposal of the Commissioner for Peace is essential. From his perspective, this transition process will not only involve great efforts to strengthen the state in the regions and consider the population of peripheral areas as citizens with full rights, but it will also require the opening up of spaces for open and constructive debate over different ideas and alternatives. It is crucial that regional actors – who to a certain extent have been hostage to government centralism and to coercion by others – exercise their role as agents of development and reconciliation and that they come to agreements on the economic, political and social objectives that the regions of Colombia require. But this does not mean discussions in which actors defend only their own narrow interests. It is a question of dialogue for a joint construction, in which the fundamental issue is what each actor, from his/her social, economic and political location, is able to contribute so that a new territorial reality can be created.

In this sense, post-conflict is understood as bringing about major change from the grass roots and with the participation of all regions. There are no fixed guidelines ready to be followed. It is not about a set of grandiose reforms to maintain the established order, or to integrate certain groups that have been attacking the stability of the state into this order (for some, already ideal). It is about fostering an ensemble of voices and interests. This effort will require persistence, support, imagination and, above all, great generosity: Generosity, yes, because in the reconstruction of the country, we must be willing to give, hand over and sacrifice some of the comforts we have obtained in accustoming ourselves to living in the midst of violence.

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Peace infrastructures

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Those of us who dedicate ourselves to peacebuilding could learn a lot from the military. The armed forces represent one of the most complex and organized systems in many countries. In Columbia their purpose is to defend sovereignty, independence, the integrity of the national territory and the constitutional order.[1] They have developed various means to fulfil this purpose, taking the form of a security support infrastructure. Under the direction of the President of Colombia and with the support of the Commander General of the Military Forces, the armed forces represent a complex and interdependent system of institutions, resources, values and skills. They are composed of three forces- the Army, Navy, and Air Force- from which a wide array of associated institutions are deployed: general headquarters, directorates, military units (divisions, brigades, joint commands, etc.), military preparatory and training schools, media, etc. They also have important resources in the form of personnel, buildings, quarters, recreational centres, administrative bodies, hospitals, weapons systems, and others. This institutional framework is supported by a series of military values (principles, mandates, hierarchies, command lines), policies (strategies, directives, plans, orders), control mechanisms (military justice) and mechanisms for quality management. They even have an assigned budget, which represented approximately 3.28% of Colombian GDP for the year 2012.[2]

In the Colombian context, there is no doubt regarding the role played by the Armed Forces within the state for the consolidation of peace. But does Colombia have at its disposal a complex and interdependent system of institutions, resources, values, strategies and abilities to bring about a sustainable peace? In this article we present some ideas about the institutional structures Colombia requires to build peace.

" A peace infrastructure is made up of a combination of actors and organizations with a formal mandate, as well as the means necessary for peacebuilding. "

The concept of "peace infrastructures" has been developed in recent years based on the experience of more than 30 countries that have been able to transition from war to peace (South Africa, Kenya, Ghana, Nicaragua, Nepal, Kyrgyzstan and the Philippines, among others).[3] In accordance with the UNDP, an infrastructure for peace is *a network of interdependent systems, institutions, resources, values and skills held by the government, civil society and communities which promotes dialogue and consultation, prevents conflicts and enables peaceful mediation when violence occurs in a society.*[4] It is made up of a group of actors and organizations with a formal mandate, as well as the necessary means for peacebuilding.

The importance of this approach consists in the clear understanding that peacebuilding is a fundamental responsibility of all Colombians. An endogenous process of transformation and innovation, to be sustainable and resilient, can only emerge from the people, communities and institutions of the country, including the poorest and most excluded, victims, women, young people, ethnic populations, the actors in the conflict and others.[5] The approach must be innovative in terms of the institutional development of the country, creating a transitional infrastructure in support of peacebuilding.

This understanding of peacebuilding is not necessarily contrary to that which was reflected in the agreement that opened up the current process of dialogue between the National Government and the FARC, as well as in the partial agreements which have been reached so far.[6] These agreements state that peacebuilding is the responsibility of all Colombians, and they prescribe certain ideas about institutions to help make the transition from the end of conflict to peace (for example, the creation of a National Committee for Reconciliation and Coexistence is mentioned, as are Regional

Committees).

" An infrastructure for peace is one of the main ways to ensure that peace does not turn into a new battleground, but rather the ground for dialogue for the non-violent management and transformation of conflicts. "

What characteristics could an infrastructure for peace have in Colombia? How can we combine what is agreed upon in an eventual peace agreement with the wealth of initiatives and institutional and community experiences Colombia already has? We will present some ideas in the following section.

– A peace infrastructure on the national level takes the form of a system of governance for peace. In some countries, such as Nepal, this has been through a Ministry of Peace and Reconciliation, which has provided strategic direction to the process. This Ministry also has a secretariat in charge of coordinating and assisting the entire institutional framework of support for the implementation of the peace agreements. For the development of this system of government for peace, there could be, in addition, a series of supporting institutions to enrich the peace infrastructure: research institutes, a roster of experts for strengthening institutions, in particular, city halls and local entities, or to facilitate conflict mediation, centres for historical memory and reconciliation, and peace houses, among other possibilities.

– A peace infrastructure on the regional level takes the form of a point of contact between the national and the local: An arena for action where national policies and programmes can be put into the context of the local level, including an eventual peace agreement. It must also coordinate between the local and national levels so that local proposals are taken into account in the dynamics of peacebuilding defined at the national level.[7] The regional level is strategic because it is the ideal space to coordinate key actors or to replicate peace initiatives that have been successful on a larger scale.

In Colombia, proposals such as the Programmes for Development and Peace have been playing this role for many years.

– A peace infrastructure on the local level takes the form of formal spaces for citizen participation (Local Peace Committees or the like) through which open dialogue can be fostered to nurture and enrich the implementation of the peace agreement. The local is fundamental as it is where people have most suffered violence, and where the success or defeat of peace will be defined. On this level, peace means improving the living conditions of those who are the most vulnerable – including the victims – in particular, their real access to health, education, land, participation, culture, public safety, etc.

– Internationally, a peace infrastructure takes the form of strategies to support peacebuilding in Colombia that promote initiatives articulated with and complementary to national and local dynamics. Instruments such as basket funds, international cooperation strategies to support peace and joint programs can be fundamental to achieve strategic, sustained and comprehensive international backing that does not turn into thousands of small isolated and de-contextualized projects.

