

CONPEACE

From Conflict Actors to Architects of Peace

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Justice, Politics, and Security: Understanding Transitions across Colombia's Margins

Oxford/Berlin Research Partnership between
CONPEACE and the Institute for Latin American Studies (LAI)

In 2016, the Colombian government and the largest remaining guerrilla group of the Americas, the FARC-EP, signed a historic peace treaty. Even though implementation commenced in 2017 and the FARC is now officially a political party, the country still faces significant challenges as illicit economies continue to generate large profits, other armed groups continue to be active, and cross-border effects of the political crisis in Venezuela compound the fragility of the peace process. A recurring pattern in the political history of the Andean Republic since independence in the early 19th century, and in the current conflict, is the disconnect between the central, urban hubs of the country and its peripheral, marginalised rural areas. As in the past, Colombia's peripheral regions have to cope with the most profound challenges of transitions: armed actors are recuperating and transforming the security landscape, social leaders are systematically targeted when engaging in efforts to

democratise institutions at the sub-national level, and communities have to address displacement that is fuelled by internal developments and the political crisis in neighbouring Venezuela. At the same time, geography is not the only source of marginality: Afro-Colombians, indigenous Colombians, *campesinos* and women have experienced the effects of violence in Colombia in particularly serious ways.

The Oxford/Berlin Research Partnership brings together Oxford University's CONPEACE Programme and the LAI of Freie Universität Berlin. Our goal is to connect the focus on the centre/periphery divide between the urban centres and rural Colombia with analysis of transformations of institutions during transitions. Fundamentally, the aim is to explore how transitions affect legal and illegal actors alike. The Justice and Peace process with Colombia's AUC paramilitaries and the more

recent process with the FARC provide important internal variation for a productive comparison. The paramilitaries were a very different non-state armed group from the FARC. The transitional justice framework varied between both processes, and they had different opportunities for the participation of victims groups. While the groups and processes differ, the context remains characterised by varying degrees of state presence, where victims groups continue to face (new) violent actors, and justice is a tenuous good.

The first workshop held in this collaboration intended to survey the research conducted in each location and how these connect to provide complementary synergies for our understanding of transitions in general and Colombian transitions in particular. The event consisted of a keynote discussion to explore contemporary context conditions of the Colombian situation, and a deliberative research workshop to lay out the current state of work on issues pertaining to the Colombian conflict. In the concluding session, participants elaborated on a tentative common research agenda which will guide the next cooperation activities.

The importance of transitions for our understanding of armed actors:

Transitions are liminal spaces that accentuate the conflictual relations and patterns that give rise to the above-cited contentions in the first place. In multi-actor internal conflicts, such as Colombia's, transitions reshuffle non-state armed actors rather than make them disappear altogether; rearrange actors, both at the national and sub-national institutional level (not least, violent actors); and emphasize the institutional agency of actors such as courts as they interpret the law in its application.

The Urgency to Study the State of Colombia's Transition:

a discussion between Dr Annette Idler, Director of Studies of CCW and Director of CONPEACE, Vicente Fernando Echandía, Deputy Head of the Colombian Mission to the UK, and moderated by Sérgio Costa, Professor of Sociology at the Institute for Latin American Studies of the Freie Universität Berlin.

The title of the keynote panel discussion, the state of Colombia's transition, was an invitation for critical reflection. Analysis of Colombia's transition was situated in multiple dimensions, incorporating regional relations and the contemporary trends engulfing several American states, in addition to developments occurring in the aftermath of FARC demobilisation. Into the former category of questions belongs how the Colombian state's contentions compare to evolutions occurring in neighbouring polities. The region has seen numerous crises unfold recently – from regime crises occurring in Venezuela and Bolivia, to social upheavals in Chile, and power shifts in Brazil, Argentina, and Ecuador. Into the latter category of questions belong analyses of the transformations of spaces previously occupied by the FARC guerrilla. This transformation of local spaces implies questions over the state's authority, the state of affairs of daily life for Colombians, and how processes of marginalisation have occurred in violence-affected regions of the country.

