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### Building a Lasting Peace in Colombia: Recommendations for Social and Political Transformation

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## Introduction

Colombia has suffered more than two centuries of violence that has affected its people in many ways, including the country's economic growth. However, recently Colombia has shifted towards a path where economic and social prosperity is possible. One of the main factors for this change was the 1991 Constitution, which introduced two major changes: a legal framework to expand citizens' rights and an institutional framework to change the economic model at the time. On the one hand, the model of economic liberalization introduced by the constitution requires a less interventionist state whose main purpose is to protect property rights. On the other hand, a bigger state is needed in order to provide more rights to its citizens. For example, a state requires a greater bureaucracy to respond to increased citizen demands and to provide new public goods, among others. These two—seemingly contradictory—models coexist in Colombia, and in most western economies like the U.S. However, the coexistence of two contradictory models introduces social tensions when the institutional system favors one over the other. In the case of Colombia, more often than not, the favored model has been economic liberalization and a smaller state. Moreover, in Colombia, these tensions are stronger given the country's already exclusionary institutional system.

Historically, the Colombian institutional system has been designed as a response to violence. Violence in Colombia has affected everyone in the country one way or another. Yet, there are significant differences in how different groups have related to violence. The effect of continual violence on the poor forces them to disproportionately experience the long-run consequences of violence. On the other hand, the elites, a great majority of whom are living in big cities, have been traditionally separated from the violence, and only during the peaks of violence have they been significantly affected. It is during these peaks that the elites have “contributed” to much needed resolutions. Agreements reached by the elite, such as the National Front, while effective in decreasing physical violence, have also excluded the needs of some segments of the population who were not represented by the two traditional elite-dominated parties.

After almost two centuries of violence, effort was made to terminate physical violence and the rise and disappearance of different armed parties. In 2012 the Colombian government started peace negotiations with the major left wing guerrilla group in the country: the Revolutionary Armed Forces of Colombia (FARC). The peace negotiation process represents a historical opportunity to end physical violence in the country. However, while the magnitude and complexity of the armed conflict deserves government attention, physical violence is not the only challenge in the country. The current expansion of extractive economic activities, with their environmental impacts and poor labor conditions, are still a major concern, especially for the poor. Therefore, the current peace process is not only a historical opportunity to end physical violence; it can also be the start of an inclusive collaboration to tackle issues beyond violence.

The purpose of this article is to analyze the dynamics that create and perpetuate violence in Colombia, as well as to identify opportunities for social transformation. First, I present a historical background of the violence in Colombia and describe how this violence has been altered, but not ended, by the creation of a new constitution and by multiple exclusionary agreements between the warring parties. Second, I analyze the tensions inside the new development model proposed in the 1991 constitution. Third, I argue that the current peace negotiations with FARC are a window of opportunity to promote a more inclusive political framework in the country. This article identifies some of the elements that are fundamental to creating peace in the long run in Colombia. The final section offers recommendations to move towards a lasting peace.

### The History of An Exclusionary Political Framework

The history of Colombia in the 19<sup>th</sup> century is one of inconclusive wars (Sanchez, 2008). According to the author, with very few exceptions, the 14 wars that the country experienced throughout this century: (i) started as a continuation of a previous war, (ii) involved significant portions of the population—particularly the poor—who did not necessarily fight for personal causes and ideologies but rather as patronage for a chief, and (iii) reflected the social hierarchy of the military, where landowners, merchants and professionals were at the top of military leadership instead of those who had more military experience. In addition, the wars often ended with agreements among the elite members in dispute that included amnesties, a major political reform, or the creation of a new constitution (Sanchez Gomez 2008). By the end of the 19<sup>th</sup> century the country had more than six constitutions. Colombia's turmoil in its first century as an independent nation ended up with a constitution and an environment conducive to the use of violence as a political tool, like the 'Thousand Days' War (1899-1902) in which liberals were claiming political space from the conservatives in government.

