

Chapter VIII.

CONCLUSION:

DEMOCRACY AND VIOLENCE, EARLY WARNING AND CONFLICT PREVENTION – IMPLICATIONS FOR INTERNATIONAL ASSISTANCE

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The six chapters presented here each provide a different optic from which to view the functioning of democratic governance, violent conflict, and the relationships among the various components of each. Four of the chapters address political processes (García Villegas and Uprimny on the legal state, Martínez on state capacity, García and Hoskin on democracy and Chernick on social protest) while the two other chapters directly examine the multi-dimensional phenomena of violent conflict (Segura and Camacho on social violence and Reyes on political violence). Each chapter focuses on one or more of the eight quadrants of polyarchy and conflict outlined in the Georgetown-United Nations methodology. Individually, they probe and examine the core issues of how Colombia's democratic regime functions, how the capacity and territorial presence of the Colombian state can be measured, how *social/criminal violence* has interacted with other forms of violence as well as impacted on democracy and the rule of law, and how *political violence* has affected democratic governance and legitimate state authority.

In Chapter I, we outlined five phases of escalating conflict delineated by the International Peace Academy (IPA):

- Potential Conflict
- Gestation of Conflict
- Trigger/Mobilization of Conflict
- Conflict Escalation
- Post-Conflict

The multi-dimensional nature of the Colombian violence does not fit neatly into this typology. Yet if we focus exclusively on the armed conflict, it is evident that Colombia –alone in Latin America -- is somewhere beyond the Trigger/Mobilization and well into the Conflict Escalation phase. The IPA characterizes this phase as: “Significant armed violence or its spread, which may lead to human rights abuses, humanitarian crises, refugees and IDPs (Internally Displaced Persons).”¹

For Colombia, it is too late to speak of either “Conflict Prevention” or “Early Warning” in the traditional manner in which these concepts are normally applied. The armed conflict is fully developed and, in this case, deeply protracted. As such, as will be argued later in this chapter, *the international community, Colombian government and civil society need to bring to bear the tools at their disposal to attempt to resolve the armed conflict.*

However, this case study, following the Georgetown-United Nations methodology, presents a broader framework that looks not just at the armed conflict but also other forms of violence as well as the functioning of the state and the democratic regime. The concept of early warning, too, has been broadened to include the types of political, economic and social crises that are likely to occur elsewhere in Latin America. In Colombia, even amid the armed conflict, these “early warning” signs are equally relevant. Indeed they are potentially more explosive because of the country’s endemic violence. This study helps identify these early warning indicators.

The Colombian case study examined a political regime and state that are under severe strains from decades of violent warfare as well as from a substantial upsurge in criminal and social violence throughout the 1990s and the early years of the new century. The Uribe government (2002-) reached office following more than three years of a frustrating and

ultimately failed peace process. It won with a mandate to strengthen and improve national and citizen security through increased spending on police, military, civilian intelligence and civil cooperation. The Uribe administration was also faced with confronting the consequences of the precipitous decline in economic and human development indicators that began with the economic crisis of the 1990s that wiped out almost two decades of social progress.

Politically, the post-National Front democratic regime, established with the 1991 Constitution, is best viewed as a regime undergoing a prolonged transition from the earlier bipartisan hegemony to a more participatory democracy. Thus far, a coherent national political alternative has not emerged and the traditional parties remain fragmented and atomized. The initial experiences at developing a third force in the nation's politics -- most notably by the UP and the M-19 -- were overwhelmed by the political violence, reigning impunity and entrenched opposition from political and economic interests at the regional and national levels. The successes of the Polo Democrático in the mayoral race of Bogotá, the governor's race in the Department (State) of Valle and in local and national races across the country in 2002 and 2003 are too early to evaluate. Other forces such as the civic candidates and small independent parties that have proliferated at every level have so far failed to win successive elections, except in a few exceptional regional and local cases.

Civil society, too, has witnessed the diminution of traditional forms of social protest such as peasant marches, land invasions and labor strikes as violence has increased against journalists, labor leaders, teachers, human rights workers and social movement leaders. This more targeted violence against specific categories of individuals has in many cases drawn greater *international* scrutiny than national debate. In recent years, Colombia has consistently ranked number one or two in the world in assassinations of members of each of these groups – even considering the

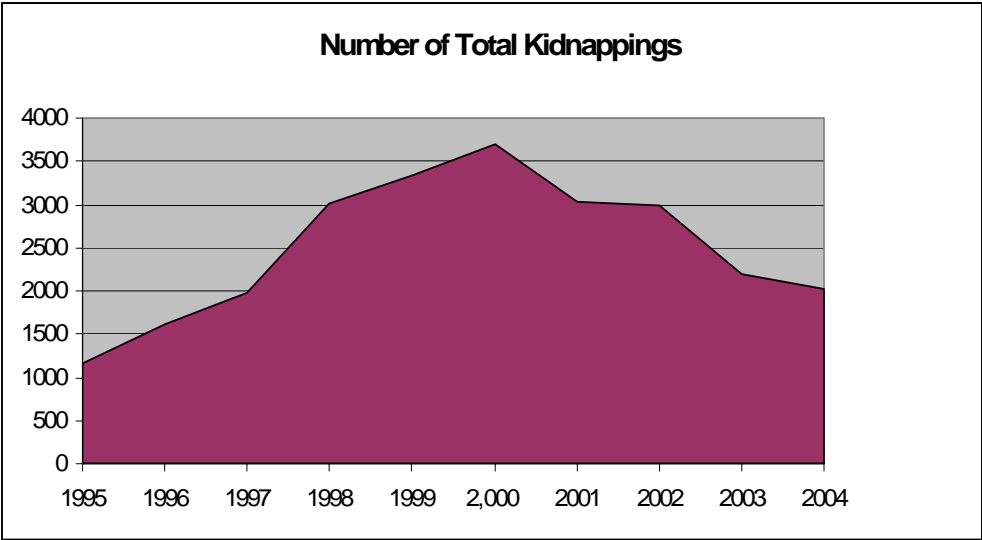
declines in extra-judicial killings experienced since 2003. Colombia also leads the world – by far-- in kidnappings. Even with the decline in kidnappings since 2003 (see graph below) ² almost 50% of all the world’s kidnapping occur in Colombia. Similarly, homicides in 2003 and 2004 declined more than 55% from their peak in 1991 (see Graph below). Yet here too caution is in order and success is relative. Colombia at 44 homicides per hundred thousand inhabitants in 2004 still ranks among the most violent country’s in the world, only superceded by post-conflict El Salvador and South Africa.³ By comparison, the United States –far and away the most violent country in the developed world – had a per-capita homicide rate of less than 5 per 100,000 down from 9.8 in 1991.

State, regime and civil society leaders have not been passive in the face of such multifaceted violence nor do they view themselves as victims. Leaders in each realm have responded with a high degree of courage and often great perspicacity to the challenges facing the country. The result has been a dynamic political process, that, despite the violence and impunity, has witnessed new social organizations and largescale mobilizations in support of peace and against violence, kidnapping, and violations of human rights. The 1991 Constitution gave rise to a new generation of candidates and political parties, and, in some cases, broader electoral participation, though voting turnout remains relatively low in comparative regional terms.

Moreover, the state has created certain institutions such as the Constitutional Court, the *Defensoría del Pueblo* (Human Rights Ombudsmans Office), and the *Fiscalía General* (Investigating Attorney General’s Office) -- all outgrowths of the 1991 Constitution -- that have increased the defense of basic constitutional rights. The constitution also promoted new institutions of participatory democracy and decentralized government that have, in many cases,

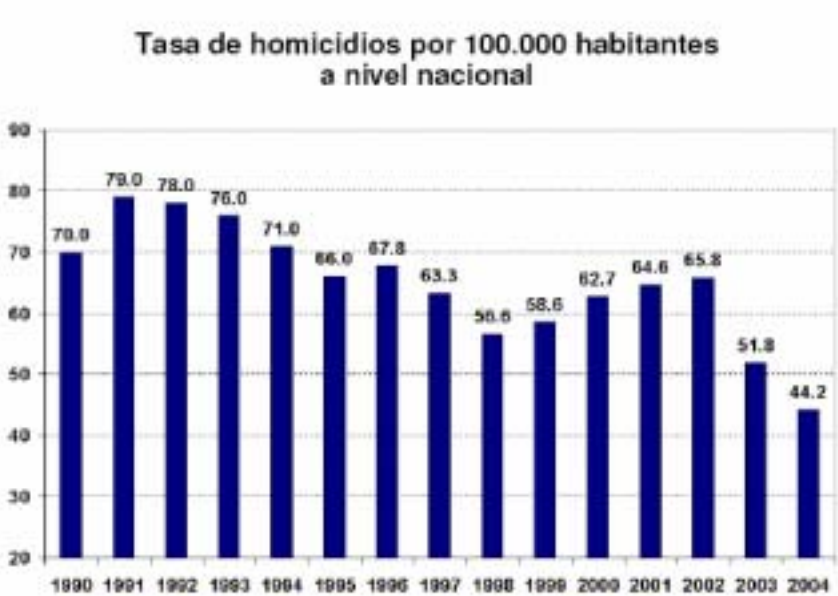
facilitated greater democracy at the national and local levels, despite the serious challenges confronting the country.

8.1 KIDNAPPINGS IN COLOMBIA 2002-2004¹



Source: Fondelibertad, Pais Libre 2005.

8.2 HOMICIDES PER 100,000 IN COLOMBIA 1990-2004



¹ I want to thank Margarita García for research on 2004 and 2005 data.

The research presented in this case study underscores the great complexity found in Colombian politics. It recognizes the significant strengths as well as the multiple shortcomings and failures of the many institutions, actors and political processes. Each chapter focuses on a different aspect of state capacity, regime functioning, civil society and different forms of political violence. The main arguments, conclusions and general recommendations of each chapter are presented below. We then return to the methodology on conflict prevention and early warning to synthesize the findings and draw a broader set of recommendations.

THE RULE OF LAW AND VIOLENCE

The rule of law undergirds all aspects of the state. In the case study, García Villegas and Uprimny review the recent evolution of the legal system and delineate the great tensions that exist between concept and practice. On the one hand, the legal system has demonstrated a great capacity for reform and institution building, has carved out a degree of independence from the political system, and has developed a jurisprudence designed to safeguard human rights and expand access to justice. On the other hand, the judicial system remains ineffective, inaccessible, and rife with authoritarian and anti-democratic instruments, such as the “state of exception” authority given to the executive and a separate military system of justice that often shields human rights violations.

García and Uprimny denominate this dichotomy the “hybrid state”. In Colombia, they argue, a constitutionalist and democratic tradition coexists with authoritarian functions.

Guillermo O’Donnell, too, noted that throughout Latin America, the democratic institutions themselves often possess authoritarian tendencies that persist well beyond the period of regime change from authoritarianism to democracy.⁴

Moreover, in the case of Colombia, this tension is exacerbated by the weak institutional presence of the state in large areas of the national territory. For Garcia Villegas and Uprimny, the hybrid state means that democratic jurisprudence has coexisted with an extensive reliance on “State of Exception” or “State of Siege” provisions. A state of exception was in place an astounding 82.1% of the time from 1970 to 1991. The 1991 Constitution curtailed the president’s authority to invoke exceptional rule, limiting it to three months, renewable up to three times in a calendar year, and limiting the degree to which civil liberties and democratic institutions could be suspended. It also gave review authority to the Constitutional Court. The constitutional reform was effective in diminishing but not eliminating the over-reliance on emergency powers: from 1991 to 2000, the reformed emergency powers were in place 17.5%.