In light of the threats to democracy surfacing in neighbouring countries, one contention was that in Colombia the most critical threat to democratic rule in parts of the country is, and has been, the lack of the state's monopoly of violence. The current government's approach outlined in the national consolidation plan (*Programas de Desarrollo con Enfoque Territorial*) was to focus on *Zonas Futuro* that have been most affected by violence and the illegal economy (above all the cocaine economy). Such sequencing of efforts was key in the successful Democratic Security Policy and is also key to fully contain the nefarious dynamics of local politics in Colombia, which have blurred the distinction between private and public exercise of state power, and as a consequence obscured the lines between legality and illegality. Based on institutional and infrastructural requirements provided by the state, the private sector can play the key role it has in the development of regional clusters for a successful post-FARC era.

Another key assertion was that a holistic understanding of local dynamics was needed in addition to the institutional and infrastructural requirements. The centuries old divide between national and regional development in Colombia most pertinently necessitates a security policy perspective that expands human security with a citizen security approach. Citizen security incorporates findings from democratic theory and does not exclude contentions over civic engagements nor struggles over identities and recognition from security analyses. In the Colombian context, such a perspective enriches the security policy debate with experiences of processes of marginalisation and the significance of deconstructing these for post-accord conviviality.

Citizen security also helps to problematise social space in a novel way, for example, showing that daily affairs in borderlands transgress borderlines, with licit and illicit economic ties criss-crossing the frontier space with Venezuela, making the border for the most part an imaginary line.

"For Colombian governments, regional relations were never as important as relations with the United States. While the US government's Plan Colombia created a tight bond between Colombia and the US in the effort to counter the international effects of the drug economy, it also sowed some unease amongst neighbours who see US involvement in the region critically. This tension surfaced particularly acrimoniously with the Bolivarian countries, above all Venezuela." *

* The keynote panel discussion of the workshop was held under Chatham House Rules. The citations in the text boxes cannot be attributed individually to any of the participants or guests.

The discussion over borderland space at the border with Venezuela led to a debate over the conduct of Colombia's international and regional relations. One argument was that for Colombian governments, historically, regional relations were not as important as relations with the United States. This has created certain trade-offs. The US government's Plan Colombia consolidated a close alliance between Colombia and the US in the effort to counter the international effects of the drug economy; it also sowed some unease amongst neighbours who see US involvement in the region critical.

This tension surfaced particularly acrimoniously with the Bolivarian countries, above all Venezuela. In the discussion surfaced a point of contention: the importance of Colombia-US relations does not forego the possibility for Colombia to improve relations with regional governments to address regional issues. After all, diplomacy consists at its core of keeping channels of communication open; and not closing them as a form of punishment. Not least, the migration crisis that has its source in Venezuela necessitates co-ordination across borders. Related, the political crisis in Venezuela itself demands open channels of communication to mitigate its negative effects and eventually develop, in partnership, a strategy for resolution. Appreciating the importance of regional coordination implies recognising the centrality of Cuba to advance Colombian interests in those regional affairs. Because Cuba is itself in a tight spot given the renewed US policy of isolating the socialist state, it is open to facilitate communication between Colombia and Venezuela. It can also play a constructive role in facilitating talks with the strongest remaining guerrilla in Colombia, the ELN. Conciliatory relations with Cuba therefore have external and domestic benefits.

“Colombia should re/approach regional governments to tackle regional problems. Diplomacy consists in its core of keeping channels of communication open; and not closing them as a form of punishment [...]. For Colombians, relations with Cuba are key. It holds the key to better relations with Venezuela and facilitating a peace process with the ELN.”