A peace infrastructure, in short, is one of the main ways to ensure that peace does not turn into a new battleground, but rather grounds for dialogue over the non-violent management and transformation of conflicts, which is, without a doubt, what will bring about a process of transition from armed conflict to peace. The objective of a peace infrastructure is to accompany this building process. It is a key factor in generating a sustainable peace. It is not an end in itself. It is an institutional commitment to facilitate a process of change from war to peace. Its ultimate goal must be to build and consolidate a legitimate state – in the eyes of the population of Bogota or in the eyes of the population that lives in the most remote hamlet of Iscuandé, Nariño- A state which is not a part of the conflict, but instead, the main mechanism for the non-violent regulation and transformation of conflicts, and the guarantor of human rights.

1. Article 217 of the Constitution of Colombia of 1991.

2. Data from *"The World Factbook"* of the US *Central Intelligence Agency.*

3. Some important documents on the subject:
– Odendaal, Andries (2013) *A Crucial Link: Local Peace Committees and National Peacebuilding.* Washington: USIP
– *Special Issue: Infrastructures for Peace.* Vol. 7. Issue 3. 2012. Journal of Peacebuilding & Development.
– Barbara Unger et al. (eds.) (2012) *Peace Infrastructures – Assessing Concept and Practice.* Berghof Handbook Dialogue Series No. 10. Berlin: Berghof Foundation. Available here.

4. Ryan, Jordan (2012) *Infrastructures for Peace as a Path to Resilient Societies. An Institucional Perspective.* En Journal of Peacebuilding & Development. Vol. 7. No 3. p.15.

5. Clark, Helen. 2012, *'Putting Resilience at the Heart of the Development Agenda'*, speech given at the University of Cambridge, 16 April 2012 Available here.

6. The main documents up until now on the process of dialogue between the Government and the FARC EP can be found in the this link. These represent partial agreements subject to the principle that nothing is agreed upon until everything is agreed upon.

7. Paladini Adell, Borja (2012) *From Peacebuilding and Human Development Coalitions to Peace Infrastructure in Colombia.* In Barbara Unger et al. (eds.). Op.Cit Peace Infrastructures – Assessing Concept and Practice. Berghof Handbook Dialogue Series No. 10. Berlin: Berghof Foundation. Available here.

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Rentism, territorial control and rurality in Colombia

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Since the beginning of the Republic, rural development in many regions of Colombia has been characterized by the predominance of *rentism* in social relationships and behaviour. Rentism is understood here to mean the reproduction of practices imposed *de facto* by powerful groups to benefit their own privileged position in the political, economic and social structure for their own selfish and exclusive interests, even sacrificing the common interests of the society and without any correlative benefit to that society. This is to clarify that the concept of rentism corresponds to a theoretical perspective that goes beyond the traditional concept of "rent-seeking".

This extreme rentism as a social practice has privileged powerful agents (legal, *opaque* – those who move between legality and illegality – and even openly illegal) who are not necessarily distinguished by their innovative abilities in taking advantage of the possibilities the land provides. At the same time it has marginalized/ignored others such as peasants – "lack of recognition" or "devaluation of the peasantry" -, consistent with practices favouring the accumulation/concentration of land aimed both at acquiring political, economic and even military power, as well as pursuing speculative and non-productive objectives. It has led to the inefficient use of the land, reproduction of deficient patterns of specialization in widespread regions of the country – such as in ranching, with around 40 million hectares instead of 12-15 million in accordance with the suitability of the available land – and a transgression of borders between cultivated land and forest reserves. This is promoted by public policies that have prevented the consolidation of the land as a real productive factor, for example, taxation policies that do not tax the profits or income derived from the use of or speculation on land.

In practice, an exclusionary model of rural development has been reproduced, consistent with a high concentration of property ownership, an exaggerated level of informality in relation to the land on the part of the peasants (the large majority have land without being duly registered as holders or without deeds) and, therefore, there is excessive insecurity regarding their property rights, profound social exclusion and marginalization, and little access to basic social services and public goods for the large majority of the rural population (Garay 2013a).

As pointed out in Garay (2013 b), "at the same time as it reproduces itself, [this process] is also strengthened by blocking the creation of a real land market, as it reproduces the predominance of a high degree of mistrust in the validity/stability of property rights, the in-existence of adequate institutions for efficiency, competitiveness and competence among agents (inadequate if non-existent taxation on returns from the land) and the fragility of the rule of law. This leads, under normal conditions, to observed land prices that do not strictly reflect their economic and social opportunity costs from a long-term perspective, that is, competitive cost in a real property market, to give but one example."

" The struggle for the control of territory and the appropriation of land is an indispensable element in the exercise of rentism through illegal and even apparently legal activities. "

This has generated an environment for the relative deagriculturization of the land, even in comparison to other middle-income countries, and the relegation of agriculture from its role promoting the growth of the Colombian economy.

However, the struggle for the control of territory and the appropriation of land has been an indispensable element in the exercise of rentism through illegal and even apparently legal activities throughout Colombia's history. That is, exaggerated rentism, illegality and territorial domination have formed the foundation of conditions indispensable for

the development of illegality and the reproduction of systemic violence, traditionally found up to the present in widespread regions of the country, although with varying modalities, agents and dynamics depending on the the period.

However, in the context of the reproduction of illegality under the modality of macro-criminality[1] during the past three decades, in the middle of multiple instances of violence, the struggle for the control of territory between different groups and illegal networks (narco-paramilitary groups, guerillas and narco-guerilla blocks, criminal gangs, etc.) was exacerbated, as it became a fight for military control and political power, as well as to carry out illicit activities such as drug and arms trafficking, the appropriation and exploitation of natural resources, and the usurpation of land/land grabbing. And to do this, violence and coercion was used, producing a massive and systematic victimization of the peasant populations and ancestral communities of various regions.

Victimization consisted in illegal armed groups/illicit criminal networks using the power of intimidation/coercion and violence to subject and force the displacement of rural communities. The aim was the so-called "social cleansing" of supposed or real pockets of other criminal groups in order to gain the dominance and de facto land ownership required to exercise political power and for the benefit of both illegal and legal activities as indispensable sources of funding for these groups.

