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#### **EDITORIAL**

## INTRODUCTION TO THE SPECIAL ISSUE "POST-CONFLICT IN COLOMBIA"

Ana Arjona Francesco Bogliacino

#### **INTRODUCTION**

The signing of the Peace Accords between the Colombian government and the Revolutionary Armed Forces of Colombia (FARC) in 2016 led to the demobilization of the oldest insurgency in the Western Hemisphere. After five decades of conflict and multiple negotiation attempts, the FARC laid down their weapons and became a political party. This milestone has opened many questions for the social sciences about the legacies of the conflict as well as the challenges and opportunities the country faces for consolidating long-lasting peace.

A central research agenda revolves around the legacies of war in territories previously occupied by guerrilla or paramilitary groups. How does living under the presence of these organizations affect individuals, families and communities? How do specific conflict dynamics—such as specific forms of violence, rebel and paramilitary governance, and recruitment—affect the social, economic and political life of individuals and communities in the aftermath of war? Finding answers to these questions is essential not only for understanding how the armed conflict

A. Arjona Northwestern University F. Bogliacino Universidad Nacional de Colombia has impacted Colombia but also to identify the distinct situations of civilian populations across the country.

Although the social science literature has extensively documented the effects of war violence on social and political behavior, there is much we still do not understand about the legacies of this type of conflict. While several studies show that violence—especially indiscriminate violence—can increase trust, altruism and cooperation within communities, others find that it can decrease pro-social behavior towards outgroup members. Moreover, we know little about the effects of other dynamics of war such as militarized governance and civilian resistance on individuals and communities. Understanding how the civil conflict changed societal preferences, beliefs, opportunities, and norms of behavior as well as economic, social, and political structures is essential to comprehend its legacies.

Turning to the future of the territories that have endured the armed conflict, social scientists are faced with several pressing questions: how can state institutions become more effective and legitimate in these areas? How can democracy be consolidated? How can rural development be promoted and the poverty traps that often follow civil conflicts avoided? Despite outstanding research on the history of the state, democracy and development in Colombia by multiple social scientists, the recipe for successfully bringing security, rule of law, public goods, democracy, and sustainable development to vulnerable regions is still elusive. Research on the local conditions that favor state building, democracy consolidation and development is essential not only to understand the trajectories of territories affected by conflict but also to contribute to the design and implementation of public policies.

The signing of the Peace Accords—and it's tremendously difficult implementation—also raises deep questions about reconciliation, justice and memory. What are the main barriers to reconciliation? What are the attitudes of different populations—such as victims, former combatants, members of the armed forces, and internally displaced persons—towards one another? What are the prospects for reintegration of former combatants in different territories throughout the country? What policies could help Colombians reconcile and avoid new cycles of violence? Moreover, what are the links between peace, justice, and truth? Can the country advance on all three? Improving our understanding of the attitudes, expectations, and actual behavior of different populations is essential to comprehend the challenges the country faces. Researching the effects of different types of interventions by state and non-state organizations as well as civil society initiatives to promote reconciliation, reintegration of ex-combatants, and peace is also crucial to guide the design and implementation of future public policy. Finally, social scientists should contribute to our understanding of the processes by which the collective memory (or memories) of the armed conflict is constructed. How do local communities remember the conflict? How do different narratives become

<sup>&</sup>lt;sup>1</sup> For a review of this literature see Bauer, M., Blattman, C., Chytilová, J., Henrich, J., Miguel, E., & Mitts, T. (2016). Can war foster cooperation? *Journal of Economic Perspectives*, 30(3), 249-74.

included or excluded from official accounts? How do top-down and bottom-up processes of memory construction interact? Moreover, we need to investigate how memory matters, not only ethically but also in terms of its impact on social interaction and political dynamics. Documenting and assessing the impact of the various national, regional, and local initiatives around memory that have emerged in the country is essential in this quest.

#### The contributions of this special issue

This special issue of Cuadernos de Economía on "Post-conflict in Colombia" presents a selection of interdisciplinary studies that tackle some of the questions previously mentioned. Despite studying different phenomena and relying on distinct approaches and methodologies, they all share the motivation to inquire about the changes that are needed in the Colombian state and society in order to turn the page and avoid a resurgence of violence in the decades to come.

The opening article by Fergusson provides a theoretical framework to analyze the political economy of the Colombian conflict. The author argues that the deep roots of violence are linked to the persistence of state weakness, which in turn is reinforced by three issues. First, the under-provision of public goods incentivizes the wealthy to look for the private provision of such goods while the poor lack the power to demand their supply. Second, rents from violence create vested interests in the status quo, despite enormous societal costs. And third, clientelism fragments civil society and inhibits collective demands for change. A crucial question that arises from the paper is how to break the vicious cycle of state weakness and violence.