Authoritarian tendencies do not only come from within established institutions. They come from within a political system undergoing a grave crisis of violence, social breakdown and order. In this context, the president and congress passed a series of constitutional reforms approved in December 2003 that encoded anti-terrorism legislation into the constitution, giving, for example, the armed forces judicial powers to search and detain in times of crisis. Similar legislation was struck down on several occasions by the Constitutional Court before the constitution was successfully amended. Such legislation violates the spirit of justice and due process embedded in the 1991 Constitution. It also undermines the nation’s international commitments to protect human rights and respect international humanitarian law. The government expressly agreed to follow the 27 recommendations made by the Office of the High Commissioner for Human Rights of the United Nations, formulated specifically to give concrete recommendations and priorities for action in 2003. Recommendation 15 reads:

El Alto Comisionado solicita:

15. Al gobierno y al Congreso que en la adopción de políticas y el elaboración de normas presten la debida atención a las obligaciones asumidas por Colombia como Estado parte en los instrumentos internacionales de derechos humanos y DIH. Los urge a tener en cuenta los principios internacionales de legalidad, necesidad, proporcionalidad, temporalidad y no discriminación cuando adopten y apliquen políticas y medidas relacionadas con la seguridad y el orden público. **En especial, los insta a no introducir en el ordenamiento jurídico colombiano normas que faculten a los miembros de las fuerzas militares para ejercer funciones de policía judicial, ni otras que sean incompatibles con la independencia de la justicia.**⁵ (Emphasis added)

These actions represent a serious misunderstanding of the nature of the relationship of justice and violence. The strengthening of the rule of law should be viewed as an antidote to violence, not an obstacle. Yet in 2004, the Constitutional Court – in a move that consolidated its role as one of the most activist Supreme Courts in the world in the safeguarding of constitutional rule – struck down the amendment on procedural grounds. The revised post-1991 constitutional order, though clearly under severe strains, has shown considerable resilience and durability.

Yet in outlining what are, in essence, healthy and Montesquieuan tensions among the Executive, Legislative and Judicial branches, Uprimny and García are not arguing against the need to establish security throughout all areas of society and within the judicial branch itself. Indeed, the political and criminal violence has directly threatened judges, justices and officers of the court, striking at the heart of the state's ability to maintain order and legitimacy. According to Garcia and Uprimny, judges may be the most threatened leaders in society. From 1979 to 1991, 290 judicial officials were assassinated, again placing Colombia among the most violent areas in the world in this category and revealing how targeted violence can incapacitate broad areas of state authority and governance.

The authors go on to develop an idea, first introduced by Guillermo O'Donnell, that justice is not just another state function but is indeed the cornerstone of all state legitimacy and

authority. O'Donnell calls this aspect of state authority the "legal state." Guillermo O'Donnell describes the "legal state" as follows:

Insofar as most of the formally enacted law existing in a territory is issued and backed by the state, and as state institutions themselves are supposed to act according to legal rules, we should recognize (as continental Europeans theorists have known and Anglo-Saxon ones ignored) that the legal system is a constitutive part of the state. As such, what I call the "legal state" i.e. the part of the state that is embodied in a legal system, penetrates and textures society, furnishing a basic element of stability to social relations.⁶

The concept of the legal state posits that the rule of law permeates and shapes all government and state institutions, embedding them within a set of national and international standards of justice, human rights, civil norms and ethical procedures. Defined in this light, in Colombia, and indeed in many other countries in Latin America, the legal state is restricted territorially to a relatively small area and socio-economically to a limited strata of the citizenry. These are mostly sections of urban Colombia and parts of the middle and upper classes in the more "modern" sectors.

In many regions, especially those distant from the urban centers or on the periphery of the largest cities, **the legal state is absent**, even if in many regions public officials are present. In these areas, private authorities often pursue "private justice." The most egregious example of this is the private justice exercised by illegal armed actors imposing their own standards of justice through extortion, kidnapping, expulsions, individual executions and collective assassinations.

García and Uprimny conceptually constitute a national map that identifies where the legal state is operative, primarily those areas clustered around the more developed sections of the major cities, and where the legal state is absent in many rural areas and colonization zones. They call these latter areas "*zonas salvajes*", areas barely reached by the rule of law.⁷

Their conceptual mapping goes on to develop a third type of region not fully characterized by either the presence of the legal state or by the Hobbesian privatized justice of the *zonas salvajes*. These areas consist of, as historian Marco Palacios puts it, “everything else,” where neither the state’s presence is all encompassing, nor do private actors –armed and unarmed – completely dominate the public space. In these areas, state officials are present, but their authority is derived from a web of relationships that reflect local power, not established juridical standards. In some cases, local power is primarily shaped by the armed conflict and the presence of illegal armed actors; in other cases it reflects the network and historical legacy of local political and economic interests. García and Uprimny call these areas “gray areas”. Throughout great swaths of Colombia, gray areas represent the judicial and administrative norm.

In such a system, who has access to justice? The data on judicial coverage reveals that even by formal measures, large areas of the country remain without access to justice. And where access to justice is denied, the level of impunity is near absolute. Despite the enormous investment in the judicial system and in the new judicial institutions created since 1991, the situation has not measurably changed over the last decade. To support this assertion, García and Uprimny provide the most exhaustive discussion and analysis of impunity to be found on this controversial subject in Colombia. They pointed to one well-publicized study that stated that: 97.93% of all crimes remain unresolved, and 89.17 of all *reported* crimes go unpunished. The methodology for this study was widely disputed since the number of *all* crimes is subject to highly variable survey research. García and Uprimny settle on a more reliable indicator of impunity, one that stands up better as a more accurate reflection of the efficacy of the Colombian judiciary system and that stands up better for comparative purposes with other countries: **the percentage of all murders that will end in a sentencing. This rate has fallen from 11% in**

the 1970s, already extraordinarily low, to just 4% of all murders in the 1990s. The conclusion: the ability of the state to prosecute crime, protect its citizens, administer justice and mediate social tensions, never strong, has been steadily diminishing. Impunity, always high, has worsened; **this indicator suggests an impunity rate of 96%.**

In the presence of such a powerful collapse of an essential state function, citizens have not just acquiesced to illegal and irregular forms of private justice. They have also turned in great numbers toward alternative forms of dispute resolution mechanisms sanctioned in the constitution, such as the use of conciliators, arbitrators and mediators which are all regulated and defined in Colombian law. They have also widely embraced the constitutional instrument of the “tutela,” a non-formal instrument accessible by any citizen without need for a lawyer or paperwork, when issues of constitutional rights are threatened. Citizens have submitted over 600,000 tutelas since 1991 ranging from cases of state obligations for the disabled, the sick, the homeless, ethnic communities and national resources. Constitutionally, the courts must respond in a short period of time.

The challenge for Colombian policymakers and international officials involved in judicial assistance and rule of law programs, then, is to transform the extraordinary institutional and financial investment that has been made in the justice sector during the past decade into an effective program that bears results. The yardsticks to measure success are straightforward: **the system should be evaluated using measures of impunity, access, and effectiveness, in that order.** Until now, international judicial assistance programs have not led to a noticeable improvement in these areas. Likely, many of these programs will need to be rethought. The existing levels of impunity, access and effectiveness cannot sustain a viable polyarchy.

STATE CAPACITY AND THE ECONOMIC FOUNDATIONS OF WAR

Astríd Martínez argues cogently that Colombia in the late 1990s and during the first years of the new millennia underwent one of its most serious economic crises since the 1930s. On one level, Colombia enthusiastically embraced the “Washington Consensus” which she defines as a series of policies emanating from Washington, IMF and World Bank and enshrined in international assistance programs. Yet in one crucial respect, Colombia parted company from its regional neighbors. Instead of downsizing the state, as the Consensus proposed, in Colombia the absolute size of the state expanded. State expansion was not due to the public sector investment in state-run industries as the larger Latin American countries did in the 1960s and 1970s. In the 1990s, the Colombian state grew through significant increases in public spending on social programs, education and, notably justice. Social spending grew from 9% of GDP in 1990 to 16.7% of GDP in 1996. Not surprisingly, social indicators began to show improvement. Those living below the poverty line fell to 50.3%, and human development indicators showed positive trends.

But state revenues did not keep pace with expenditures. Income only grew from 8.9% of GDP to 13.5%. Much of the shortfall between income and spending was financed through public debt, leaving Colombia in one of its most precarious economic situations in several generations, comparable to some of the crises in other Latin American countries in the 1980s and 1990s.

By 2000, social spending had fallen to 10.34% of GDP with the brunt of the reduction falling on education and social security. In 2003, those living below the poverty line had risen to

62%, wiping out two decades of steady improvement. Unemployment shot up to over 21% and in 2004 still was at a regionally-high 14%.

For Colombia, then, the lost decade was not the 1980s, it was the (late) 1990s. Martínez concludes that the balance for the decade was devastating for the country. Worse, the declining state capacity and economic indicators helped fuel the war. Colombian economists and other have been engaged in a heated debate over this issue, particularly over the relationship between poverty and violence and the relationship between inequality and violence. Martínez summarizes the positions on the relationship between economics and war; without endorsing any particular position, she does attempt to credibly lay out the facts.

Colombian scholars have long asserted that the Colombian experience dispels the widespread belief that poverty leads to violence. One empirical study cited by Martínez states that only 6 to 12% of the differences between the most violent municipalities and the least violent municipalities could be explained through indicators of poverty and political exclusion and the so-called objective causes of political exclusion and limited access to education. The remaining could be explained by the presence of the armed actors, the inefficiency of the judicial system, the intensity of drug trafficking, and the interaction of armed actors with the drug trade.

This and similar analyses have led most Colombian scholars to discount the significance of poverty as a critical variable for understanding insurgency and violence. Moreover a widely circulated thesis by British economist Paul Collier bolstered key elements of this analysis. Collier argued that conflict over control of key productive resources was at the root of most wars. He argued that greed, not grievance, was the principal factor underlying internal armed conflicts.⁸ This thesis resonated among many Colombian analysts who quickly saw the criminal

involvement in the drug trade by the nation's principal armed actors from both the left and the right as a confirmation of Collier's thesis.

Yet despite this widespread acceptance, the greed over grievance thesis runs counter to a long tradition of analyses of insurgencies, civil wars and revolutions conducted by social scientists, from Karl Marx to Samuel Huntington and Theda Skocpol, that identify specific structural conditions that make revolution possible.⁹ Moreover, in one of the foundational papers that helped define the mission of the Post-Conflict Reconstruction Unit of the World Bank¹⁰, Steven Holtzman squarely embraced the poverty thesis so firmly rejected by Colombian "violentologists" as well as by Collier, an Oxford economist and World Bank colleague.