" Between 1980 and July 2010, more than 1,100,000 peasant families were forcibly displaced, leading to the forced dispossession of more than 6.6 million hectares of land. "

In fact, according to figures from the Third National Verification Survey of the Colombian Commission Monitoring Public Policy on Forced Displacement (Commission 2011), it is estimated that between 1980 and July 2010, as a consequence of systematic actions of legal and illegal violent groups, 1,100,000 peasant families were forcibly

displaced from their land, which would amount to the abandonment of and/or forced dispossession of more than 6.6 million hectares (without counting the dispossession of ancestral and community land, nor uncultivated land of the Colombian state), equal to 15.4% of the agricultural land of the country[2]; that is, the process of dispossession was coupled with the massive victimization that occurred in the country, affecting more than 11% of the population of Colombia in 30 years. This process was particularly concentrated during the years 1998 to 2008.

Such circumstances call for the implementation of a rural development model with a territorial focus that aims for the gradual social inclusion and recognition of the peasantry as a social, productive and political agent for the transformation of rurality in Colombia, in addition to establishing the land as a true factor of production and not for the accumulation of power.

This imposes on the state the responsibility of advocating for peasants' access to land of adequate quality and geographic situation and formalizing titles to this land. The state must also be responsible for establishing favourable conditions for land use and strengthening the capacities of the peasantry (by implementing a progressive taxation system on both property and land rent, providing loans, technical assistance, access roads, public goods, etc.).

To progress toward an inclusive rural model it is necessary to correct the existing "failure of recognition", as a result of which the rights of the peasantry have been ignored, a clear redistributions of assets in their favour has been denied – "failure to redistribute" – and the society has not reacted or been moved in the face of phenomena such as massive and systematic forced internal displacement.

In addition, the false premise that the main or almost only social actor capable of integrating in the "global dynamic" is the entrepreneur/businessman must be overcome. Apart from reproducing the devaluation of the peasantry, this premise ignores the potential of the productive systems of the peasantry and small producers in the production of foods, and agricultural goods and the productive use of the land. In other words, the prevailing model reproduces the failure to recognize these productive systems as potential motors for the systematic productivity of the countryside in a

country such as Colombia.

" Productivity, technical efficiency and the relative profitability of production systems of small producers, under the right conditions, are not significantly lower than those of medium and large-scale producers. "

Indeed, in contrast to the predominant official perspective in Colombia, according to the preliminary results of a pioneering study being carried out by the Monitoring Committee of Javeriana University (2013), at least in principle it could be argued that the productivity, technical efficiency and the relative profitability of production systems of small producers, under the right conditions, are not significantly lower than those of medium and large scale producers, and are in fact even higher in certain zones and specialized areas of production.

This implies that to the degree that suitable conditions can be provided in terms of specialization-diversification of products, quality of the land, production methods, legal and social stability, and access to markets, among other factors, in certain zones and with specific products, small scale production systems may be even be more efficient in the use of resources and the available factors of production than medium and large-scale production systems.

Of course, the same can not be claimed for peasant production systems that have been impoverished to mere subsistence-level and subject to inadequate conditions due to poor soil quality, distant and difficult accessibility and precarious social and legal stability, among other factors.

This strongly demonstrates the need and economic and social desirability of implementing a rural development model that reproduces the right environment for the empowerment of the production systems of peasants and small producers. While such

a model should improve their efficiency and competitiveness, it must also contribute to the food supply in a socially beneficial way, improve the standard of living of the rural population, strengthen the competitiveness of agricultural production, take advantage of new forms of associational organization and models of insertion of small-scale peasant production to value chains in conditions of equal opportunity with other links in business production.

This will only be possible with the abolishment/dismantling of the roots of rentism and illegality and the strengthening of the foundations of the rule of law in all regions of the country and the establishment of social relationships not based on the exercise of power but rather on the democratic exercise of citizenship and the observance of basic human rights.

1. A macro-criminal network is a social network or group of heterogeneous agents who have multiple psycho-social interactions within a flexible and malleable structure through the formation of sub-networks – with a hierarchy that is not strictly pyramidal and inflexible and through sub-network components with some specialization – during a specific period in order to achieve criminal objectives through the realization of various activities, criminal as well as non-criminal. Some possible empirical characteristics of a macro-criminal network are: Active participation of multiple types of nodes/agents (supposedly legal, openly illegal/criminal and others that are hidden and move between legality and illegality); establishment of multiple types of interactions in a specific period, illegal/criminal as well as legal, and institutional infiltration, manipulation and reconfiguration to varying degrees and levels, with medium and long-term effects.

2. The pattern of dispossession clearly reveals the rural structure of the country: the excessive concentration of property and the high degree of informality in the legal relationship of the peasantry to the land. In general it can be said that more than 40% of the land in Colombia is not formalized/registered, in legal terms, by the peasants, given that they do not have duly registered deeds. Thus, only 21.5% of peasants who have been dispossessed or who have been forced to abandon their land have a registered deed; that is, they are considered property owners in a legal sense according to the Colombian Civil code.

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Justice in the Period of Transition

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Once again, the Colombian government has embarked on a peace process with the Revolutionary Armed Forces of Colombia (the FARC). For more than a year now, the different aspects of the agenda agreed on by both parties have been under discussion in Havana. However, one of the most important elements is related to the issue of justice for the crimes committed during the armed conflict. To respond to this issue, the government of President Juan Manuel Santos promoted – with the support of Senator Roy Barreras – an amendment to the Constitution to create a legal framework for peace. The framework is aimed at providing the Colombian government with the tools needed to respond to the peace process and to implement transitional justice mechanisms. Included among these is the investigation and prosecution of those most responsible for the crimes committed, the implementation of non-punitive justice for low-level offenders and the creation of a Truth Commission.

Transitional justice is one of the central issues of the discussion. In this text I first clarify the Colombian government's understanding of transitional justice – based on statements made by government representatives – and secondly, initiate a discussion on the issue of justice and impunity.

1. What is transitional justice for the Colombian government?

Colombia has had a long history of war and peace processes going back to the beginning of the Republic. At the same time, as a consequence of these peace processes, it has also had a long history of amnesties and pardons under the guise of political crimes. When the Commissioner for Peace, Sergio Jaramillo, spoke at the External University of Colombia, he presented the most important points if a peace

agreement with the FARC is to be reached. Jaramillo talked about the difference between a peace agreement and peace building, what he called the transition phase. As Jaramillo said, the groundwork for peace building is being laid in Havana, that is, the process that will make the commitments being reached in the peace negotiations a reality. One objective is to strengthen the rule of law, understood to mean the strengthening of the social order and the rules of the game. The struggle against impunity is important if this is to be accomplished. However, Jaramillo departs from the common conceptions of impunity and states that it is measured by the degree to which the rights of the victims are satisfied, forgetting that one of those rights is precisely the investigation and sanction of serious violations of human rights. He also asserts that it has been a mistake to focus so much on victimisers and not on victims, but he does not clarify how the absence of investigation and sanction can satisfy the rights of victims.