Sandoval et al. empirically investigate the perceptions of the Colombian Armed Forces towards the transitional justice system – Justicia Especial para la Paz (JEP) – designed to uncover truth, impart justice, and promote reparation of victims. Using data from an original survey, the authors show that a majority of the members of the Armed Forces worry that the system may treat them unfavorably relative to other war actors, most notably ex-guerrilla combatants, with potential negative consequences for their families. Nevertheless, they also reveal confidence that the system will speed up legal trials and open new opportunities. More studies are needed in order to further understand the attitudes of other relevant actors towards the Peace Accords, justice, and reconciliation. In addition, we need to understand how specific transitional justice mechanisms impact truth, justice, and reconciliation.

Ramírez et al. study rural underdevelopment and propose agroecology and microfinance as potential tools to raise the living standards of farmers in the postconflict stage. Drawing from economic theory, the authors argue that agroecology is a more inclusive and sustainable economic model for small farmers than agroindustry. They also argue that this development strategy can be complemented with a micro finance program. Using a multidimensional approach based on household and community information, this financial policy may overcome the collateral problem and relief credit constraints of rural families. This study opens new questions about the conditions under which these strategies may succeed or fail and, more generally, about sustainable development policies in the diverse regions of Colombia that have been affected by the armed conflict.

Richter and Barrios empirically study attitudes towards the reincorporation of former female FARC combatants (or *Farianas*) into civil society. Drawing from survey data collected in Caquetá and Tolima, the authors find that both former FARC combatants and conflict-affected communities largely support the reintegration process. Moreover, in contrast to the view that portrays female ex-combatants as transgressors of traditional roles, local communities in general exhibit positive perceptions towards them. This may facilitate their reintegration process and promote gender equality. These findings raise questions about perceptions of female ex-combatants elsewhere in the country and the prospects for their reintegration there. Additional research should address the specific challenges and opportunities for reintegration of different ex-combatant populations across the countries.

Finally, Restrepo and Peña address state weakness from a different perspective: the center-periphery contradiction. The authors document how Colombia has been historically incapable of effectively decentralizing power and resources. They argue that most top-down state-building interventions in the past have failed because of the difficulty not only to transfer resources but also, and most importantly, to build local institutions. A more effective strategy, the authors argue, could be to promote bottom-up interventions by granting a leading role to civil society, such as in the participatory mechanisms of the PDETs. Future studies should examine which sequence of interventions might be more effective for regions with different conflict experiences as well as models that incorporate both bottom up participation and technical assessments of the needs and opportunities for rural development.

#### Looking ahead

In addition to making specific contributions to various research agendas, the studies included in this special issue show the mammoth task that lies ahead of us. Understanding the legacies of war requires better documenting what happened *during* the conflict as well as researching how the specific events that took place across time and space continue to affect people and institutions after armed actors demobilize. Crucially, this involves distinguishing the effects of violence from those of other dynamics of war, such as state and rebel governance.<sup>2</sup> Advancing our understanding of the policies that have been implemented to extend the state's reach into vulnerable territories is essential for designing better policies in the near future. Examining the barriers to democracy in rural and urban settings affected

<sup>&</sup>lt;sup>2</sup> Arjona, Ana and Juan Pablo Castilla, 2019. "The Violent Bias in Civil War Studies." Working Paper, Northwestern University.

by violent conflict is essential to design new strategies to strengthen democracy and achieve real representation. Likewise, delving into the economic, political, and social realities of communities traditionally affected by the armed conflict is crucial to better understanding the opportunities for, and barriers to, different models of rural development across regions.

As if these challenges were not enough, researchers also have to take into account the crude fact that Colombia is not yet living in a post-conflict stage. Organized criminal groups continue to operate in the country, and insofar as the market for illicit drugs and other illicit economies is as lucrative as it is now, and Colombia continues to have one of the highest levels of inequality in the world, it is unlikely that those groups will disappear. The problems surrounding the implementation of the Peace Accords have created great uncertainty for former FARC members, ma-king the number of dissidents grow to about 3,000 by April 2019—25% of the total population of demobilized fighters.<sup>3</sup> The National Liberation Army (ELN) is still active, with about 2,200 members.<sup>4</sup> Although the overall levels of violence have decreased in the past few years, the assassination of social leaders has been on the rise since 2016, with a total of between 282 and 702 homicides.<sup>5</sup> Forced displacement is also increasing: in 2017 and 2018, almost 300,000 persons fled their homes in order to escape from war.<sup>6</sup> In addition, polarization around the Peace Accords continues to undermine the implementation of the agreement and prevents the population at large to join forces in order to push the country forward in one direction.