Holtzman writes:

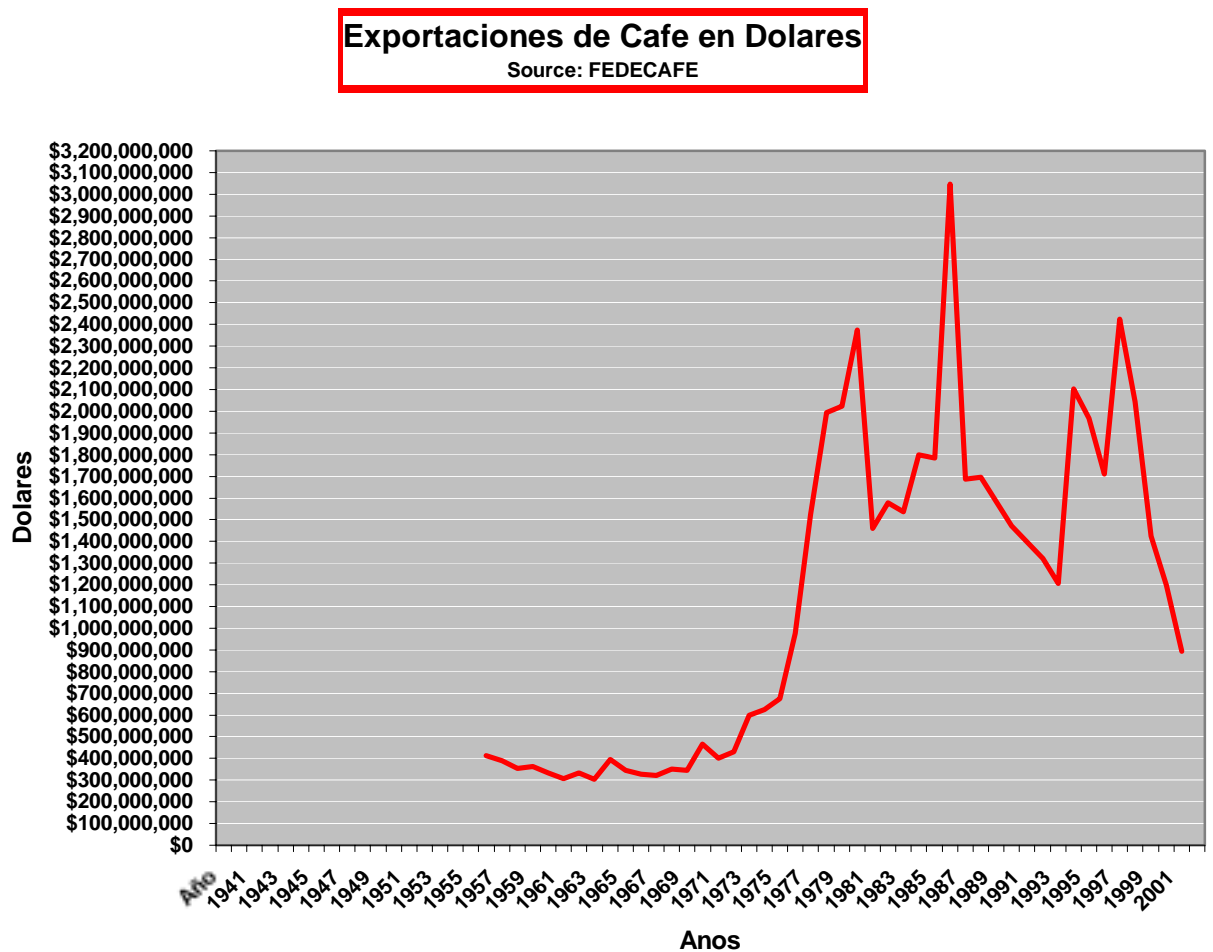
Of particular concern to development organizations is the correlation between conflict and poverty. In the last fifteen years, eighteen of the world's least developed countries have been affected by conflict, either directly or as major hosts for refugee populations. Of the sixty lower income countries, half have been directly involved in warfare in this period. Twelve of the remaining thirty, although not in conflict themselves, supported major refugee populations originating from neighboring countries. Many of these conflicts have lasted for generations.¹¹

Martínez while not drawing definitive conclusions, lays out some brutal facts that need to be reconsidered. Rural Colombia, the principal site of the armed conflict, is an area of absolute poverty, where 82.6 % of the population live at subsistence levels or below. Moreover, if the theory of relative deprivation is accepted, the precipitous decline in living standards in both rural and urban Colombia since the late 1990s has contributed to the rise of violence. In much of rural Colombia, the economic decline began much earlier. Further, the crisis in agricultural commodities, particularly the fall in coffee prices from the late 1990s through 2003 (see Graph 8.3), has led to widespread unrest in these areas and has created an almost permanent condition

for recruitment by the illegal armed actors, as well as the conditions for narco-investments in lands previously used to grow coffee.

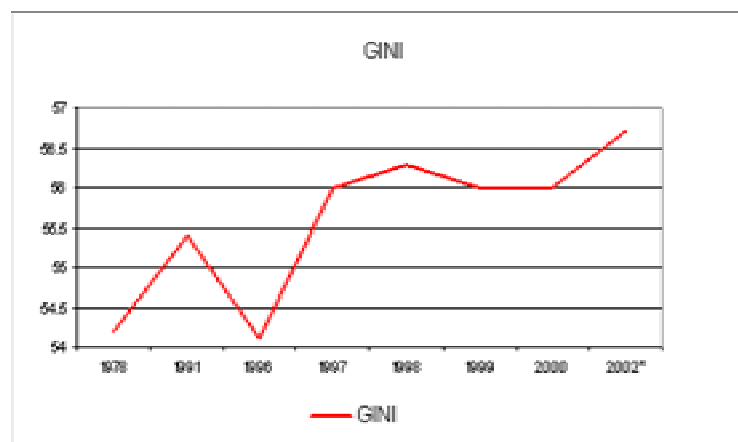
Social indicators, too, seem to create the necessary – though not necessarily sufficient – conditions to facilitate armed conflict. Only 8.8% of the population at the national level is illiterate yet 30% of the rural population over age 40 is illiterate. Studies show that school attendance declines and desertion rates increase in those areas of rural Colombia where the armed actors are present.

GRAPH 8.3



Although there does not appear to be a one to one correlation between the most impoverished municipalities and the most violent ones (see Segura and Camacho, Chapter V), poverty should be considered a significant factor. Moreover, poverty tends to correlate with other critical variables such as a weak state presence and lack of effective justice. Using García and Uprimny’s typology, the poorest areas tend to be overwhelmingly concentrated in “gray areas” or *zonas salvajes*.

8.4 Colombia GINI Coefficient



Source: Departamento Nacional de Planeación 2002.

Martínez argues that the theories that propose a direct link between inequality and violent conflict hold up to even greater scrutiny. Here, too, the World Bank, in a study by economists Fajnzylber, Lederman y Loayza has provided a significant theoretical foundation to support this correlation.¹² Further, there is an abundance of Colombian data to support this thesis.¹³ Land, income, investment, and ownership are highly concentrated in Colombia. The levels of inequality are among the highest in the region. At the national level, Colombia has a Gini coefficient above 0.56, the third most unequal in Latin America in 2000. In 1991, the poorest decile of the population received almost 1% of the national income; in 1991, that figure had

fallen to 0.35%. The 20% poorest have also seen their percentage of national wealth decline, while the 40% richest improved their circumstances between 1991 and 2000. The top decile experienced slight decline in its share of wealth, though the distance between the top 10% and the bottom 10% has widened.

Worse, as Reyes and Chernick document in their chapters in this book, Colombia has been experiencing what the political scientist Francisco Leal Buitrago has called a “counter-agrarian reform” during the last two decades. Land ownership became increasingly concentrated as drugtraffickers invested in rural lands beginning in the early 1980s and, with the founding and rapid expansion of paramilitary armies since the mid-1980s, both narco-landowners and traditional large estate holders began to expel small and medium-sized peasant farmers from adjoining lands (see Chapters VI and VIII). This pattern was first established over a half century ago during *la Violencia* throughout the coffee growing region.¹⁴ The forced displacement of peasant farmers in the 40s-50s and 80-90s follow a similar pattern: land is cleared and settled by small farmers who are then displaced from their lands --often violently -- as larger estates are consolidated. In the 40s and 50s, the consolidated holdings coincided with the modernization of coffee production. Since the 1980s, larger estates have generally been used for less productive uses, principally cattle raising. This half-century pattern of small farmers fleeing violence -- colonization/settlement - expulsion - renewed migration -colonization/ settlement - expulsion -- has been a key element fueling Colombia’s protracted war. It has also left power and wealth extremely concentrated in the Colombian countryside, countering trends in practically every other Latin American countries.

Martínez has some important recommendations for national policymakers and the international community:

- Focus on those structural conditions that replenish and stimulate the violence and which form an impediment to national development.
- Return to efforts to reduce poverty, generate employment and extend educational opportunities and coverage.
- Recover the lost ground of the late 1990s. Focus on rural areas as well as urban.
- De-concentrate land tenure and break the structural actors leading to internal displacement.
- Implement a major agrarian reform that would stimulate a mixed economy of small and medium landholders and a reinvigorated agricultural sector.

Concerning this latter recommendation, she notes that the state lost a major opportunity in the 19th century when the Catholic Church's lands were expropriated. At the time, the country could have promoted a model of small and medium rural landholdings which surely would have led to a different model of development and a different political outcome than the perpetual conflict that has endured in Colombia's rural areas throughout the second half of the twentieth century.

Today the country has been presented with a new opportunity. The state now has the authority to expropriate land and goods belonging to drugtraffickers. However, it has only exercise this authority on a still very-limited basis. The reasons reflect more than simply a lack of political will. Full use of this power would likely promote resistance and violence. Likely a broader framework of negotiations with paramilitaries and drugtraffickers will be needed to fully implement this authority. The nascent negotiations with the paramilitaries begun under the Uribe Administration could entail such negotiations, either directly or indirectly. To the extent that these powers can be exercised, the government again has an opportunity to promote a more

equitable development model for rural Colombia, one that favors small and medium-sized farmers and one that provides ample access to credit, technical assistance and markets. As Reyes calculates in the most extensive study of the extent and size of narco-landholdings, there currently exist approximately 4 to 5 million hectares of land that could be eligible for expropriation (see Chapter VI). Colombia today has a rare historical opportunity to re-think rural development, particularly within a broader framework of a transition from war to peace.

DEMOCRACY AND VIOLENCE

Gary Hoskin and Miguel García provide a rigorous analysis of Colombia's political regime applying the criteria of Dahl's polyarchy. They note that the regime has not been static and in comparative terms its longevity has been remarkable. They argue that the National Front, for all its flaws, was not as restrictive as its critics argue. Nevertheless, the National Front did fail to address the major social and economic issues facing the nation, and by the time of its demise – beginning in 1986 when Liberal president Virgilio Barco governed for the first time without a coalition with the Conservative Party, and definitively with the adoption of the 1991 Constitution eliminating mandatory power-sharing -- the country faced extreme challenges from drug cartels, leftist guerrillas, rightwing paramilitaries and a corrupted and fragmented state.

The 1991 Constitution was designed to address many of the principal flaws of the National Front pact, opening the political system to greater participation while extending the idea of democracy to a proposed “participatory democracy.” This latter concept written expressly into the new constitution empowered citizens through referendums, recalls, citizen legislative initiatives and open community meetings (*cabildos abiertos*). Yet, in practice, the 1991 Constitution has not lived up to its promise – at least not yet. Many of the vices of the old system

—from clientelism to corruption to authoritarian governance and reliance on state of siege authority—continued, even as more modernizers have entered the system, including from within the traditional Liberal and Conservative Parties as well as from newer parties. Moreover, the country and the political system remain quite divided—between traditionalists and modernizers, between those who favor a military solution to the country’s armed conflict, and those who advocate political solution.

The core concepts of polyarchy are participation, competition and fundamental political rights and civil liberties. Beginning with participation, Hoskin and Garcia uncover insightful – sometimes startling-- data. First, participation is unusually low in comparative regional terms, though abstention declined somewhat in recent election cycles for some offices after 1998. From the 1940s through the late 1990s, average participation was 40.74% of the electorate versus 56.9% in other Latin American countries.

Not surprisingly, in recent years, the data reveal a relationship between electoral abstention and the presence of armed actors. The departments with the highest abstention rates in recent electoral cycles have been: Atlántico, Guaviare, Caquetá, Chocó and Putumayo. In two of these, Putumayo and Caquetá, there was a strong guerrilla presence but –at least until recently -- not a significant paramilitary presence. The others are mostly contested terrain, though Guaviare also has a large FARC presence.

These data suggest, once again, that social and political dynamics follow strategic decisions by the armed actors and the general dynamics of the political process. The FARC in the late 1980s supported certain candidates – particularly their own UP candidates- and promoted voting in their areas; the UP was able to consolidate a strong regional electoral presence in many of the newer colonization zones and older rural areas long influenced by the

FARC and the Communist Party –Caquetá, Putumayo, Arauca, Urabá, Southern Tolima and parts of eastern Antioquia and Cundinamarca.

Yet the entrance of the UP into the electoral arena not only stimulated participation in certain rural zones, it also triggered high levels of violence. In the 1986 elections, hundreds of UP candidates and followers were assassinated. In 1988, the direct election of mayors was implemented for the first time in history, following a constitutional reform that in part grew out of the discussions with the FARC, M-19 and other guerrilla groups during the first peace process initiated by Belisario Betancur. However, the expansion of the UP's electoral presence led to a virtual assault against their candidates and followers; it also led other parties to accuse the UP of advancing their electoral interests through “armed proselytism” – proselytizing for UP candidates with the arms of the FARC.