2. Justice and impunity

One of the main points of the discussion is in regards to criminal justice and the possibility of granting amnesty or pardons to the demobilised. This would be accomplished by turning to the category of political crimes and affirming, through the principle of related actions, that it is possible to extend these benefits of the constitution to many of the demobilised.

" It is misleading the public to claim that the category of political crimes provides a legal solution to the challenges posed by the crimes committed by the FARC "

First of all, it must be noted that political crime has formed part of the legal tradition in Colombia, representing a way of reincorporating rebels into political and civic life. Thus, rebels are beneficiaries of amnesties and pardons because of their very participation in armed groups and crimes related to the act of rebellion, such as carrying arms, theft,

wearing uniforms, etc. However, let's be clear about this; what is at stake in these peace negotiations is not the situation of the rebels but something of much greater importance: the response to crimes against humanity.

Colombia's own legal tradition guarantees that amnesties and pardons for acts of rebellion cannot be applied to shelter perpetrators of acts of barbarism, which clearly include crimes against humanity. Thus, although a crime of this nature may have been committed for political reasons, it does not follow that its perpetrators can benefit from amnesty or pardon. It is, therefore, misleading the public to claim that the category of political crimes provides a legal solution to the challenges posed by the crimes committed by the FARC in the conflict.

Concerns regarding impunity are not in reference to the political offender. Who they are in reference to are the authors of crimes against humanity, as this category of crime is not included in the notion of political crime. In other words, the category of political crime cannot be used to erase the serious violations of human rights committed by the FARC. The national government has attempted to broaden the category of political crime and political criminal by expanding the framework of related crimes. But in doing so it has fallen into a serious contradiction: on the one hand, it claims that this is a category that is part of the Colombian legal tradition, but on the other hand, it contends that this tradition has to be modified because as it is conceived, it only serves to pardon acts of rebellion. Thus, non-criminal measures and models of restorative justice cannot be established apart from the question of criminal justice, because in its absence, their purpose – to create a new rule of law in which citizens can live in peace and enjoy their rights – would not be achieved.

" In order to strengthen the rule of law, the investigation and prosecution of the authors of serious human rights violations must be guaranteed "

3. Transition and impunity

The Commissioner for Peace in his speech at the External University of Colombia stated that the goal of transition is to strengthen the rule of law and the rules of the game. To accomplish this goal, assuming that these words are sincere and that this is not just mere rhetoric, it is essential to guarantee the investigation and prosecution of the perpetrators of serious violations of human rights.

In the literature on criminal law and transitional justice, there are various criticisms of issues related to the struggle against impunity: criticisms suggesting that criminal law is inadequate for the process of transition; that criminal justice is unable to deal with truly radical evil, that it is impossible to clearly distinguish between victims and victimisers, and that it is possible to achieve the same objectives with other types of measures. On this point there has been wide discussion that cannot be dealt with in this paper. However, I do want to emphasise that the perspective of protecting the rights of victims demands that justice be done.

The assertion of the Commissioner for Peace that the criminal justice system cannot deal with all crimes and all perpetrators must be taken with scepticism. First of all, if investigation is the responsibility of only a small group of civil servants, as occurred with the Justice and Peace law, we are clearly witnessing another failure of justice. But if the entire apparatus of the criminal justice system is used and we take advantage of the recent reform of its structure carried out by the Attorney General's Office, surely we can deal with the most serious crimes, those whom the legal framework for peace referred to as "most responsible". In addition, the experience of Germany and Argentina demonstrate that it is possible to prosecute the highest number possible of those responsible, but only if there is the will to do so.

Finally, we must not forget the work of the Austrian-born philosopher and Auschwitz survivor, Jean Amery. Amery defended the right to resentment, given the impossibility of settling the past without justice. It is only through justice that the victimiser will understand that what happened should not have happened and will want, as does the victim, to return to the past. If this does not happen, if there is no justice, if those responsible for these serious crimes are not sanctioned, the words of the Commissioner

for Peace – that we must adopt the perspective of the victims – will amount to nothing more than empty rhetoric.

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IN DEPTH

Toward a Mexicanization of the war

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A Mexican colleague asked me what the difference was between Mexican and Colombian drug traffickers. My answer, he later told me, was the same as that which he had heard from other Colombian students of the issue. In Mexico, drug traffickers have never had to face the threat of powerful guerrillas. As a result, they never had to assemble irregular armies to survive. It was enough to have bodyguards and bandits to make war. In contrast, Colombian drug traffickers from very early on had to learn the art of controlling territory through widespread bloodshed.

At war since the beginning

In the early 1980s, the different guerilla groups in Colombia took advantage of the availability of new resources to expand their geographical presence. These resources came from criminal activities, mainly kidnapping and extortion. The victims were business owners, landowners, store owners and anyone who had anything of value in the areas where the guerrillas operated. Very quickly drug traffickers also became victims. They were very desirable targets because if anyone had money in these areas, they did. What the guerrillas did not foresee was that the drug traffickers not only had resources to defend themselves but that they would do so. They quickly assembled paramilitary armies and even co-opted paramilitary groups of peasants, ranchers and rural notables who did not have the resources or the desire to get involved in a brutal war.

The great paradox was that the guerrillas were receiving large payments from the drug traffickers to guard their cocaine labs in the remote jungles in the southern part of the

country, while in the north their paramilitary armies were at war. In the 1990s when Colombia became the largest producer of coca leaves in the world, the situation was even more ironic. The guerrillas were protecting the coca farmers, while paramilitary armies were protecting the drug traffickers, who were buying the coca from the farmers to transform it into cocaine and sell it in the international market. Drugs could move between enemies, but control over territory was not negotiable. In this way, the drug war has always been a fight to the death between enemies who one way or another are connected to the same business. Not only have the drug traffickers been protected by guerrillas, paramilitaries and mafias, but they have also built extensive networks of illegal protection with the state. There is substantial documentation on how drug traffickers financed several presidential campaigns, not to mention the alliances between government, paramilitary groups and the traffickers.