Political violence still played a fundamental role in the design of the country's institutional system during the 20<sup>th</sup> century. Starting in the 1930's, the country experienced a period of renewed clashes between members of the Liberal and Conservative parties over political power. This period of violence, commonly known as "La Violencia", reached its peak in 1948 when a popular Liberal Party presidential candidate was murdered. Even though a formal war was never declared, the country witnessed a high death toll. In 1958, both party leaders at last agreed to put an end to the violence by taking turns to assume the presidential seat over a span of 16 years. This agreement—known as the National Front—was effective in ending violence, but it left out other political parties and ideological groups from the decision-making process.

While agreements among elites may have temporarily stopped the violence, they were not successful in building the foundations of an enduring state. These agreements were reactive to specific circumstances of violence. This ad hoc approach, in turn, shaped the institutional development of the country. Formation of the nation-state was limited to the strengthening of two traditional political parties while failing to address other fundamental questions. For example, in 1908 full pardon was conceded to militants involved in the 'Thousand Days' War as a quick end to the violence but little attention was given to justice (Aguilera 2001). Given that these agreements were reached between the leaderships of the parties involved, they did not incorporate the perspective from the rest of the population in terms of social welfare. Moreover, the post-conflict negotiations generally focused on amnesties rather than proposing changes to the structural conditions that generated violence in the first place, e.g. the concentration of land among few owners and the predominance of extractive economic activities (Galindo, Restrepo and Sánchez 2009). Cycles of violence, and the exclusionary negotiations, lead to the creation of a precarious state and a highly segregated country.

### **The 1991 Constitution: An Attempt at Inclusionary Political Framework**

The 1991 Constitution was a response to yet another escalation of violence in the country. By the end of the 1980s Colombia experienced multiple forms of violence. The country had a governance crisis and drug lords increasingly turned to terrorism techniques to influence policy decisions. Additionally, clashes between government and guerrillas groups increased, and three presidential candidates were murdered. In the midst of this hostile political environment, however, the government was able to negotiate with the M19, a guerrilla group, leading to its demobilization. During this period, the idea to reform the constitution gained momentum and efforts were made toward incorporating the demobilized groups into the political system (Junguito, Cardenas and Pachon 2006). Therefore, similar to the National Front, the 1991 Constitution was conceived as a mechanism to resolve violence. It was also a mechanism for long-term peace-building, because, for the first time, the Constitution was the result of a participatory process in which none of the traditional political parties prevailed (Hurtado 2006). Despite major insurgent parties, like the FARC and ELN—The National Liberation Army—not participating in developing the new Constitution, this was a major democratic achievement that gave the hope of a new social order (Gaviria 1991). The Constitution's dual purposes to establish a new economic model and to expand citizens' rights created tensions. The Constitution included articles on market liberalization and privatization of public goods—under a mostly neo-liberal framework. It also incorporated political, economic, and social rights as well as new mechanisms for citizens' participation in public matters like referenda and plebiscites. It also opened the channels for a wider political spectrum and allowed for the creation of additional political parties besides the Conservatives and Liberals.

The expansion of citizens' rights requires an increased bureaucracy to respond to citizen demands and the state provision of public goods. Yet, the economic model introduced by the constitution calls for a smaller state whose main purpose is to protect property rights and correct some market failures. These two seemingly contradictory models coexist in most Western economies but these two conflicting priorities introduce social tensions when the institutional design of the country favors one objective over the other. In Colombia, these tensions run deep given the country's already exclusionary institutional system. From the perspective of economic development, the model has proven to be successful. According to the World Development Indicators of the World Bank (2014), Colombia is now an upper-middle income country after two decades of positive economic growth. The goal of expanding citizens' rights, however, has been less successful. Colombia's wealth distribution is highly unequal. Granted some significant improvement in both social and welfare policies, authorities continue to focus on achieving economic growth, hoping it might solve other issues including the huge challenge of inequality. This hope has not been realized and all forms of wealth in Colombia remain very concentrated. Unequal access to land, a key input for income generation in an economy that is dependent on extraction and plantations, explains the high Gini coefficient of 0.75 in 2006 (Galindo, Restrepo and Sánchez 2009).<sup>9</sup>

### **The Reproduction of Violence After the 1991 Constitution**

High wealth and income inequality, combined with ongoing-armed conflict, creates two different trajectories for Colombia's citizens: one of prosperity for those who gain from the new economic system and one of economic hardship for those who cannot. The former group has access to services comparable to any high-income country; it also has avenues to claim civil rights