The violence continued through the 1990 elections when presidential candidates were assassinated from the UP (Bernardo Jaramillo Ossa), the AD-M-19, (Carlos Pizarro) and the Liberal Party (Luís Carlos Galán) along with scores of other candidates and officials. Like almost all political crimes in Colombia, these assassinations were committed with impunity and their authorship has not been fully determined.¹⁵ This period was the most violent in terms of assassination of political and civic leaders (see Table 8.2).

Since the demise of the UP, the FARC has created a clandestine political movement, the *Movimiento Bolivariano* that does not openly participate in elections. The FARC also has pursued a politics of threatening and forcing the resignation of hundreds of mayors, kidnapping and assassinating elected officials, and obstructing electoral participation by the population. During the first eight months of 2002, 121 political and civic leaders were assassinated – by the FARC, by the AUC and by others -- including one senator, eight mayors, 43 councilmen and 26

local politicians (see Table 8.2). Not surprisingly, participation rates in FARC-influenced zones are below the national average.

Table 8.2
Assassinations of Public Officials and Political and Civic Leaders



Curiously, in some of the areas with the highest paramilitary presence, particularly Sucre and Córdoba, participation rates are above the national average. For the most part, the paramilitaries do not present their own parties or candidates openly-identified with them, although in 2005, Vicente Castaño boasted that the AUC had elected 35% of the congress. Yet as much as their electoral participation furthers their own interests, it also translates into a demonstration of support for the status quo and local political elites. But they are no ordinary political actors. They combine electoral support for the status quo with a dirty war against political and civil society alternatives, particularly those associated with the left, many NGOs and any individual or group perceived to have ties to the guerrillas.

Since the end of the National Front, rural areas have surpassed urban areas as those with the highest abstention rates. This is an historical reversal. During most of the National Front years, abstention was particularly high in urban areas, particularly in lower income areas,

whereas rural participation was well above the national average and more directly tied to clientelism and *gamonalismo*. Over the last decade, urban voting patterns have increased at the same time that party identification and party loyalty have declined, opening the way for more competitive elections and the widespread emergence of independent candidates. Yet in rural areas, the violence has led to lower participation and to greater violence against challenges to the status quo.

An examination of participation rates thus underscores the increasing dualism that has come to characterize Colombian politics. In those areas with greater development, state presence, and political pluralism –areas where the “legal state” is present -- participation has been rising leading to more competitive outcomes. Or to state it another way, if democracy is about uncertainty, as Adam Przeworski argues, where no policy outcome can be guaranteed because many participate but no one party monopolizes power, then Colombia in these areas has become more democratic.¹⁶ In contrast, in those areas that lack basic guarantees and lack a strong and legitimate state presence, political participation has become more limited, and democracy or polyarchy has been weakened. Colombia has witnessed both tendencies at the same time.

Competition, the other central axis of polyarchy, has also experienced significant transformations since the end of the National Front. For 16 years, party competition was formally circumscribed between the two parties, reducing competition to factional disputes within parties. During this period, even that competition was forced to an electoral calculus that evenly divided elected and appointed offices across all branches of government (executive, legislature, judiciary) and at all levels of government (national, regional, and local). Further, state of siege authority and the persistence of a low-level armed conflict limited many forms of popular and labor organization. Protest was often criminalized and the government had few

incentives to distinguish between subversion and social protest. However, since the late 1980s, beginning with the implementation of the direct election of mayors in 1988, and then broadly with the Constitution of 1991, there has been a steady opening of the political system. Parties and independent candidates have proliferated. Nevertheless, no party has been able to establish itself as a viable national alternative to the traditional parties, even as these continue to lose dominance and cohesion.

The data reveals a complicated picture. The number of effective parties, i.e. those that have more than a token presence within electoral bodies, has not increased significantly. One study at the level of governors reveals an increase from 1.6 to 2.5 effective parties. Yet a majority of voters now represent themselves as independent. At the mayoral level, independent candidates have won 51.3 of the elections from 1988 to 2000. Yet of all the new parties that have emerged, only 22.6% have won a mayoral election more than once; only two parties, the *Unión Patriótica* and the *Alianza Social Indígena* have won successively in the same municipality. In 2002, a new coalition of leftist parties, the *Polo Democrático* achieved electoral success in Congress and in 2003 in regional and local elections, including the offices of governor of the Department of Valle and mayor of City of Bogotá. It is too early to tell if this coalition will be able to consolidate its position within the political system.

The two most significant opposition parties that have emerged in the past two decades had roots in guerrilla movements: the *Unión Patriótica*, founded by the FARC in 1985, and the AD-M-19, founded by the M-19 after it demobilized in 1990. The UP had significant electoral success at the regional level, consolidating electoral support in areas long dominated by the FARC and also winning representation at the national level (14 seat in Congress, either alone or in coalition with other parties, in 1986). However the experience presents a cautionary tale about

democratic politics amid an armed conflict: First, the founding of a political party by an armed movement before negotiating its demobilization and reincorporation had the tragic consequence of converting elected officials into military targets. Second, electoral strength at the regional level in areas disputed between paramilitaries and the FARC, elicited a strong paramilitary backlash against candidates, officials and followers. Although the UP had emerged as a strong regional party in areas of colonization long neglected by the central government, the conditions of political violence and the reigning impunity meant that the UP was unable to consolidate its electoral or political strength; it soon disappeared.

The M-19 represented a different case: In contrast to the FARC, the Acción Democrática- M-19 party was founded after the M-19 negotiated a peace agreement and fully disarmed and demobilized. The M-19 first participated in congressional elections in March 1990 and in presidential election in May of that year. In the special election for the Constituent Assembly in December 1990, the new party won almost 29% of the vote, and their leader, Antonio Navarro Wolff became one of three co-presidents of the Constituent Assembly. Yet the M-19's fortunes declined precipitously after that; by 1994 it was reduced to a few seats in Congress and subsequently disappeared as a viable party. In this case, although its leaders were the victims of political violence in the period immediately following their demobilization, for the most part its electoral decline related to the inability to make the transition from guerrilla movement to political party. The experience also reflects the great difficulty in general that third forces have had in consolidating a permanent opposition in Colombia. Some M-19 leaders eventually migrated to the Polo Democrático.

Colombia's party system appears to be in transition from a hegemonic bipartisan system to something else which has still not been clearly articulated. Independent voters now make up

the majority of the electorate. Although much of the social science literature has typically viewed Colombia's party system as historically strong and institutionalized,¹⁷ the exceptional longevity and continuity of the two traditional parties has disguised a political system that maintained strong barriers to entry by political alternatives and that was fundamentally shaped by successive phases of the country's protracted political violence. The current period of political transition has opened up the system to a degree of volatility and uncertainty (in the Przeworskian sense) that has been more common with other countries in the region, but that is atypical for Colombia.

The final area to be measured by polyarchy is political rights. Although formal individual rights -- such as free speech, assembly and due process -- and collective rights -- such as those protecting civilian populations from the effects of war¹⁸ -- have greatly expanded since 1991, the political violence has severely diminished and undermined their reach and impact. Today, the area of political and civil rights represents the weakest dimension of polyarchy in Colombia. The ability of political parties and civil society organizations (CSOs) to organize and participate in the political arena has been severely restricted by the actions of the illegal groups. Parties and CSO's have also been undermined by state institutions and agents which often are incapable or unwilling to differentiate between protected forms of political assembly and subversive activity by the illegal armed groups. In any other country but Colombia, the amount of violence directed at political and social actors would constitute a full-blown crisis. Citizens cannot associate and express themselves freely without fear of reprisals and violence. Political party leaders are routinely threatened and assassinated, and, as Chapter VII documents, so too are peasant, union and indigenous leaders. Academics, journalists, teachers and judges face similar threats and hostility. Yet although violations of human rights and international humanitarian law are by far

the highest in the western hemisphere, impunity for political crimes, as detailed by García and Uprimny, is almost absolute.

In sum, opportunities for political participation in the electoral arena expanded considerably since 1991. New parties and social movements represented in political bodies have come to challenge the once solid dominance of the Liberal and Conservative parties. At the same time, the legitimacy of the political class has been eroded by scandal, corruption and perceived indifference and incompetence. Yet the diminishing dominance of the traditional parties at every level of the political system has also aggravated democratic governance while the new parties have not been able to institutionalise their presence into a stable multiparty system. The violence has distorted democratic elections and undermined democratic governance and continues to chill participation and competition in large areas of the country, despite the singular courage of hundreds of political and social leaders.

As Garcia and Hoskin argue, addressing the political violence would increase the prospect for consolidating polyarchy. International actors can work on both sides of the issue: addressing concerns of human rights, IHL and political violence, and working to institutionalize and consolidate new political parties within a stable, less volatile and thus more representative party system.

CRIMINAL AND SOCIAL VIOLENCE

Colombia's homicide rate remains one of the highest in the world, as noted at the outset of this chapter. In 2002, it was 63 per 100,000 and in 2002 it had fallen to 44.2 (see Graph 8.2). In comparison, according to the Pan American Health Organization, the average rate throughout Latin America and the Caribbean was 22.9 per 100,000 inhabitants. Worldwide it was 10.7.

Colombia's figures exceed more than twice those of almost all countries of Latin America, except Guatemala and El Salvador, two post-conflict countries experiencing very high crime rates.

Nora Segura and Alvaro Camacho in their chapter examine the relationship between political violence and ordinary criminal violence. They argue that one of the most striking trends in recent years has been the notable increase in the proportion of political homicides to all homicides, revealing an intensification of the armed conflict.

TABLE 8.5
HOMICIDES AND POLITICAL HOMICIDES '997-2002
As calculated by different organizations and institutions

| | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|--|--------|--------|--------|--------|--------|--------|
| HOMICIDES [Colombian National Police] | 25379 | 23096 | 24358 | 26540 | 27841 | 28,837 |
| POLITICAL HOMICIDES [CPDDH]* | 3608 | 2943 | 3238 | 5467 | 6409 | 5482 |
| POLITICAL ASSASSINATIONS [DAS] | 2085 | 2077 | 3169 | 3386 | 4322 | 4027.5 |
| % POLITICAL HOMICIDES [CPDDH] | 14.21% | 12.74% | 13.30% | 20.60% | 23.02% | 19.01% |
| % POLITICAL ASSASSINATIONS [DAS] | 8.21% | 9% | 13.01% | 12.75% | 15.52% | 13.96% |

For the Comité Permanente de Derechos Humanos, the total number of political homicides per year equals the total number of politically-motivated murders (up to two homicides at once) plus the total number of massacres (three or more killings at once time).

Source: Comité Permanente de Derechos Humanos y Sala de Estrategia Nacional de la Presidencia de la República. Processed by the Observatorio de Derechos Humanos del Programa Presidencial de DH, Vicepresidencia de la República – 2002 data adjusted by autor.

Using figures drawn from the National Police and the data base of CINEP¹⁹, they conclude that political violence reached a high of 16.87% of all homicides in 2000 and remains high. Other sources, place this figure even higher, while some place it slightly lower; however all sources show the same trend lines. In Table 8.3, assembled by the Observatory of Human

Rights of the Vice President's Office, the Permanent Committee of Human Rights (CPDDH) placed the percentage of political murders to all murders at 23.02% in 2001.

In trying to understand the relationship between the two forms of violence, Segura and Camacho find that the dynamics that underlie criminal violence diverge from the dynamics that promote political violence, even as the two types of violence increasingly overlap and even reinforce each other.

Criminal violence strongly follows the social, demographic and economic patterns existent in particular areas. Past crime rates and trends significantly predict future rates, subject to strategies of state intervention that may affect their rise and fall. However Segura and Camacho argue that the patterns and geographic location of political violence change over time and correlate most closely with the strategic decisions of the armed actors. In Colombia, political homicide has been going up (both as a percentage of all homicides and in absolute terms) while ordinary homicide as measured by the number of deaths per 100,000 inhabitants, has been declining (See Table 8.2).