" The war has always been a fight to the death between enemies. Not only have the guerrillas, paramilitaries, and mafias protected the drug traffickers, within the state itself they have built up extensive networks of illegal protection. "

Violence under control

At the same time, in Mexico, the violence of the drug cartels was nothing more than a criminal matter; there were no wars as such, but rather vendettas. The PRI regime punished any form of dissent. Even the drug traffickers had to submit to the authority of the political class and the PRI. It was formal political power that decided who controlled drug dealing in the squares in the cities and towns, and if a drug trafficker did not comply with the established rules, he would be eliminated by the security apparatus of the state. One of these rules was precisely to keep levels of violence down so as not to affect the broader population.

When the PRI regime lost power at the turn of the century, the mechanisms of state control over drug traffickers relaxed. The price of democratization in Mexico was an increase in violence. The new politicians who came to power in peripheral states and municipalities found that they did not have the backing of the security agencies at the central level to prevent the cartels from imposing their authority. The channels of communication between the centre and the periphery expeditiously brokered by a single party government were lost with the end of the hegemony of the PRI. Municipal police were no competition for the drug traffickers' new war apparatus. Moreover, despite democratization, corruption continued to be part of the political landscape. Mayors and governors continued to receive bribes from drug traffickers, with the added problem that they no longer had any power over them.

Colombianization?

With drug traffickers monopolizing power in local areas, either through co-opting local authorities or the use of paramilitary forces, it did not take long for the violence of the cartels to affect the populations under their control. Vendettas turned into wars and attacks against enemy factions inevitably led to civilian victims. In addition, the cartels used media coverage of their cruelty and violence to terrorize the social base of their enemy. Decapitated bodies, bodies hung from bridges, and videos of massacres became part of the new repertoire of violence. As a result, talk of the Colombianization of Mexico began.

However, despite the comparison, the Mexican cartels have never escalated the war to the systematic and indiscriminate use of assassinations and terrorism as did Pablo Escobar. Nor have they acquired a military capacity close to that of the paramilitary chiefs that controlled the drug trade in Colombia after the fall of the Cali Cartel. They have never needed such military organization for the use of violence because they have never confronted an enemy, the guerrillas, with such an ambitious political objective: seizing national power. The goal of the guerrillas in Colombia is what has determined the substantial difference in the scale of the organization of violence, given that it necessitated the construction of a regular army with the capacity to fight the state for territorial control.

Colombian drug traffickers in response to this threat had to assemble similar powerful armies in order not to be defeated in the confrontation. The nature of the threat also facilitated building alliances with sectors of the state and legal elites. The motives for doing so went beyond pure corruption. What was at stake was their own survival and the maintenance of the social order in the peripheral areas where the guerrillas were making advances as part of their strategy to take power.

While fighting for territorial control in Mexico is now part of the objectives of the Mexican cartels, their operating logic follows the actions typical of criminal forms of domination. The cartels specialize in the control of social transactions and peripheral regions that are outside the reach and even the interest of state institutions. Wars are carried out with hit-men and bodyguards whose function is to monitor and regulate disputed regions in order to ensure the production of criminal income. There is no threat from large armies that requires them to have a real military capacity in these areas. They are simpler conflicts. A typical attack consists of an incursion into a territory to eliminate 'falcons'(the 'eyes and ears' of the streets), hit-men and other operatives of an enemy cartel. In this way, the enemy is unable to protect their plazas (turf), and the attacking organization is able to deploy their own falcons and hit-men in the area.

" The Mexican form of warfare is what is now taking place in Colombia as a result of the weakening of the guerrillas and the developing peace process with the FARC. "

The political objective of the Mexican cartels – to control peripheral populations in order to extract income generated there – is not as complex as the objective of the guerrillas. For the rank and file bandits who monitor and control a territory, this income comes from a series of local activities, which range from the retail sale of drugs to extorting legal local businesses. But this income is just crumbs when compared to the spoils of a cartel that takes control of a turf and then delegates its control to its rank and file: the

use of the territory for international drug trafficking. This is where the fortunes of the war come from.

It is more a Mexicanization

The paradox is that this "Mexican" form of warfare is what is currently occurring in Colombia as a result of the weakening of the guerrillas and the peace process with the FARC. The heirs of the paramilitaries are organizations that delegate the control of the extraction of lesser income in a given territory to local bandits. In return, they profit from the territorial franchise given to the street criminals. It is from there where the drugs are produced and transported and then sent to international markets.

Thus, we are quietly witnessing the Mexicanization of Colombia. Just as Chapo Guzman and Mayo Zumbada can control half of the drug trafficking in Mexico from one of its most remote regions, the mountains of Sinaloa, peasants from Urabá in Colombia can do the same from the jungles of Darién. Today the Urabeños' control, through their delegation of power to local criminal gangs, Buenaventura, La Guajira, La Llanos, the historical areas of the Medellin cartel and they even venture into the territory of the Rastrojos in the north of El Valle.

Without the threat of the guerrillas, the humble people of Urabá have learned from the Mexicans an effective and profitable way of controlling territories for international drug trafficking.

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RECOMANEM

Materials and resources recommended by the ICIP

Project
Routes of Conflict

Routes of Conflict is a project of the National Center for Historical Memory and Open Truth. After having collected data and conducted research over the course of several years, the project has made information available to the public on the massacres committed during the armed conflict in Colombia since 1982.

Employing recent advances in information technology, an application has been developed for the web and mobile devices, which uses georeferencing options and a time line to provide detailed information on the massacres. It allows users to easily search for specific episodes of violence committed by legal and illegal actors in Colombia.

Based on the figures compiled by the project, we can see that there was an exponential increase in massacres between 1994 and 2001, dates coinciding with the expansion of self-defence and paramilitary groups in regions such as Antioquia, Córdoba, Santander and Valle del Cauca.

Access to this database is extremely important, as it allows for the historical analysis of the regional dynamics of the conflict. Moreover, it provides a space for reflection for younger generations, allowing them to have an influence on post-conflict peace building.

Documentary
No Time for Sadness

The documentary, *"No Time for Sadness"* is part of the Historical Memory Center's report, *"Enough Already! Colombia: Memories of War and Dignity"*

The film shows the context of the armed conflict in Colombia, with many different actors having engaged in violence for decades. It makes it possible to see this Colombia, far from its urban centres, where stories are told about how violence took over the daily lives of communities.

The stories of the communities of la Chorrera, Bojayá, on the banks of the river Carare, in Valle Encantado and Medellín, make it possible not only to recreate those episodes of terror, but also to create powerful stories of life and popular resistance to the illegal armed groups, creating a feeling of hope in a country where armed conflict has resulted in the deaths of 220,000 people and displaced 5,730,000.