Deliberating a New Research Paradigm through Colombia's Transitions

The collaborative workshop began with a look at transition periods between war and peace as liminal spaces. CONPEACE has produced work on how the current peace process with the FARC affects the behavioural patterns of non-state armed actors, and as a consequence local communities. Boesten and Idler argue that there is variation in how local civilian populations perceive the behaviour of different violent non-state actors that operate in the same generic context. That perception is contingent on the coherence of the internal organisational structure of the armed actor and the space allowed for local communities to express grievances (2020, forthcoming). Elsewhere, Idler and Boesten (2018) have found that the generalised uncertainty and lack of previously available rules of behaviour during transitions undermine communities' levels of social fabric and inter-personal trust.

Jan Boesten argued, with reference to the past transitional justice process with the AUC paramilitaries, that transitions provide a view into institutional transformations that occur at the micro-institutional and macro-institutional level. They coequally have impacts for the institutional balance in a separation of powers system and the security landscape of non-state armed actors that operate at the local level. In other words, the local and the national view matter when analysing transitions.

Additionally, transitional justice processes, under ideal case scenarios, aim to give voice to victims of violence—about past crimes and the construction of a new future. They open up the blackbox of processes of marginalisation and at the same time are key for deconstructing marginality in the future. Running through these micro and macro institutional margins of transition processes, as well as the (de-)construction of marginality, are highly abstract normative claims that weigh the trade-off between justice and peace.

Sérgio Costa asserted that there is a disconnect between the geographic and social component of marginality in analyses of the Colombian conflict. Marginality may result from both, social exclusion and geographic isolation. Social factors of exclusion and culturally constructed paradigms may reinforce marginality, which in the first instance may result from the absence of state resources or the distance from developed hubs. Sometimes, though, marginality is entirely independent from geographical distance to urban hubs, when it exists, for example, in the slums of the capital Bogotá: they, too, are beset by violence and armed groups. In order to fully comprehend the dynamics of marginality with violence in Colombia, Costa suggested exploring 'non-cases': where would we expect to see marginality but not find it?

The Oxford/Berlin Research Partnership constitutes an ideal framework for the collaborative project, because researchers at both locations are engaging in cutting-edge research on the Colombian peace process that are already highlighting some aspects of the outlined institutional development. Also this partnership

between CONPEACE and the LAI of the Freie Universität therefore aims to explore four different types of variation arising from a structured comparison between Justice and Peace and La Habana:

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- Differing trajectories of behavioural patterns of non-state armed groups
 - Differing effects on local communities
 - Interdependence between internal organisational structure and trajectory of peace processes
 - Differing effects on post-accord trajectories
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One of the discussion panels was focused on the centre-periphery divide that is a generic characteristic of Colombian institutional politics, and the other one on processes of marginalisation that may coincide with the centre-periphery divide but cannot be reduced to geographical. Idler suggested that the framework of analysis must further venture to a citizen-security perspective, which encompasses a people-centred approach rooted in democratic theory, and thereby also includes political aspects of daily life such as participation in processes that affect the security landscape. The first panel thus focused on institutional caveats of transitions, from transitional justice process (Manuel Góngora-Mera, Freie Universität Berlin), through land disputes (Sergio Coronado, Freie Universität Berlin), and the occurrence of violence in Colombia (Katerina Tkacova, University of

Oxford), while the second panel highlighted the research on marginality and participation (Dáire McGill, University of Oxford), the role of Afro-Colombian women in the post-agreement context (Edna Martínez, Freie Universität Berlin), and the borderlands space in processes of marginalisation (Annette Idler, University of Oxford).