Despite the high national average, there are significant variations among Colombia's major cities. The most dramatic reversal in the rate of violent crime was experienced by the city of Bogotá demonstrating that it is possible to address the social and criminal violence through civic education, good governance and security programs, even as the armed conflict among political actors persists or escalates.

According to a study by the mayor's office of Bogotá, the homicide rate decreased by 54.5%, passing from 81 homicides per 100,000 inhabitants in 1993 to 30.4 per 100,000 in 2001. Compared to the national average, this decline is remarkable. It is even more so considering that Bogotá is the capital of a country experiencing a protracted internal war. When compared to the

nation's two other major cities, Medellín and Cali, as well as to other major cities in the Western Hemisphere, Colombia's capital also stands out. In 2001, Medellín and Cali had rates of 211 and 89 homicides per 100,000 inhabitants, respectively, placing them first and fifth on a list of 19 western hemisphere cities. Other cities showed the following rates: Recife, 158; San Salvador, 150; Rio de Janeiro, 95; Caracas, 70; Washington, D.C., 62; Sao Paulo, 56; Lima, 28; Mexico City, 27; Miami, 9; Buenos Aires, 5; Santiago 2.²⁰

Finally, Medellín too witnessed a precipitous decline in homicide rates in 2003 and 2004, again reflecting concerted municipal programs similar to those used in Bogotá. In 1991, Medellín experienced just under 9,000 homicides. In 2004, Medellín's total number had fallen to 1517.

Table 8.6
Homicides in Cali and Medellín



Political homicides respond to different structural and political incentives. Astrid Martínez discussed in Chapter III the general relationship between political violence and

economic inequality, poverty, and “relative deprivation.” Segura and Camacho in their chapter analyze the geographic mobility of political violence and conclude that the key factor to understanding the conditions that facilitate political violence is to look closely at the dynamics of the armed conflict: In 1985, homicides were concentrated in the zones of late colonization (with the exception of Antioquia). Many of these areas are coca, coffee and banana producing regions and are areas where the FARC exerted a strong local presence. By 1990, particularly as the war against the drug cartels heated up, the urban dimension of violence escalated engulfing areas such as Medellín and Bogotá. After 1995, with the accelerated rise of paramilitarism, regions with a heavy paramilitary presence such as Urabá, Medellín, and Arauca came to dominate the list.

Segura and Camacho also address the issue of Colombia’s large and growing internally-displaced population (IDPs). According to CODHES, the number of IDPs since 1985 stands at 2.7 million persons. The Colombian government places the number at 1.5 million. Either figure qualifies as a humanitarian crisis that has uprooted entire communities, eroded social capital, marginalized substantial sectors of the citizenry, destabilized and over-burdened receiving communities, and often has led to an upsurge in crime and delinquency in transit and receiving municipalities. The latter tend to be the more marginalized and impoverished sectors of the country’s large cities. The expelling communities tend to be concentrated overwhelmingly in just 107 municipalities in the rural areas of Magdalena, Norte de Santander, Chocó, Caldas, Cundinamarca, Bolívar y Sucre. As can be seen in the maps in Chapter V and VI, these are primarily zones dominated by paramilitaries or contested between paramilitaries and guerrillas. Receiving communities are far fewer, with Bogotá receiving the largest percentage by far, concentrated primarily in Ciudad Bolívar, Kennedy, Bosa, Usme, Rafael Uribe y San Cristóbal.

Women, children, indigenous people, Afro-Colombians are all affected well beyond their numbers in the population.

Additionally, Segura and Camacho raise the issue of domestic violence and its link to the public manifestations of social and political violence. Rather than view the violence inside the family and violence in the public arena as dichotomous and isolated, they prefer to analyze the “private” forms of violence (domestic, sexual), and the public forms of violence (political, social, criminal) as part of a continuum. The data they collected reveals that all forms of domestic violence have been growing, even if most incidents remain largely under-reported.

Further, multiple studies reveal that growing domestic violence reinforces public violence. Broken down by departments, the areas where reported incidents are highest correspond to some of the historical centers of the rural political violence: Tolima, Santander, Quindio, Norte de Santander. The under-reporting makes it difficult to assert an exact correlation. However, the evidence is quite strong that this private dimension of social violence facilitates more public manifestations of criminal and political violence in multiple ways.

First, domestic violence and sexual assault contribute to the already high homicide and suicide rates. Perhaps more disturbingly, family violence appears to be a significant factor in causing children to abandon their homes to join the ranks of the armed groups, drugtrafficking organizations and urban gangs. Underage recruitment by the nation’s illegal armed groups has been denounced by the United Nations and international human rights organizations as one of the most disturbing elements of Colombia’s armed conflict and a serious violation of International Humanitarian Law. Additionally, violence in the schools also contributes to high desertion rates, the narrowing of opportunities and expelling of the young population from the poorer rural zones

and impoverished urban sectors towards lives of crime or as recruits in the organized political violence.

Seen from another perspective, the family represents the core unit of society and can (and too often does) provide the first experiences of socialization into the use of violence, while fomenting high levels of social alienation and atomization. Segura and Camacho convincingly argue that domestic and sexual violence plays a significant part in sustaining the high levels of criminal and political violence that the country is experiencing and needs to be addressed as part of a broader strategy to confront violence.

Finally, this chapters draws attention to the fact that the line between political and criminal violence has become increasingly porous, as studies have shown in other parts of the world.²¹ Colombia's political violence is multidimensional, straddling the lines between the political, the social and the criminal. One of the clearest indicators of this phenomenon is kidnapping, an enterprise that has grown exponentially during the 1990s. Today, 45% of all kidnappings on the planet take place in Colombia; the overall numbers tripled between 1985 and 2002 before beginning to decline in the last two years. Over time, the agents and the victims have changed, as kidnapping became a chief source of financing for the guerrillas as well as a political tactic against public officials and high-profile society members. Further, the practice has further degenerated into the expanded use of "collective kidnappings" of police, military or others-- either to pressure certain policies, or in recent years, to negotiate in exchange for imprisoned guerrillas. The paramilitaries have also begun to use this instrument, as have organized criminal networks that have been attracted to what has become a highly profitable enterprise. The kidnapping industry has developed its own infrastructure of security, private

prisons or camps, financing mechanisms, insurance schemes, and commerce in hostages, particularly by criminal groups handing over victims to guerrillas at an agreed upon price.

Kidnapping increased significantly in the late 1990s and continued to grow exponentially through 2002 partly because the crime has become a lucrative way to raise significant amounts of money at a time when expanded armies of guerrillas and paramilitaries require a large infusion of resources to sustain their size and strength. The prevailing impunity allows such crimes to continue without obstruction.

The Uribe government has placed great attention on this phenomenon; the Vice President, Francisco Santos, made his political mark founding a large anti-kidnapping movement, *País Libre*, after he himself was kidnapped by the notorious drug-trafficker, Pablo Escobar. Details of this kidnapping were portrayed eloquently by Colombia's Nobel laureate in literature, Gabriel García Márquez in *Noticia de un secuestro*. Reported kidnappings spiraled upwards in the late 1990s as the conflict intensified. They peaked at 3706 reported kidnappings in 2000, and then declined to 3041 in 2001 and 2988 in 2002. In 2003, they fell by another 26% to 2200 and in 2004 they declined by 65% to 1441 (see Table 8.1) Yet the structural factors promoting this epidemic – impunity, profitability, financial needs of the armed actors – means that kidnapping continues to remain at crisis proportions compared to every other country.

The implications of Segura and Camacho's findings for the international community are quite intriguing: if criminal and political violence obey distinct dynamics, then policies aimed at crime reduction can be successful, independent of the immediate dynamic of the war. The cases of Bogotá and recently Medellín underscore this point. As such, increasing legitimate and effective policing functions of the state at the municipal and national level can lower crime. President Uribe's program of expanding the number of police as part of his "democratic

security” program has generally been viewed as part of his strategy to “fight the war” and deliberately blurs the line between political and criminal homicide. However, this chapter argues that it may be more effective to clearly distinguish between the two and to develop separate policies for both arenas.

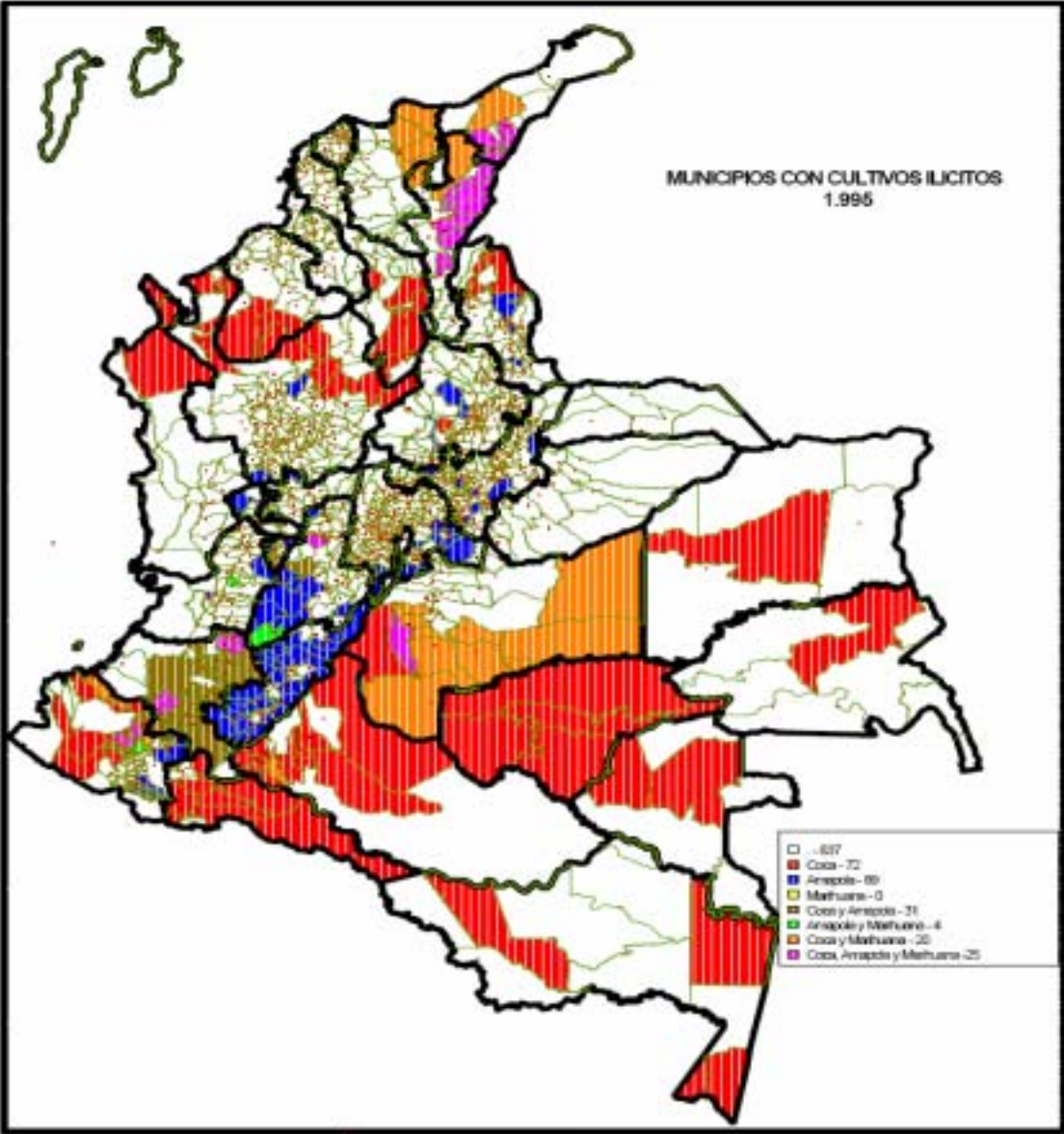
POLITICAL VIOLENCE

Alejandro Reyes, in his chapter on political violence, describes how the armed conflict has expanded from the areas of late colonization in the 1960s and 1970s to cover practically all the foothills of the three cordilleras (both the inner and outer agricultural frontiers) that cut across the national territory. The contemporary guerrilla movements emerged from the violence of the 1940s and 1950s and the post-Cuban revolutionary fervor of the 1960s and consolidated their presence in the agricultural and coffee growing regions of the central Andes and newer zones settled by peasants expelled from their lands during the *Violencia*. The guerrilla movements took their place at the head of an already mobilized peasantry that had emerged from the land and social conflicts from the earlier period. For the next decade and a half, they mostly maintained a presence in the newer colonization zones where they exerted a degree of social and economic control over property and commercial relations. By the 1980s, they had begun to extend their presence into the cattle lands of Magdalena Medio and the Atlantic Coast and into the oil producing regions of Arauca and Casanare in the Eastern Plains. With the successive drug export booms in marijuana (1970s), coca/ cocaine (1980s-present), and opium poppies/ heroin (1990s-present), the FARC began to exercise control over social relations and production in newer colonization zones (see Map 8.1).