This audiovisual initiative is a necessity for the people of Colombia in order to understand the cruel dimensions of the armed conflict and to understand the structural causes of the internal conflict in Colombia. Among these causes, the researchers at the Historical Memory Center emphasise access to land and concentration of land ownership, the unequal and exclusionary model of agrarian development and restricted political participation.

This is undoubtedly important information for understanding the context in Colombia, but beyond that, it is a message to the national and international community to not forget the victims of the internal armed conflict in Colombia.

Document
Left in the Cold? The ELN and Colombia's Peace Talks

Report No. 51 of the Non-Governmental Organization, the International Crisis Group, examines the official talks that have taken place between the Colombian national government and the illegal armed group, the National Liberation Army (ELN).

The document analyses in detail the main obstacles in bringing the ELN and the Colombian government into negotiation. What stands out foremost is that the two parties in the conflict both need demonstrations of trust from the other side. On one

side, there is the Colombian state exercising pressure on the ELN not to remain outside the peace negotiations it is carrying out with the Revolutionary Armed Forces of Colombia (FARC), and on the other, the ELN is demanding clear overtures from the Colombian government to be able to change the course in the conflict.

The importance of the report lies in the need for both parties to be actively engaged in a negotiated solution to the conflict given the current negotiations taking place in Havana. First of all, for the national government to advance the peace process without counting on the participation of the second most important armed illegal actor in the country is risky due to the possible demobilization of the combatants of the FARC, who – according to the researchers of the International Crisis Group – could join the ranks of the ELN and strengthen their military presence. Secondly, ignoring the playing field in relation to the FARC as an illegal armed actor, would leave out an essential actor in the conflict, one which has accumulated social and political capital in strategic regions in view of a possible post-conflict.

As a final point, the authors of the report have made some recommendations to help refresh talks between the Colombian central government and the ELN.

Book
The "Super Poderosos, the Most Influential Actors of 2014"

The *Super Poderosos, the Most Influential Actors of 2014*, is a project of the SILLA VACIA, a digital news site that stands out for its detailed investigations of the individuals that have the most influence on political decision making in Colombia.

This publication of the Silla Vacia takes into account the importance of these actors in the construction of the country, and profiles twenty individuals who will likely influence the direction Colombia takes in 2014. While the trajectories of the majority of these persons are associated with the pursuit of political power, these actors – who have emerged from a look at the history of the Colombian conflict – could without a doubt come to be influential in the peace process taking place in Havana, Cuba.

What is interesting about this project is that it clarifies the different positions represented by each of these personalities; in many cases they represent opposite

positions and very different realities, which is important in a democracy that wishes to truly guarantee that the positions of all its actors are represented.

There are in fact a multiplicity of actors outside of the political arena who play a part in shaping political power in any country; a key first step to appreciate the complex construction of decision making is to have an understanding of the main economic, social and political actors involved in this process in an increasingly globalised and interdependent world.

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TRIBUNA

"Knowing that the General was among us gave us peace of mind"

Manel Vila
Promoter of the Foundation District 11 – City to City

Jovan Divjak trained as a soldier at the Military Academy of the Yugoslav army and occupied the highest rank in the *Teritorijalna odbrana* (TO), or Territorial Defence Force, of the Republic of Bosnia and Herzegovina. In Sarajevo, the soldiers of the Yugoslav People's Army received the order to leave their barracks and occupy positions around the city. The General remained in Sarajevo and the Bosnian Government put him in charge of defending the city. Later, he was responsible for cooperation with civilian organisations and institutions.

Before we saw him in uniform visiting troops, carrying out inspections or organising the famous convoy to exchange politicians in besieged Sarajevo. Now we see him in civilian clothes at the headquarters of a foundation dedicated to children orphaned by the war, and he tells us that he remains the same. He hasn't changed, he hasn't deserted, he hasn't disobeyed. He insists that he has always been moved by the same ideals: it was the others that changed sides.

The feeling of love for others and the desire to work for peace are values he learned at home, with his family, and they have always accompanied him. The clothes may have changed but the General didn't suddenly see the light in a road to Damascus conversion, he has been promoting life from the very beginning.

" "I took the decision to stay in Sarajevo when I understood Karadžić's intentions. My motivation was to defend the lives of the citizens of Bosnia and defend the ideal of multiculturalism." "

His father, a teacher, had already fallen in love with Sarajevo because of his work and having been transferred there. Jovan was born in Belgrade but his military career and successive postings also took him all around the country. But he always returned to his city, which is none other than Sarajevo, a Sarajevo that now perhaps no longer exists. But he has no doubts about the personal decision that marked his life: to defend his city and its citizens. He has insisted repeatedly: "I took the decision to stay in Sarajevo when I understood Karadžić's intentions. My motivation was to defend the lives of the citizens of Bosnia and defend the ideal of multiculturalism. The propaganda was based on the idea that Serbs didn't have the same rights here as Bosnians; that, of course, was not true. They continually repeated the lie that we couldn't live together."

The Sarajevo that its citizens defend is special. Maybe the first time it appears in our history books is because of the assassination of Archduke Franz Ferdinand, heir to the Austro Hungarian Empire, in June 1914; this was the spark that set off the First World War. It became famous again when it organised the 1984 Winter Olympics, the first games presided over by Juan Antonio Samaranch, and the Olympics that ended twelve years of variously motivated boycotts. Reading the well known tourist guide "Trotamundos", published in 1984, gives one an idea of what the city meant within the Balkans. According to the guide:

"Sarajevo, more than any other city in Yugoslavia, is a symbol of the coexistence of different cultures and religions, at the same time as it enriches and complements them. Here, East and West meet each other and merge together. From one end to the other, the city shows its different influences: austere buildings from the Austrian imperial era and ancient Turkish houses with their characteristic wooden balconies. All this harmonious amalgam of influences is summed up in the following story: 'One day, a Muslim wanted to sell his house. "How much do you want for

it?" a friend asked him. Three hundred thousand dinars, answered the Muslim, but the price includes my neighbours, a Catholic and an Orthodox Christian. When you cry, they will cry with you; when you laugh, they will laugh, and when you are sick, they will be at your side... And that, my friend, is priceless'."