Manuel Góngora-Mera explored how and why the nature of transitional justice processes evolved from the Justice and Peace Process with Colombia's paramilitaries to the FARC process; from a decentralised to a centralised transitional justice process. The decentralised nature of the Justice and Peace process mirrored the AUC's organisational structures that consisted of locally autonomous *bloques* and violence patterns that were geographically targeted on drug corridors, while the centralised process with the FARC mirrored the more hierarchical organisational structure and national scope of violence employed by the guerrilla. In addition to reflecting organisational patterns of the transitioning armed groups, the FARC process learned from shortcomings of Justice and Peace. The diffuse model of justice eventually displayed variation in the quality of sentences – a reflection of the centre/periphery divide in Colombia's politics, where nefarious political networks have often dominated regional institutions. A more centralised process is intended to unify the quality of judicial sentences. Finally, the jurisdiction of the Special Jurisdiction for Peace (by the Spanish acronym JEP) not only encompassed former FARC combatants, but was also designed to cover agents of the state and third parties. This purpose, too, is better served with a centralised process.

Sergio Coronado's focus on land disputes picked up a central issue of the decades-long internal conflict in Colombia. Arguably, until the boom of the international cocaine trade, the conflict with the FARC was a quintessential conflict over access to land. The illicit economy certainly introduced new dynamics into the conflict, but control over rural land, not least important corridors of the cocaine industry, remained a central contention. Testament to the pertinence of contentions over access to land was that rural reform was a central theme in peace negotiations with the FARC. The transition is therefore also an opportunity to study institutional change on land distribution, which in Colombia has pitted powerful (legal and illegal) interests against marginalised peasants and against each other, with various armed non-state actors traversing the fault lines. Coronado highlighted that legal reforms as well as Constitutional Court jurisprudence have introduced changes at the normative realm that could form the basis for challenges to the neo-liberal framework of property rights introduced in the late 1980s and early 1990s. The question of his continuing research is how normative changes reach down, and how peasants can utilise legal changes to assert their agency in interest-laden land disputes. As such, the understanding of how institutional changes concerning property rights in rural Colombia affect vested interests and marginalised groups alike is a key contribution not only for peace building but also peace keeping.

Katerina Tkacova introduced CONPEACE's sister project, the Changing Character of Conflict Platform, which traces changes in the character of conflicts over time. The project's

methodology combines quantitative and qualitative measures of conflict, pulling together diverse sources such as photographs, military doctrines, as well as visualisations of conflict incidents and homicides to gain a fuller picture of the trajectory of a given conflict. Colombia constitutes one of the core cases of the Conflict Platform, and Tkacova's presentation highlighted the dynamic nature of the protracted conflict. The Conflict Platform introduced a novel approach to studying armed conflict based on a new geographical unit of analysis, 'setting of organised violence' (SORVI). It permits conceptualisation of protracted and complex conflicts as an umbrella phenomenon containing smaller interlinked conflicts and reflecting their changes across time and space. SORVI's geographical translation of "conflict shape" into the form of an annually changing concave polygon identifies areas directly affected by conflict-related violence which are compatible with PRIO-GRIDs, and allows the addition of a data layer with information on socio-economic and geographical indicators. Some of the world's most devastating armed conflicts ranging from the Colombian civil war to the Syrian conflict have comprised several entangled conflicts and changing contested issues, spill across borders, and feature new spin-off conflicts. Current macro-level studies of conflict research, especially with quantitative approaches, fail to track such complex evolutions. They draw on units of analysis such as states, actor dyads, UCDP-defined conflicts and conflict zones that slice conflicts into smaller units and treat these intertwined phenomena as individual conflicts.

Dáire McGill introduced a central theme in CONPEACE's current research on the Colombian conflict: the interrelation between marginality, participation, and violence. Focusing on the Orinquíá and Amazonía regions of Colombia, which both are relatively under-populated and under-developed with little infrastructure and scant institutional presence, McGill explored the most recent municipal elections. While the results displayed a widespread "appetite for change" in some of the country's metropolitan centres, traditional political networks maintained their control over local politics in violence-afflicted parts of the country. Results from the 2018 presidential election showed that abstention in both places was exceptionally high (over 51%) – as in other violence-prone regions of the country. Moreover, until 1991, neither region was nominally a *departamento* with capacity for self-governance. With that data, he contended that the diminished reach of the central government's authority to these places, as well as the marginalisation in other regions in CONPEACE's focus, such as the Norte de Santander, was not solely the result of geography, but a consequence of a socio-political process.