Reyes analysis confirms and extends the argument on the geographic mobility of the political violence put forth by Segura and Camacho. His maps covering a thirteen year period outlining the number and location of armed actions for each of the principal groups precisely reveal the changes in the territorial focus of the war (chapter VI). Much of this can be explained by the strategic calculus of the armed actors in search of military corridors, resources rich areas, and new social bases of support while at the same time responding to the military strategies of their enemies.

Yet Reyes also re-introduces the earlier structural and social analyses that have been less popular in recent years. He finds certain clusters of variables recurrent, particularly since the 1980s, as the political violence moved beyond the phase of low intensity guerrilla war that characterized the 1960s and 1970s. In identifying these trends and patterns, he also provides a strong framework from which to understand the illegal narcotics boom that influenced politics over the last twenty year and which also re-shaped the country's prolonged and deeply-rooted armed conflict.

**MAP 8.1
MUNICIPALITIES WITH
ILLICIT CROPS**



Source: Alejandro Reyes

Reyes argues that two variables help explain a large part of the political violence in the last twenty years, particularly as the paramilitaries became a central actor in the conflict and the war moved beyond the traditional guerrilla strongholds. Both variables involve land conflicts: 1) conflict and violence resulting from the purchase of lands by drugtraffickers, and 2) agrarian conflicts between traditional landowners and peasants.

Between 1980 and 1995, there were 417 land conflicts in 25 of the 33 departments in the country. With the exception of Atlántico, a department without largescale guerrilla activity, the areas with the greatest number of land conflicts correspond to the regions with the greatest conflict between guerrillas and paramilitaries.

From 1975 to 1995 there were land purchases by drugtraffickers in 399 municipalities in 27 out of 32 Departments. In most of these municipalities, particularly in Cordoba, Sucre and sections of the western areas of the Caribbean coast, there has been what Reyes call a “*gangsteril*” transformation from the earlier dominance of rural elites. In these areas, the maps show a correlation among narco-purchases, land conflicts, and the rise of paramilitarism. Moreover, the maps presented in Chapter V by Segura and Camacho reveal a high correlation of these areas with internally displaced persons as well.

Yet in areas such as the eastern part of the Caribbean coast where there has been less narco-investment, there is also a direct relationship between land conflicts and the rise paramilitaries. Here paramilitarism represents in large measure the defense of traditional and large estates.

In Magdalena Medio, both situations are present. In the Eastern Plains, the most relevant relationship is between land purchase by drug traffickers and the emergence of paramilitaries, while the relationship between the more traditional land conflicts and paramilitaries is limited to

five municipalities along the foothills of the eastern cordillera.

These variables help explain the principal centers of political violence in Colombia. Indeed Reyes has identified nine broad regions. Eight of these are characterized by land conflicts or narco-purchases. The one remaining region, Arauca, is the site of the country's major oil fields and is the source of the major pipeline carrying petroleum to the coast. The region has a strong presence of foreign multinational oil companies. It also is an area of operations for the FARC and ELN, paramilitary forces, and the Armed Forces. Most state institutions are weak or absent. In García and Uprimny's terminology, much of Arauca could be characterized as a classic "brown area." Map 6.9 in Chapter VI shows it to have become one the most violent regions in 2002. The region was the principal site of special Rehabilitation Zones created by President Uribe when he declared a State of Internal Commotion, the modified emergency powers built into the 1991 Constitution, shortly after taking office. Arauca is also the site of a special brigade trained by US forces to protect the Arauca-Caño Limon oil pipeline (Map 8.2).

Map 8.2 Oil Pipeline –Arauca-Caño Limón



Source: Ecopetrol

Reyes argues that the territorial presence of the guerrillas is not stable. They have been dislodged from some regions by paramilitaries and, at times, by the Armed Forces. Their actions and geographical movements follow the dynamics of the war. In recent years, they have mobilized to contest paramilitary advances in the coca growing and petroleum regions, and have begun counter-offensive measures in paramilitary zones. They also pursue a strategy of challenging isolated police stations in efforts to clear large swaths of territory from any state presence. By 2002, there were 184 municipalities without police and 370 where their presence was so weak as to be basically symbolic.

One of President Uribe's first objectives upon reaching office was to counter this trend; by February 2004, Colombia had added 16,000 police and 52,000 additional soldiers and had restored some police presence to all 1098 municipalities. This, too, has had an effect on the FARC's strategy. Assaults on villages and towns diminished in 2003 by an impressive 84%.²² Still, using the index of governability and violence developed by UNDP, by late 2003, 209 municipalities or 20% of all municipalities, remained vulnerable.²³ The expanded police and military presence is changing the dynamic of the war; yet in a multipolar, irregular war, guerillas can adjust tactics and strategy rapidly.

Indeed, in recent years, the FARC has made a concerted effort to extend their presence to urban areas, a development Reyes denominates "from the periphery to the center." This strategy has multiple components. First, by 2002, the FARC had organized approximately 13,000 urban militias. These are special units not as tightly controlled by the central command structure as their regular forces. As Segura and Camacho note, the urban militias often develop ties with and degenerate into youth gangs and criminal bands.

Second, the FARC have increased attacks on the country's economic infrastructure,

actions designed to directly affect urban populations. They also engage in sporadic urban terrorist actions and collective kidnappings of urban officials and residents.

Finally, as can be seen in the maps in Chapter VI, the FARC has been strategically locating fronts in Cundinamarca in an effort to partially encircle Bogotá from the south and east, a strategy which dates back to the Communist Party's frustration in the 1940s when revolutionary forces failed to seize the initiative during the *Bogotazo* when the city erupted into days of rioting following the assassination of popular leader Jorge Eliécer Gaitán on April 9, 1948.

President Uribe's Democratic Security Strategy may be effective in increasing some form of state authority throughout the nation's "brown areas" and areas without any state presence. The decline in attacks during 2003 and 2004 suggests that the idea of an increased security presence can act as a deterrent, though attacks again increased in the first trimester of 2005. Reyes's and the other chapters underscore several elements:

First, political violence follows military strategy. An altered landscape of police and soldiers will transform the scope and geographic dynamic of the war, from rural to urban, from open assaults to ambush, from frontal combat to terrorism, from strategic patience to probing the will and capabilities of the state. The political violence is not likely to end until one side is defeated, or a political solution is achieved.

Second, as García and Uprimny articulate clearly, a legitimate state presence or "legal state" entails much more than a demonstrative security presence. Absent a fuller representation of effective state institutions and services – including in the areas of justice, welfare, education, and socioeconomic development —increased police and soldiers will have only limited value in containing the conflict.

Third, a few key variables disproportionately generate political violence: land conflicts, narco-landholdings, revanchist landowners, conflicts over strategic resources such as oil and coca. Here, one might add the variables of inequality and perhaps poverty re-introduced by Martínez . Some have advocated that given the crisis, security issues should be privileged over institutional and economic development policies. However an emphasis on security without addressing these more fundamental issues will only lead to altered military tactics and strategies by the combatants.²⁴ To bring an end to this conflict, the state, civil society and the international community will need to address systematically the broader set of causal factors -- particularly the structural and political factors that generate violence on a daily basis -- and not just the most visible symptoms of insecurity and conflict.

Finally, as Chernick argues in his chapter, social protest movements and political activists need to be protected. Extra-electoral political participation and social protest are fundamental rights in a democratic society. The closing of political space has not just effected third parties and dissident electoral candidates. It has negatively impacted on civil society actors as well.

Chernick finds great resiliency in the capacity of older and newer social movements to organize in the face of overwhelming political violence. Since the 1980s, a central motive of political and social protest movements has been the protection of human rights, the promotion of peace, and the denunciation of violations of International Humanitarian Law.

Yet new social movements are also vulnerable to the changing dynamics of violence and the uneven landscape of counter-insurgency strategies that have oscillated between negotiations and repression. Civil and human rights have not been sufficiently protected. As Hoskin and García argue, despite all the institutional strengths that can be found in Colombia's polyarchy, the Achilles heal of Colombian democracy may be the issue of rights.

* * *

To conclude, a combination of historical, structural (economic, political and social) and ideological factors have given rise to the most aggressive, prolonged, and destabilizing internal armed conflict in the region. The protracted political violence severely weakened a state that, throughout its history had only minimal projection or presence in many areas of the national territory. Moreover, during the past thirty years, other forms of organized and unorganized criminal and social violence have taken root and have interacted with and transformed the nation's endemic political violence.

The causes and effects of the different forms of violence can be systematically identified, as this study attempts to do.

Tables 8.7 - 8.9 adjust the basic tables presented in Chapter 1 to highlight the findings in the study. The first table outlines the key constituent groups within Colombia's democracy or polyarchy.

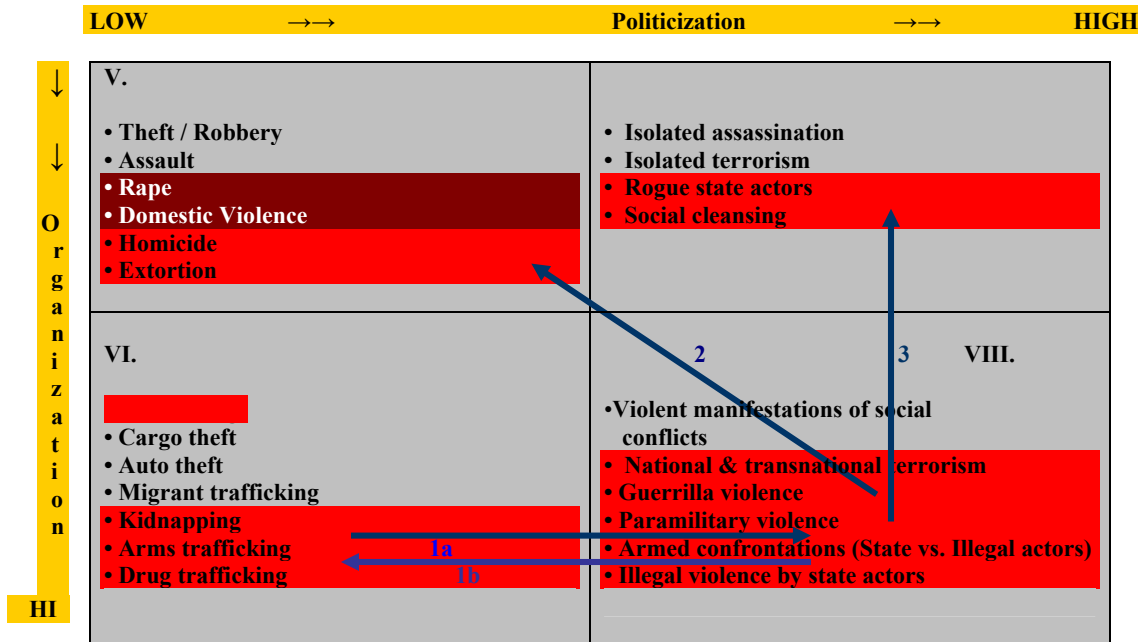
Table 8.7 POLYARCHY

| | | | | |
|--|------------|---|---|--|
| | →→ | Politicization | →→ | |
| | LOW | | HIGH | |
| O r g a n i z a t i o n | ↓ ↓ | I. <div style="border: 1px solid black; padding: 5px; margin: 5px;"> <ul style="list-style-type: none"> - Individual Citizens - Family - Friends </div> | III. <ul style="list-style-type: none"> -Soup kitchens -Neighborhood associations -Voting <ul style="list-style-type: none"> • Official petition • Legal demand • Tutela (Colombia) • Civic candidates • Civic Protest | |
| | ↓ | II. <p style="text-align: center;">Economic and Social Organizations</p> <ul style="list-style-type: none"> -Professional -Educational -Religious | IV. <div style="border: 1px solid black; padding: 5px; margin: 5px;"> <p style="text-align: center;">Civil Society Organizations</p> <ul style="list-style-type: none"> -- Guilds, Labor Unions, Students -- Peasants and indigenous -- Urban Communities -- NGOs, Churches </div> <div style="border: 1px solid black; padding: 5px; margin: 5px;"> <p style="text-align: center;">-- POLITICAL PARTIES</p> </div> <div style="border: 1px solid black; padding: 5px; margin: 5px; background-color: #333; color: red;"> <ul style="list-style-type: none"> • ADMINISTRATIVE BUREAUCRACY • LOCAL GOVERNMENT • POLICE, ARMED FORCES • EXECUTIVE– LEGISLATIVE – JUDICIAL SYSTEM </div> | |
| | HI | | | |