Well, unfortunately, of this beautiful European city — the only city in Europe whose skyline includes the four churches: the Catholic Cathedral, the Orthodox Cathedral, the Great Mosque and the Great Synagogue — the most recent memory we have is the cruel siege that it suffered during the Balkan civil war, twenty years ago. There are many stories about agreements that were noted down on a restaurant napkin. In the Balkan wars which led to the dismantling of Yugoslavia there was a piece of paper on which Tudjman, as the Croatian leader, and Milosevic, for the Serbian side, decided the boundaries of the new states: from Sarajevo to the sea plus Herzegovina for Croatia; everything from Sarajevo northwards for Serbia. The problem became the cosmopolitan Olympic capital and the warlords' decision to submit it to a siege that would bring about the exodus of refugees and the division of the communities by culture and religion.

Today, years after the Dayton accords, Sarajevo has changed because of the displaced people, the refugees, those who are absent: the 11,541 people who died between 1992 and 1996 and who were recently symbolically remembered in the city with a long line of red chairs. But Sarajevo has survived as the capital of Bosnia and Herzegovina, thanks to the likes of General Divjak and many other anonymous people who bear witness to the struggle of a city, the struggle for certain ideals and to the pride and strength to resist. He personifies the dignity, the principles, the honesty and the profound pride of belonging to Sarajevo. Alma, who now lives in Catalonia, was in besieged Sarajevo until the last moment. A few days ago she said: "I felt safe because I knew that the General was in the city and he symbolised the defence of our Sarajevo."

" Jovan Divjak personifies the dignity, the principles, the honesty and the profound pride of

belonging to Sarajevo. "

A war ends when the powerful can no longer go on: when some have become rich; when those who had to decide, take a decision; when those who have to press a button, press it; when those who had to pick up a phone, actually pick it up and talk... It is then that the war officially ends, and Jovan — a man who speaks plainly, who speaks to the people, who was born in Belgrade — becomes a problem for the men of the Bosnian government born in Dayton, and they quickly transfer him to the reserves. I know he thought he could play an important role in the creation of the new army, of the new country, at the academy... But suddenly he is moved to the reserves and it is then, luckily for all of us, that he reinvents himself.

All those reasons, all those experiences of children who lost their families, of young people torn apart by a war between neighbours... led him, twenty years ago, to dedicate himself to *Obrazovanje Gradi BiH* (OGBH, or "Education builds Bosnia and Herzegovina"), educating to construct the new country. The foundation has helped the children of victims of the 1992-95 war in Bosnia-Herzegovina, as well as talented disabled children, to successfully complete their schooling and become productive members of society. With their project, *Children of war victims - our permanent concern*, they have kept the doors of number 4 Dobojska Street wide open for those in need of moral and material support. Thanks to the work of friends and volunteers, they have given more than 30,000 scholarships and have distributed school materials worth more than €2.4 million. More than 1,500 children have participated in trips and exchanges to get to know new cultures and societies, from Canada to Uruguay. Some 280 of these war orphans have already graduated from university and found a job. Since the school year 2005/2006, they have also worked with children who are victims of social exclusion and those from the Roma minority. These results have been achieved mainly thanks to the support of individuals and groups of citizens, with little government aid. As Jovan Divjak sometimes says, the activities are based on the message of the French philosopher Diderot: "Happiest are the people who give most happiness to others."

This happiness is what people like Jovan Divjak show every day, as a soldier working for peace, as a peace builder. An irreplaceable human being.

Photography : Wikimedia Commons

TRIBUNA

Memory and transitional justice

Ariel Dulitzky
Ariel Dulitzky is a member of the UN Working Group on Enforced or Involuntary
Disappearances

My name is Hebrew, my surname is Polish, my family migrated from Ukraine and I live
in the United States. I speak Spanish with an Italian accent, and English with a Russian
accent. I don't eat tacos, dance salsa, or have a mixed race skin, but I identify myself as
a Latino or, rather, as a Latin American. The multiplicity of elements that define me give
me a unique identity that turns each part into an essential component of who I am.

You are probably wondering what all of this has to do with human rights, transitional
justice or memory. A great deal. Memory, what one remembers, how one remembers it,
why one remembers it, has an impact on the other tools of transitional justice and
defines not only transitional justice as a whole, but also the type of society we are and
we want to be, that is, our identity as a society. Three decades of transitional justice
give us an integral perspective about what has been achieved and any pending
challenges. We know that transitional justice is not and cannot be a synonym of soft
justice nor an excuse for a cloak of oblivion to be a substitute of individual and
collective memory.

The four traditional elements of transitional justice –truth, justice, reparation and
guarantees of non-recurrence– are interrelated areas of action that may and must
reinforce each other. The experience we have acquired shows that isolated and
fragmentary efforts of indictment do not silence the demands of larger forms of justice.

How does memory fit into this panoply? So far, memory initiatives are not regarded as
one of the four foundations of transitional justice. Memory initiatives are often
understood as elements outside the political process, since they are relegated to the

"soft" cultural sphere –as art objects to be placed in a museum or a simple monument–, to the private field as a personal mourning, or to a simple historical, almost archaeological, activity. As a result, memory initiatives are rarely integrated into wider strategies of democracy building and are diluted or made invisible in the transitional justice processes. While the measures of truth, justice, reparation and guarantees of non-recurrence are the object of intense political debates and public scrutiny, the same does not apply to memory. However, millions of people visit memorials, participate in memory activities, read documents, books or testimonies or watch television documentaries.

The memory of the victims and the abuses from the past, both as a concept and dynamics, just like my own identity, has multiple components. It includes social, political, anthropological, philosophical, cultural, psychological, urban and archaeological elements, among others. Memory is expressed through a huge variety of media, such as places, monuments, urban marks, testimonies, events, texts and audio-visual media. Those violations that are remembered are not something that just happened to the surviving victims, their relatives or even their ancestors, but they may as well manifest themselves nowadays or occur in the future. The memory of how human rights were violated in the past allows us to identify current problems such as police abuse, prison overcrowding, marginalisation, exclusion, discrimination or an abusive exercising of power. Conceived as such, memory initiatives are an integral part of any strategies to promote and guarantee human rights and further democracy.

" The state responsibility in guaranteeing the duty of justice, truth, reparation and non-recurrence places the state in a central and fundamental role in transitional justice "

Thus, memory initiatives pursue different objectives: they are public spaces for private and collective reflection; they invite everyone, passively or actively, including those people who do not even know the facts that are remembered (like the present

generations who were born after the violations) or that may even disagree with the messages that are communicated, to reflect upon them. They not only force us to remember the victims, but also to think critically about our history and which were the forces that triggered war, racism and apartheid, civil war, dictatorship or political oppression. A policy of memory must promote the debate about ideological, political, economic and social processes that foretold state violence and enabled, facilitated, supported and/or benefited from state terrorism and/or a massive and systematic violation of human rights.