Going forward, research on the challenges and opportunities that Colombia faces after the demobilization of the FARC should continue to be interdisciplinary—and different disciplines should talk to each other more. This research should also rely on both sound theoretical approaches and high-quality evidence—both qualitative and quantitative. Scholars should also strive to link findings at the micro-level with those at the meso and macro levels in order to better understand the trajectories of local communities, regions, and the country as a whole. This research agenda will contribute to deepening our understanding of the country's complex history and present, and help it forge a better future.

<sup>&</sup>lt;sup>3</sup> Semana, 2019, "Guaviare, la paz que cuelga de un hilo." April 20, https://especiales.semana.com/ el-proceso-de-paz-en-colombia-cuelga-de-un-hilo/index.html

<sup>&</sup>lt;sup>4</sup> El Tiempo, 2018. "Los grupos ilegales que enfrentará la nueva cúpula militar." December 21. https://www.eltiempo.com/justicia/investigacion/los-ejercitos-ilegales-que-enfrentara-la-nuevacupula-militar-305714

<sup>&</sup>lt;sup>5</sup> According to Colombia's Attorney General's Office 282 social leaders and human rights defenders were killed between 2016 and 2018. However, a recent report documents 702 leaders killed until May 2019. https://www.semana.com/nacion/articulo/nestor-humberto-martinez-confirmasistematicidad-en-asesinato-de-lideres-sociales/597409 https://www.eltiempo.com/justicia/investigacion/asesinatos-de-lideres-sociales-entre-enero-del-2016-y-mayo-del-2019-en-colombia-374292

<sup>&</sup>lt;sup>6</sup> El Espectador, 2019. "En Colombia el desplazamiento forzado sigue vivo y está invisibilizado." Junio 17. https://www.elespectador.com/colombia2020/pais/en-colombia-el-desplazamiento-forzado-sigue-vivo-y-esta-invisibilizado-articulo-865361

## WHO WANTS VIOLENCE? THE POLITICAL ECONOMY OF CONFLICT AND STATE BUILDING IN COLOMBIA

Leopoldo Fergusson

Fergusson, L. (2019). Who wants violence? The political economy of conflict and state building in Colombia. *Cuadernos de Economía*, 38(78), 671-700.

I propose three broad sets of political economy underpinnings for the persistence of conflict and the weak state. First, a "public goods trap" rooted in inequality implies that a low supply of, and demand for, public goods reinforce each other. Second, economic and political rents create vested interests in the status quo. Political rents are particularly problematic, partly because reformers face a curse of dimensionality: many things have to work well for state capacity and stable peace to consolidate. Finally, a very clientelistic pattern of political exchange consolidates a weak state, and weak states are fertile ground for clientelism.

**Keywords:** Conflict, state capacity, public goods, political economy. **JEL:** D72, D73, D74, H26, H41, H42, O43

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## Fergusson, L. (2019). ¿Quién quiere violencia? La economía política del conflicto y la construcción de Estado en Colombia. *Cuadernos de Economía*, 38(78), 671-700.

Propongo tres conjuntos amplios de pilares de economía política para la persistencia del conflicto y el Estado débil. Primero, una "trampa de bienes públicos" arraigada en la desigualdad implica que la amplia oferta y demanda de bienes públicos se refuerzan entre sí. Segundo, las rentas económicas y políticas crean interés en el *status quo*. Las rentas políticas son particularmente problemáticas, en parte porque los reformadores enfrentan una maldición de dimensionalidad: muchas cosas tienen que funcionar bien para que la capacidad del Estado y la paz estable se consoliden. Por último, un patrón muy clientelista de intercambio político consolida un Estado débil, y los Estados débiles son un terreno fértil para el clientelismo.

**Palabras clave:** conflicto, capacidad del Estado, bienes públicos, economía política. **JEL:** D72, D73, D74, H26, H41, H42, O43

# Fergusson, L. (2019). Fergusson. Qui veut la violence ? L'économie politique du conflit et la construction de l'Etat en Colombie. *Cuadernos de Economía*, 38(78), 671-700.

Je propose trois vastes ensembles de piliers de l'économie politique pour la persistance du conflit et l'Etat débile. Premièrement, un « piège de biens publics » enraciné dans l'inégalité implique que la vaste offre et demande de biens publics se renforcent entre elles. Ensuite, les revenus économiques et politiques créent un intérêt dans le *status quo*. Les revenus politiques sont particulièrement problématiques, en partie parce que les réformateurs sont confrontés à une malédiction de dimension : de nombreuses choses doivent bien fonctionner parce que la capacité de l'Etat et la paix stable se renforcent. Enfin, un modèle très clientéliste d'échange politique consolide un Etat débile et les Etats débiles sont un terrain fertile pour le clientélisme.