The studies clearly identify that the weakest link of Colombia’s polyarchy or democracy is in the area of civil and human rights which is being overwhelmed by the country’s multidimensional violence particularly the nation’s political violence. This weakness disproportionately effects individual citizens (Quadrant I) and organized political actors (Quadrant IV), the core units of a democratic society.

Tables 8.8 and 8.9 disaggregate the violence. The highlighted areas show the crisis areas in Colombian society and the arrows demonstrates the key relationships among the different forms of violence. Note that all areas of all four quadrants are highlighted.

Table 8.8 VIOLENT CONFLICT
Key impact of political violence



Key Findings

Arrow 1a: *Organized criminal violence* (Q6) stimulates *Organized political violence* (Q8), principally through:

- narco investments in land leading to the formation of paramilitaries, the financing of paramilitaries and the expulsion of peasants.
- resources from kidnapping, the drug trade, arms trade and other illicit activities have emerged as the central source of financing for guerrillas and paramilitaries
- the illicit arms trade is a key lifeline for all the illegal armed actors

Arrow 1b: *Organized political violence* (Q8) stimulates *Organized criminal violence* (Q6) through:

- guerrilla and paramilitary involvement in the drug trade, arms trafficking and kidnapping means that groups which are fundamentally political in their objectives and origins became deeply involved in organized criminal activities to finance their activities. In the process, they have helped fuel the expansion of national and international organized crime syndicates in the country.

Arrow 2: Organized political violence (Q8) weakened the state and its ability to maintain order and administer justice leading to an increase in *individual crime and violence* (Q5). Yet at the same time, because causal factors for individual crime versus organized political violence are fundamentally different, it is possible to focus resources on criminal violence and achieve results, even as the political violence endures or increase.

Arrow 3: Organized political violence (Q8) leads to *rogue state actors* (Q4) who take violence into their own hands, either through extra-judicial killings of suspected subversives or through social cleaning of undesirable groups in society, such as prostitutes, street urchins, homosexuals and transvestites, and petty criminals.

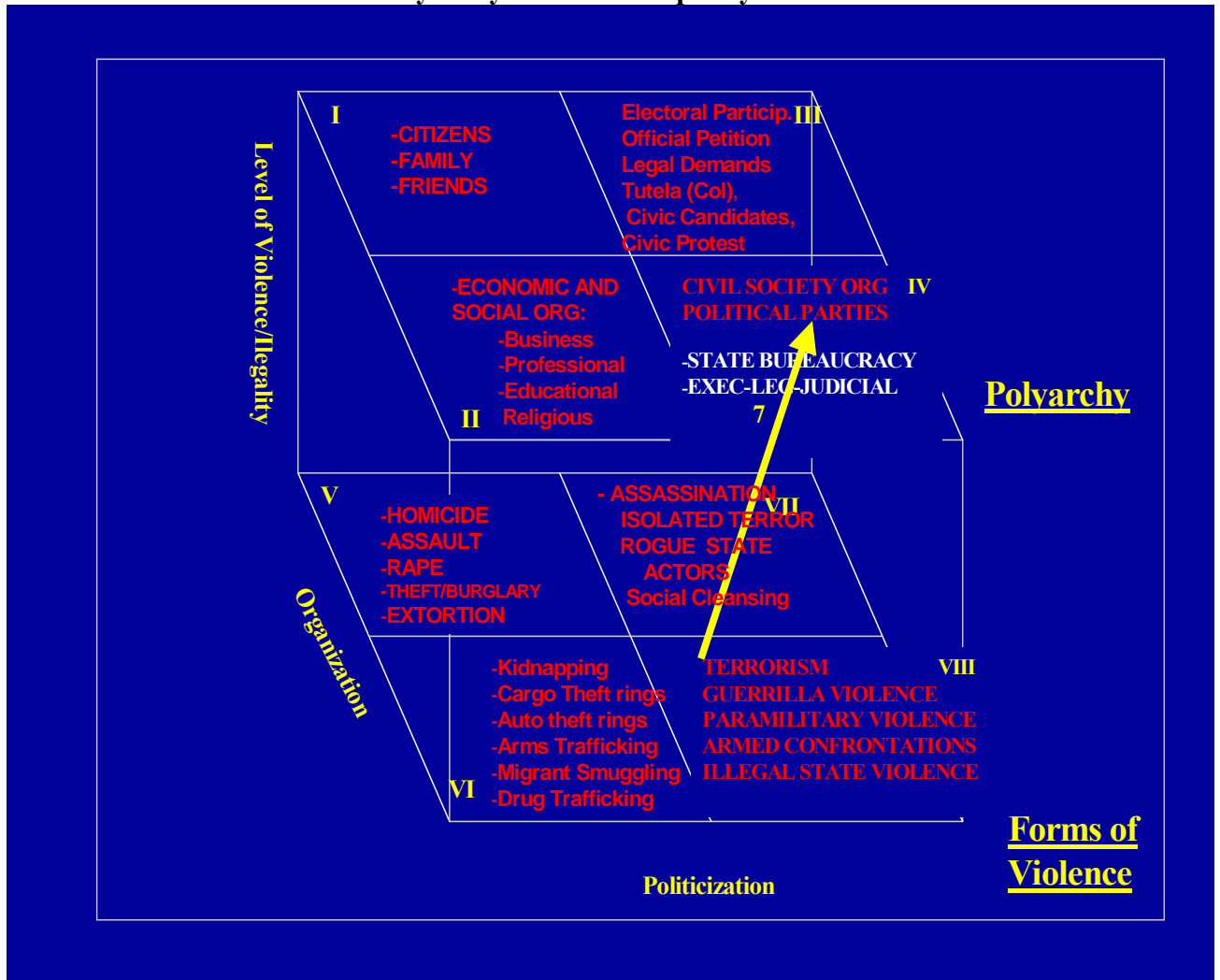
Table 8.7 VIOLENT CONFLICT
Relationships between Private and Public Violence

| | | LOW | →→ | Politicization | →→ | HIGH |
|--|-----|--|----|----------------|--|------|
| ↓ ↓ O r g a n i z a t i o n HI | V. | <ul style="list-style-type: none"> • Theft / Robbery • Assault • Rape • Domestic Violence • Homicide • Extortion | | VII. | <ul style="list-style-type: none"> • Isolated assassination • Isolated terrorism • Rogue state actors • Social cleansing | |
| | VI. | <ul style="list-style-type: none"> • Cargo theft • Auto theft • Migrant trafficking • Kidnapping • Arms trafficking • Drug trafficking | | VIII. | <ul style="list-style-type: none"> • Violent manifestations of social conflicts • National & transnational terrorism • Guerrilla violence • Paramilitary violence • Armed confrontations (State vs. Illegal actors) • Illegal violence by state actors | |

Arrow 4: Domestic violence (a sub-component of Q4) socializes children and young adults into a culture of social violence and creates the conditions that facilitate recruitment by **organized political actors** (Q8).

Arrow 5: Domestic violence (a sub-component of Q4) socializes children and young adults into a culture of social violence and stimulates recruitment into **youth gangs** (Q4).

TABLE 8.8
Assessing the Impact of Violent Conflict
on Polyarchy and State Capacity



Arrow 6: Youth gangs (Q6) have developed alliances and loose federations with **guerrilla and paramilitary groups (Q8)**, stimulating the growth of both forms of violence, though with little direct control of one type of group (gang or political group) over the other

Arrow 7: Although much of the violence is mutually reinforcing, the study shows that the type of violence that **most undermines the functioning of polyarchy, civil society and the state in Colombia is political violence (Table 8.5)**. Political violence has targeted politicians, civil society leaders, elected officials, judges, journalists, teachers, businessmen and others.

Unlike many other countries, Colombia has not witnessed a decline in legitimacy due to rising insecurity and crime (Quadrant V) that has been documented in other countries. On the contrary, Colombia has experienced political and social mobilization against high rates of crime in its principal cities, and has achieved results. Quadrants V, VI, VII can all be addressed through a stronger, more legitimate state presence –police, judges, social programs, economic opportunities, education, health services, etc. The experience of the last 10 years, where criminal violence has declined even as the political conflict has intensified argues that well-designed state measures can be effective.

However, bringing an end to Quadrant VIII violence is more complicated. Given the level of organization, scope and geographical reach of all the armed actors – and given the deteriorating conditions of poverty, inequality, and lack of social and economic opportunities in much of rural and urban Colombia --there are limits to a proposed military solution to the conflict, even a proffered solution harnessed to an enlightened state building and democratization strategy. Over time, the programs being implemented through President Uribe's democratic security strategy may strengthen the security capacity of the state –although, as Astrid Martínez

points out, this will demand a sustained input of state resources which is already placing great strains on the state's abilities to adequately fund other state activities to the degree that a strong, legitimate and "legal" state would require.

If political violence, then, is stimulating other forms of violence and is undermining democratic governance, then ALL development assistance initiatives, from humanitarian assistance to judicial reforms, from anti-narcotics to human rights, must be designed to contribute – directly or indirectly –to ameliorating the political situation and resolving the political conflict.

Recent lessons learned from such experiences as the Project for Peace and Development in Magdalena Medio and similar regional initiatives elsewhere in the country indicate that it may be possible to foster islands of relative stability and democratic governance at the local, municipal or regional levels. Moreover, the experience of Bogotá demonstrates that it is possible to lower crime rates and even to lower impunity rates. But each of these successes is qualified, conditioned and threatened by the internal conflict; all the improvements are subject to reversal at any moment as the political violence changes direction and impinges on newly constructed efforts. For this reason, the political conflict has to be given priority in the analysis. Even before the conflict ends, the causes and symptoms of conflict must be addressed.

The United Nations has a long history of involvement in Colombia. There are currently 16 UN agencies operating in the country. There are also a few key UN offices established specifically to address the conditions of the Colombian conflict. These are:

- **The United Nations Office of the High Commissioner for Refugees, ACNUR**, established in Colombia in 1998. This office has a mandate to provide humanitarian assistance to displaced persons and contributing to the design of strategies for the prevention of forced displacement. ACNUR in Colombia has expressed its alarm over the escalation in the number of displaced persons in recent years, especially since the rupture of the peace negotiations in 2002. The IDP crisis represents one of

the greatest humanitarian crises in the world and is one of the most visible and troubling symptoms and consequences of this conflict.