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<sup>9</sup> According to the World Factbook (CIA 2015) Colombia is the 10<sup>th</sup> most unequal country in the world.

and has the means to isolate itself from the armed conflict. The latter are systematically affected by the armed conflict. The conflict has produced at least six million victims of physical and psychological violence (Centro Nacional de Memoria Historica 2013) among which Colombia's poor are disproportionately affected (Galindo, Restrepo and Sánchez 2009). Violence forces the poor into deeper poverty, increases their dependence on state provision of social services, and restrains their ability to demand and exercise their rights as citizens. In sum, achieving both the economic and social objectives of the 1991 Constitution has been compromised by violence.

Even though the armed conflict deserves government attention, there are additional manifestations of violence that require equal attention. Perhaps one of the most relevant manifestations of economic violence is the historical land inequality: 80% of the land is still owned by 14% of the population (Oxfam 2013). Land redistribution efforts will require a significant intervention by the government, as the neo-liberal model has not been able to decrease land inequality. Instead, under high levels of inequality, a neo-liberal economic model is more likely to increase inequality.

Currently, the economy of the country depends heavily on energy and mining exports (CIA World Factbook 2015). Official policy encourages the growth of the mining industry in Colombia, now one of Latin America's largest mineral producers. Yet, historically, mining has been closely associated with precarious labor conditions and human rights violations. For this reason, while a thriving mining industry is desirable for economic growth, it also increases the vulnerability of the poor and their probability of playing an active role in the conflict. Therefore, one should not only focus on current violence but also try to understand the factors that foster further social conflict in the country and breed violence.

### **Peace Negotiations with FARC: A Window of Opportunity to Build an Inclusive Social Order**

In 2012, Colombia's government started a peace process with the FARC, the oldest and largest leftist guerrilla organization in the country. Historically the FARC has challenged the government to establish a communist social order in the country. Reaching an agreement between these two parties could mark the "end" of armed conflict in Colombia. However, several peace negotiation processes in the past have barely altered the social order that was leading to violence in Colombia. For instance, the most recent peace negotiation with paramilitary groups in 2006 resulted in a massive demobilization of their members, but also in the creation of new criminal groups all over the country (CNRR 2007). Several factors will determine whether this new commitment to terminate violence translates into lasting peace in the country or into a temporary calm until the next eruption of violence.

One factor of concern is the failure to incorporate key parties in reaching this agreement. The ELN is still not part of the negotiation process, even though the group stated its desire to take part (El Universal 2015, Jan 26). Although, it is not necessary that peace agreements be reached simultaneously with both groups, the national reconciliation process can be undermined if victimization of some groups continues after the conflict.

A second concern stems from a shortsighted approach to the current reconciliation efforts. The history of the country has been one of war and violence. Therefore a genuine peace process should not only aim to resolve the last 50 years of conflict with the FARC and left wing guerrillas, but it should also be carefully crafted to ensure that violence will not erupt again. Assuming that peace can be instantaneously achieved and sustained is not only naïve but it could also discourage the design of policies and interventions that sustain long-run peace. Given the long history of

violence in the country, constructing an environment in which basic social interactions are not marked by violence is a major challenge.

A third concern is the assumption that, once an agreement is reached, economic growth will ameliorate the other social grievances. As previously discussed, the current economic model could deepen the vulnerabilities of those already living in impoverished conditions in the country. Therefore, achieving peace will rely on reconciling the tension between the economic and social aims of the Constitution.

Finally, we should be concerned about the absence of civil society groups and victims in the reconciliation process. During the last two decades, civil society groups in Colombia have been working with actual and potential victims of the conflict to develop alternative avenues for support. For example, they provide information on access to social programs and educate people on their rights as citizens. Civil society groups have also engaged victims in designing policies for their local communities. Incorporating their voices into the reconciliation process makes use of victims' insights, and allows for the creation of inclusive policies that are crucial to mitigating the tensions between the social and economic aims of the Constitution.