Edna Martínez presented her work on marginalisation via a study of black women amongst ex-FARC combatants from *departamento* of Chocó, ranging from 25-55 years old with 5-20 years of experience as fighters. As black women count as one of the most marginalised groups in Colombia, her work illuminates the contentious notion that, for some, FARC membership was a pathway to

empowerment. Specifically, the structured organisation of the FARC provided key services in education, protected specific private spheres such as the space for consenting intimacy and motherhood, and enabled leadership opportunities. For them, transition presents itself as a paradox, where the embeddedness in structures of war (membership in an armed group) was accompanied with certainty concerning material and personal safety, freedom of movement, and sexual empowerment, while peace and demobilisation brings uncertainty in precisely those areas. These findings point to the paradoxes in war to peace transitions, and to the necessity of incorporating intersectional feminist analyses into research on, transition, marginalisation, or security.

Annette Idler completed the session on marginalisation with a presentation based on her recently published book *Borderland Battles: Violence, Crime and Governance at the Edges of Colombia's War* (OUP, 2019). Her work challenges state centric analyses of civil wars by conceptualising borderlands as spaces of "unbundling territoriality" (Ruggie 1993) where power relations prevail across borderlines. Therefore, anyone aiming to understand the processes of marginalisation emanating from these borderlands must contend with the spaces as a quasi "wild west" where drugs flow across internationally defined lines, armed groups retreat and reorganise, and identities are constructed through transnational ideas and not nationally confined information flows. In the end, shifting from the territorial state as a unit of analysis to non-spatial differentiation, Idler contends, helps to better understand how the periphery influences the centre.

Research Avenues

The workshop finished with an exploration of potential research questions that bundle the expertise of both locations together and complementarily provide added scholarly value. The questions, listed below, take the centre-periphery divide as a reference point, problematising the local, and then moving up in institutional level and abstraction.

Starting points for potential research questions:

1. What is the limit of the local? What is the tension it produces in Colombia's politics?
2. How are institutional changes felt at the local and national level?
3. How do strategic changes of armed groups affect local interaction amongst civilians?
4. How do we understand justice at the local level versus justice at the centre?
5. State consolidation: what are the normative changes and what impact to they have on the ground?

The research presentations showcased a number of methodological tools as well as conceptual perspectives constitutive of the work at either institution that can be productively applied to the study of Colombian transitions.

What are we adding?

1. Focus on actors, spaces, processes, institutions
2. Relational perspectives: margins/marginalisation/difference between centre and margins
3. Linking bottom-up and macro perspective

In the end stands the confirmation that transitional justice processes in Colombia, and accompanying transitions, serve well as an overarching canopy bringing research interest as well as methodological expertise together.

This general focus on processes opens the scholarly gaze to contentious normative issues such as the *fuero militar* (the military jurisdiction) to socio-economic struggles over private property rights to land. The critical perspective on marginality allows problematising constitutive process of victimhood and their deconstruction in victims' quests for agency. Finally, the institutional perspective also grants a critical perspective on the actions of the state in the production of marginality. To deepen these synergies, the Oxford/Berlin Research Partnership between CONPEACE and the LAI plans a second workshop in Berlin that specifically focuses on the normative implications of sociological transition processes.

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Hosted at the University of Oxford's Changing Character of War Centre, CONPEACE focuses on changing security landscapes in marginalised spaces, especially in border regions during transitions from war to peace. Founded and directed by Dr Annette Idler, CONPEACE's interdisciplinary research bridges the gap between marginalised communities and political power centres, using bottom-up methodology based on intensive fieldwork, conceptual frameworks on non-state order and regular cross-stakeholder fora.