- **The United Nations Office of the High Commissioner for Colombia on Human Rights, OACNUDH**, established in Colombia in 1996. This office has a mandate to observe the situation of human rights and international humanitarian law, consult with and advise the government and other interested parties on how to handle and prevent violations of human rights and international humanitarian law. The office presents reports to the High Commissioner on Human Rights on the situation of human rights in the country. The office's staff and resources are limited compared to the scope of the crisis, yet OACNUDH has developed a highly respected and influential voice and has been an outspoken and unwavering advocate for human rights and IHL. The office has not hesitated to denounce reported violations of IHL and human rights by the government or by the illegal armed actors. In 2003, the Office of the High Commissioner made 27 recommendations to the Colombian government which the government publicly committed itself to following. When the government later reneged on some of these recommendations, particularly over the issue of a constitutional amendment known as an anti-terrorist statute, the office was able to publicly and privately engage government officials about its actions. The Uribe Administration has proposed limiting the office's mandate further when it comes up for renewal in 2006.
- **UN Special Advisor to the Secretary General of the United Nations** which operated from 1999 until 2004. This position, which did not have a permanent office or staff in Colombia, formally served as an advisor to the Secretary General. It was created to support and observe the peace process between government and guerrilla groups at a time when peace processes were under way with the ELN and FARC during the government of Andrés Pastrana. For a limited time, particularly in the final weeks of the peace process in January-February 2002, the Special Advisor, James LeMoyné, in an effort to avoid the complete collapse of talks, was able to serve as a facilitator of talks – a move that had previously been strongly resisted. After the collapse of the talks, the Special Advisor continued to be engaged. Indeed the Uribe government has expressly solicited the United Nations to offer its “good offices” in any contacts with the guerrillas. The Special Advisor continued to be involved in efforts to reach a humanitarian accord between the FARC and the government on the exchange of prisoners. However, its role was greatly reduced in the absence of official talks, and then eliminated when the Uribe Administration decided to assert tighter control over the involvement of international actors in addressing the causes and consequences of the conflict.
- **United Nations Development Programme** plays the central coordinating role for the United Nations system in Colombia and has worked closely with successive governments in facilitating the conditions for peace and development in the country. Under the Uribe Administration, it continues to work to strengthen the legitimate authority of the state and its democratic institutions. UNDP provides great continuity and brings technical skills and broad experience to the table on issues of democratic

governance. In 2003, UNDP released its human development report for Colombia, *El Conflicto, callejón con salida: Informe Nacional de Desarrollo Humano Colombia 2003* (Bogotá: PNUD, 2003) and publicly disseminated and stimulated debate on its findings. Its central message was that the country had more options than simply choosing between war or peace. It argued that there existed a middle agenda of strengthening the state, fostering human rights and strengthening democratic institutions and governance. Such programs will ultimately contribute to a sustainable peace. Such a message was critical at a time when public policy and attitudes had dramatically hardened and shifted away from the failed peace efforts of the previous administration towards a renewed focus on security issues.

Echoing and reinforcing the findings of the Human Development Report for Colombia, all of the studies presented in this volume, from Uprimy and García's work on the rule of law to Reyes work on rural conflict, have one element in common: they analyze crises that arise from a weak state. The common ground for those who denounce and deplore the violation of human rights and those decrying the absence of effective state security and a strong military is the need for a strong, legitimate state presence –or in O'Donnell characterization, a legal state. This needs to be a primary lens from which to shape international assistance. This does not mean exclusively working with the government. The state can also be fortified through enhancing community participation, strengthening civil society and helping local governments safeguard democratic protections.

The international community can help with all of these and provide resources. Yet the provision of state strengthening measures – such as security, social development, judicial reform, on the one hand, and human rights and emergency humanitarian assistance, on the other – represent necessary and critical, but not sufficient, measures. **Eventually, the international community must assist Colombia in the search for a political solution to the armed conflict –the kinds of violence outlined in Quadrant VIII.** “Eventually” because in the wake of the collapse of the peace process of the Pastrana years, there is no political consensus in the country to revive such an effort. Moreover, past experience shows that ill-designed or failed

peacemaking efforts can be very costly. The nation should not return to such a path until all sides demonstrate sufficient political will, backed by broad societal support. Additionally, Colombia should not re-enter into broader talks until a clear framework for a peace process is developed. Here the international community can play a critical role. It needs to begin preparing the terrain, now, among the government, among civil society, among the armed actors, and among interested nation states willing to assist.

In 2003, the Uribe Administration had begun a process of negotiations with the AUC, reversing twenty years of precedent that recognized the guerrillas as the principal interlocutors at the peace table. Previous peace talks has expressly denied such recognition to the paramilitaries. The Uribe government jettisoned this framework. It made the decision that the government did not need to classify an illegal armed group as political or criminal – that it could talk with any group willing to suspend armed actions and begin negotiations about disarming and reincorporation.

The negotiating process with the AUC is clearly important; if successful, it would take a major armed actor – and the principal human rights violator as measured by extra-judicial killings and massacres --off the “battlefield”. If successful, it could open up the way for a future political settlement with the FARC and the ELN. However it must be viewed as a part of larger process, not an end in itself.

Already, the OAS has agreed to provide technical assistance on the issue of demobilization. USAID is also offering technical assistance, as is the World Bank and others. The United Nations has been more reluctant to get involved; lending its good offices to this process may jeopardize a role in a future peace process that would be more comprehensive and would include the FARC and the ELN.

In principle, this stance is sound. However it needs to be regularly revisited as circumstances change. Involvement in one area may not preclude involvement in a broader settlement in the future. Additionally, other actors, such as the Catholic Church, are already assuming a key role.

In closing, it should be reiterated that for Colombia, it is too late to speak of early warning. In this north Andean country plagued by decades of internal armed conflict, the unifying theme for international assistance can no longer be developed around the goal of conflict prevention. The objective now needs to be conflict resolution and preparation for a post-conflict society.

¹ Chandra Lekha Sriram & Karin Wermester, eds., *From Promise to Practice: Strengthening UN Capacities for the Prevention of Violent Conflict* (International Peace Academy and Lynne Rienner Publishers, 2003) p.22-23.

² This is true even following the 23% decline reported in 2003 by the Observatorio de Derechos Humanos, Oficina de la Vice-Presidencia.

³ *World Report on Violence and Health*, World Health Organization (Geneva, 2004). By comparison in South America, Brazil had a rate of 25 per 100,000 in 1999, Chile 2.8 per 100,000 in 1997, and Argentina had 3.7 per 100,000 in 1995. Mexico had rates of 17.8 in 1992 and 12.5 in 1999. See Pan American Health Organization "Statistics on Homicides, Suicides, Accidents, Injuries, & Attitudes towards Violence" <http://www.paho.org/English/AD/DPC/NC/violence-graphs.htm> [accessed 6/10/2005]

⁴ Guillermo O'Donnell, "Polyarchies and the (Un)Rule of Law in Latin America: A Partial Conclusion", in J. E. Méndez, G. O'Donnell and P. S. Pinheiro, *The (Un)Rule of Law and the Underprivileged in Latin America*, Notre Dame, University of Notre Dame, 1999.

⁵ Michael Fruhling, "La ONU y los derechos humanos: 27 recomendaciones para Colombia." Reprinted in: PNUD, *El Conflicto, callejón con salida: Informe Nacional de Desarrollo Humano Colombia 2003* (Bogotá: PNUD, 2003), pp. 194-196)

⁶ Guillermo O'Donnell, *op.cit.*, p. 313.

⁷ O'Donnell has a similar demarcation, calling such areas, "brown areas" See: Guillermo O'Donnell, *Ibid.*, p. 333. Also see Guillermo O'Donnell, "On the State, Democratization and some Conceptual Problems: A Latin American View with Glances at Some Post-Communist Countries", *World Development*, Vol 21, n. 8, 1993, pp.355-69

⁸ Paul Collier, "Economic Causes of Civil Conflict and Their Implications for Policy," World Bank, 2000.

⁹ See Samuel Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1968); Theda Skocpol, *States and Social Revolutions* (Cambridge: Cambridge University Press, 1979).

¹⁰ Founded in 1994 and since renamed "Conflict Prevention and Post-Conflict Reconstruction Unit."

¹¹ Steven Holtzman, "Post-Conflict Reconstruction," *Environment Department Work in Progress*, World Bank Social Policy and Resettlement Division, 1996.

¹² Fajnzylber, Lederman y Loayza. *Crimen y Violencia en América Latina*. Banco Mundial-Alfaomega.

¹³ See Luís Jorge Garay, *Colombia entre la Exclusión y el Desarrollo. Propuestas para la transición al Estado Social de Derecho*. Bogotá. Contraloría General de la República Gutiérrez, Francisco. 2001. "Inequidad y violencia Una precisión sobre los cuentos y las cuentas". *Análisis Político*, No 43. Mayo-agosto.

¹⁴ See Charles Bergquist, *Labor in Latin America: Comparative Essays on Chile, Argentina, Venezuela and Colombia* (Stanford, CA: Stanford University Press, 1986); Marco Palacios, *El café en Colombia, 1850-1970*. 2d Edition. (Mexico and Bogotá: El Colegio de Mexico and El Ancora Editores, 1983).

¹⁵ In a recent book, former AUC leader Carlos Castaño admitted to ordering the killing of M-19 presidential candidate Carlos Pizarro. See Aranguren Molina, Mauricio. *Mi Confesión: Carlos Castaño revela sus secretos*. Bogotá:

Editorial Oveja Negra, 2001.

¹⁶ Adam Przeworski, "Some problems in the Study of the Transition to Democracy" in Guillermo O'Donnell, Phillipe Schmitter and Laurence Whitehead, eds, *Transitions from Authoritarian Rule : Comparative Perspectives* (Baltimore : Johns Hopkins University Press, 1986).

¹⁷ Scott Mainwaring and Tim Scully, eds. *Building Democratic Institutions: Party Systems in Latin America* (Stanford: Stanford University Press, 1995).

¹⁸ In the 1990s, Colombia signed and ratified several international treaties relating to international humanitarian law, including:

- Geneva Conventions of 1949 and Additional Protocol II of 1977.
- Law 424 of 1998 that ratifies the authority of all international treaties signed by Colombia.
- Reform of the Colombian Military Penal Code, delineating areas of jurisdiction between military and ordinary justice.
- Finding of the Superior Judicial Council, Disciplinary Section (*Consejo Superior de la Judicatura, Sala Jurisdiccional Disciplinaria*) on July 21, 2000 which establishes civilian jurisdiction for human rights violations and crimes committed by military and police outside of their legally sanctioned duties.
- Reform of the Colombian Penal code, which introduces the crimes of "Forced Disappearance," "Forced Displacement," "Genocide" and "Torture."

¹⁹ CINEP, Centro de Investigación y Educación Popular, a Jesuit research organization, maintains an extensive data bank on political violence using multiple methodologies of data collection, combining official data with accounts from regional newspapers and interviews with local residents and internally displaced persons. Still, Segura and Camacho underscore that political violence remains under-reported and the actual percentages political violence to ordinary criminal violence are likely higher than their calculations reveal. Indeed their figures fall within the mid-range of figures provided by the Vice President's office in Table 8.3.

²⁰ Secretary of Government, Mayor's Office of Bogota. *Ciudad y Políticas Publicas de Seguridad y Convivencia. Como se logró reducir la violencia y la delincuencia en Bogota, Colombia 1995*. 2001. Bogota. Secretary of District Printing Office, 2002. p.16,19.

²¹ See Mary Kaldor, *New and Old Wars: Organized Violence in the Global Era* (Cambridge, UK: Policy Press, 1999).

²² Observatorio de Derechos Humanos, Oficina de la Vice-Presidencia.

²³ PNUD, *El Conflicto, callejón con salida: Informe Nacional de Desarrollo Humano Colombia 2003* (Bogotá: PNUD, 2003), Anexo D, pp. 488-496.

²⁴ See Ann Mason, "Colombia's Democratic Security Agenda: Public Order in the Security Tripod," *Security Dialogue*, vol. 34 (4), 2003: 391-409.