### **Conclusions**

Overcoming the armed conflict in Colombia will entail more than clamping down on violence. Ending a history of more than two centuries of war and exclusionary policies requires an understanding of the country beyond the framework of violence in order to attain peace. In the current peace negotiation process with the FARC, several elements must be accounted for to achieve this purpose and to avoid the continuation of violence.

In this paper we identify key recommendations for the current peace process. First, the government should seek to incorporate other armed groups as part of the process while taking precautions against the creation of new victims. Second, governmental efforts should address reconciliation efforts to attain long term peace. Third, it is relevant to acknowledge that main sources of vulnerability for the population do not come exclusively from the armed conflict; there are tensions between the social and economic model currently in place. It is necessary to explore alternative mechanisms to mitigate this tension, especially when it is disproportionately affecting impoverished segments of the population. Finally, the peace process should incorporate the civil society that has been working with victims during the last two decades. All these considerations should be made to serve the purpose of reconciliation and to generate inclusive policies, which have fallen short in past settlements, so that lasting peace can be achieved.

## References

- Aguilera , Mario. 2001. "Amnistía e indultos, siglos XIX y XX." *Credencial Historia*. May.
- Centro Nacional de Memoria Historica. 2013. ¡BASTA YA! Colombia: Memorias de guerra y dignidad. Prepared for Grupo de Memoria Histórica. Centro Nacional de Memoria Historica. Bogota: Imprenta Nacional.
- CIA World Factbook. 2015. Colombia. <https://www.cia.gov/library/publications/the-world-factbook/geos/co.html> (accessed July 3, 2015). June 25.
- CNRR. 2007. Disidentes, rearmados y emergentes: ¿bandas criminales o tercera generación paramilitar? Comisión Nacional de Reparación y Reconciliación (CNRR).
- El Universal. 2015. “Gabino” proclive a dos mesas de diálogo y un único proceso de paz en Colombia. *El Universal*, January 26.
- Galindo, Restrepo and Sánchez. 2009. Conflicto y pobreza en Colombia: un enfoque institucionalista. In *Guerra y violencias en Colombia herramientas e interpretaciones*. (Eds.) Restrepo and Aponte. Bogota: Pontificia Universidad Javeriana. 315-353.
- Gaviria, Ex-President Cesar. 1991. Ha Renacido la Esperanza: *El Tiempo*, July 5.
- Hurtado, Mónica. 2006. Proceso de reforma constitucional y resolución de conflictos en Colombia: el Frente Nacional de 1957 y la Constituyente de 1991. *Revista de Estudios Sociales*. A publication of Universidad de los Andes. April. 23: 97-104.
- Junguito, Cardenas and Pachon. 2006. Political Institutions and Policy Outcomes in Colombia: The Effects of the 1991 Constitution. Research Network Working Paper. Inter-American Development Bank. February.
- Oxfam. 2013. Divide and Purchase: How land ownership is being concentrated in Colombia. Oxfam Research Reports. September.
- Sanchez Gomez, Gonzalo. 2008. Guerra y política en la sociedad colombiana. Edited by El Ancora. Punto de Lectura.
- World Bank. 2014. World Bank - Data . <http://data.worldbank.org/indicador/NY.GDP.PCAP.CD>.

## Works Consulted

- CINEP and PPP. 2012. Minería, Conflictos Sociales y Violación a los Derechos Humanos en Colombia. Centro de Investigación y Educación Popular / Programa por la Paz (CINEP/PPP) October.
- Ministry of Mining and Energy. 2009. Colombian Mining Statistical Yearbook. Ministry of Mining and Energy.

Pecault and Gonzales. 1997. Presente, pasado y futuro de la violencia en Colombia. *Desarrollo Económico* 36, no. 144: 891-930.

Perez and Miguel. 1995. Elecciones Y Reforma Política En Colombia (1990-1991). *Revista de Derecho Político*. A publication of Universidad Complutense. No 40: 341-378.

Vasquez, Teofilo. 2006. La Constitución del 91, entre los derechos y el modelo de desarrollo. Instituto de investigación y debate sobre la gobernanza. <http://www.institut-gouvernance.org/es/analyse/fiche-analyse-238.html> (accessed February 20, 2015 ). July 7.