The measures of transitional justice, including memory, even if they cannot establish or sustain democracy by themselves, reinforce the processes of democratic consolidation as soon as they acknowledge people, specially the victims, as holders of rights that were violated and may be asserted before the state. As the UN Rapporteur on Truth, Justice, Reparation and Guarantees of Non-recurrence said: "It does not suffice to acknowledge the suffering and strength of the victims. These are traits that they may share with the victims of natural disasters". What we want is to remember and act based on the individual as a rights holder.

The state responsibility in guaranteeing the duty of justice, truth, reparation and non-recurrence places the state in a central and fundamental role in transitional justice. But in memory, unlike other areas, the state has no control over the process. Multiple memory activities are promoted by relatives or private initiatives. A state policy on memory must revaluate and encourage this diversity of proposals in relation to sectors and generations, types of expressions and their contents. Furthermore, the state must achieve an effective interrelation among the different initiatives of transitional justice and memory processes.

Judicial decisions, such as the processes of truth regarding facts that represent serious violations of human rights, play a fundamental role in the preservation and building of memory. Firstly, they are official state reports on the violations perpetrated in the past. Also, they themselves become an element of memory. For the future (and also present) generations, the attitude of the judiciary investigating or not, of the legislative power passing or abrogating amnesty laws, of the executive power facilitating or blocking judicial investigations or truth processes, will be part of the memory of how transitional

justice will be developed. The court decisions and reports of Commissions of Truth limit revisionist or minimalist criteria on violations. When efforts allegedly devoted to historical memory try to play down or deny the violations that have been perpetrated, a legal action that is serious and impartial, concluding with a criminal conviction or a report from a Commission of Truth that is socially accepted and respected, they challenge the legitimacy of relativist or negationist positions. That does not mean that there cannot be dissenting, opposing or diverging voices that explain or describe violent incidents in a different way. This is absolutely necessary and welcomed in a democratic society. But there is an abyss between the explanation and denial of the facts.

" The challenge for a policy of memory is not building memorials or installing sleepy statues, but creating more fair, egalitarian and democratic societies "

Going over memory again, certain standards regarding the role of the state in developing memory activities have begun to be recognised. An emerging norm of the international law urges us to interpret memory and compromise about past atrocities as an obligation. Certain standards of the United Nations insist on the duty of remembering, educating about the past and rejecting negations of atrocities. They also highlight the role that archives play in the search of truth and justice, and they are also essential for recovering and building memory. Thus, the state must protect and systematise them, as well as facilitate public access to them, rendering their being kept a secret unacceptable.

A state policy of memory also requires reviewing the way history is taught both in schools and military and police history courses. Education, whether it is addressed to students or security forces, must clearly transmit the idea that serious violations of human rights happened and were not a mere excess, but a policy planned and executed by the state in a flagrant violation of basic principles of humanity, of legal norms, of

ethic and moral principles and of democratic conceptions.

A final idea. Memory initiatives have often focused on the lives of men and masculine experiences. In spite of that, a growing visibility is afforded to female victims. The multiple stories of women as activists, often spearheading the resistance, have also started to gain recognition. But there is still a long way ahead for policies of memory to have a clear perspective of genre.

Memory must not only remember and try to avoid the most serious forms of violations of human rights, but it must also be a rejection of the new forms of abusive exercise of power and must allow to visualize other violations that are generally silenced, such in the access to education, health, work and equality. Memory, not that of violations, but of the projects for change that were met by these massive violations, invites us to link those facts from the past to the current problems of our societies. Because, ultimately, the challenge for a policy of memory is not building memorials or installing sleepy statues, but creating more fair, egalitarian and democratic societies.

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SOBRE L'ICIP

News, upcoming activities and new publications about the ICIP

ICIP
International Catalan Institute for Peace

Latest publications

During this second trimester, two new books have been published in the ICIP book series. First of all, the book *Violencia sexual y conflictos armados* (Sexual Violence and Armed Conflict), by Janie L. Leatherman, with a prologue by María Villellas, has been published in the *Paz y Seguridad* (Peace and Security) series (ICIP and Edicions Bellaterra). In this book, Janie L. Leatherman analyzes how conditions that favor sexual violence in armed conflicts originate, what the consequences are, and possible responses to this phenomenon. Her main argument is that the system of patriarchic domination and the shared vision of hegemonic masculinity encourage and contribute to this kind of violence.

Secondly, the *Internacional de Resistents a la Guerra (IRG)'s "Manual per a campanyes noviolentes"* (WRI Handbook for Nonviolent Campaigns) has also been published. This handbook draws on the experiences of different groups and generations of nonviolent activists in many countries, and is the result of a collective effort with various degrees of implication. The editorial work was carried out by a committee consisting of the recently deceased Howard Clark, Javier Gárate, Joanne Sheenan and Dorie Wilsnack.

Latest ICIP Working Papers and Proceedings

The proceedings of the international seminar on companies in conflict situations, which took place in January 2013 in Barcelona, have recently been published:

– <u>Companies in conflict situations</u>

The following working papers have also been published:

• <u>Los programas de reparaciones y los colectivos más vulnerables: Ashánikas de Selva Central del Perú</u>, by Luís García Villameriel.

• <u>Do democracies spend less on the military? Spain as a long-term case study (1876-2009)</u>, by Oriol Sabaté Domingo.

Taylor & Francis journals, in the Library

The Library of the International Catalan Institute for Peace has renewed access to a large number of online journals from the Taylor & Francis collection. Specifically, the Library has subscribed to the following journal collections: "Politics, International Relations & Area Studies," which contains 115 journals, and "Strategic, Defence & Security Studies," which contains 34 more.

In the field of political science and international relations, as well as in the field of security and terrorism studies, the journal collections of the Taylor & Francis Group are leaders in the academic world.Access to online journals is crucial for research and for keeping up to date with the latest developments in the field of peace culture.

ICIP organizes a seminar on Colombia

The International Catalan Institute for Peace, as part of its research program "Human security, conflict transformation and peace research," is organizing the international seminar "Post-conflict scenarios in Colombia: agenda, opportunities and road map," which will take place in Barcelona on May 5-7, 2014. On May 7th, at half past five, there will be an event open to the general public at the palace of the the Generalitat de Catalunya.

This seminar will bring together some thirty diverse Colombian actors (political actors and actors from the Administration, academics, actors from civil society and indigenous communities, and economic actors) accompanied by international experts and representatives of Catalan society; in all, about sixty people.