**Mots-clés:** conflit, capacité de l'Etat, biens publics, économie politique. **JEL:** D72, D73, D74, H26, H41, H42, O43

### Fergusson, L. (2019). Quem quer violência? A economia política do conflito e a construção do Estado na Colômbia. *Cuadernos de Economía*, 38(78), 671-700.

Proponho três conjuntos amplos de pilares da economia política para a persistência do conflito e do Estado fraco. Primeiro, uma "armadilha de bens públicos" enraizada na desigualdade implica que a ampla oferta e demanda de bens públicos se reforçam mutuamente. Segundo, as rendas econômicas e políticas criam interesse no *status quo*. As rendas políticas são particularmente problemáticas, em parte porque os reformadores enfrentam uma maldição de dimensionalidade: muitas coisas têm que funcionar bem para que a capacidade do Estado e a paz estável sejam consolidadas. Finalmente, um padrão muito clientelista de intercâmbio político consolida um Estado fraco, e os Estados fracos são um terreno fértil para o clientelismo.

**Palavras-chave:** conflito, capacidade estatal, bens públicos, economia política. **JEL:** D72, D73, D74, H26, H41, H42, O43

#### INTRODUCTION

This is an essay, the thing and the action. In this article I attempt to bring together several different ideas into a single picture. My goal is to propose, and try to explain, a simple puzzle: despite the enormous costs and human suffering it creates, violence is often irresistible and many countries exhibit episodes of civil war or protracted internal conflict. In the process, I propose a political economy of conflict and state building, with messages that apply beyond Colombia. The ideas come mostly from my own research projects (with several collaborators!).<sup>1</sup>

To begin, consider some numbers from this conflict-ridden country, with a population of about 48 million. Over the last 37 years, the national registry of victims counts almost 8 million direct victims from the conflict. Of these, almost 11,000 have suffered from landmine explosions and close to 6.9 million have been forcefully displaced. Estimates of minors recruited by armed groups reach about 8,000.2 From 1958 to 2012, the *Grupo de Memoria Histórica* (2013, pg. 50), an autonomous group commissioned by the government to compile the history of victims of violence in Colombia, estimates that 220,000 died as a result of armed conflict, 81% of them civilians. It also reports: 27,023 cases of kidnappings (including 318 municipal mayors, 332 local councilors, 52 departmental assembly members and 54 congressmen), 16,000 of them occurring between 1996 and 2002; 8.3 million hectares (20.5 million acres) and 350,000 plots abandoned or stolen; about 300,000 people displaced each year from 1996 to 2002. A partial list identifies close to 1,600 members of a single political party killed (Ospina, 2012).

You would think that a country suffering this much from violence would try really hard to solve it. Not necessarily. The main argument I propose is that there are many reasons why several politically relevant sectors in Colombia encouraged, embraced, or at least did little to change this violence.

At a superficial level, this argument may be almost evident to some. One could say that the Colombian conflict was for years "elite friendly". Politically powerful groups in Colombia have been able to cope quite well with the conflict, and it is the relatively poor and under-represented who have carried the burden of the costs. An old common saying in Colombia is *el país va mal, pero la economía va bien* (the country is doing poorly, but the economy is doing well). For decades, the country faced a low, intensity war that was not too disruptive of the main economic activities and investments of the economic elites, and for big parts of urban Colombia conflict represented a nuance, serious at times, but not a catastrophic problem. Consistent with this idea, when the problems have become more

<sup>&</sup>lt;sup>1</sup> While I refer to related research from several other scholars, the essay is very far from doing any justice to the existing literature.

<sup>&</sup>lt;sup>2</sup> Numbers from the Registro Nacional de Víctimas, from 1978 to 2015. See "Las cifras de la violencia en Colombia, reportadas entre 1985 y 2016", in El Tiempo, June 29, 2017. Available at http://www.eltiempo.com/politica/proceso-de-paz/cifras-de-los-delitos-y-victimas-del-conflicto-armado-en-colombia-102094. Last accessed November 15, 2017.

serious the country has gotten its act together (to some extent) and found solutions. For instance, the first large peace process with left-wing guerillas occurred with the M-19, a guerilla group more closely related to urban areas, more visible and therefore possibly more threatening to elites. The 'false positives' phenomenon which I discuss below only became truly problematic when it occurred near the capital city of Bogotá. Even the large military investments in military action against the guerilla initiated by the Pastrana administration and followed by Uribe's *Seguridad Democrática* (Democratic Security) policy started only when the guerilla groups became so powerful that they were a true threat to average citizens and urban centers.

But this essay will argue that the problem with Colombia (and other conflict-ridden countries) is that conflict can be elite friendly in a more fundamental way. Persistent conflict is hard to solve because there are politically strong groups that benefit from it directly, or at least from an organization of society in which violence is a side effect. I will discuss three broad sets of problems. I will call them: the public goods trap, rents from disorder and the many dimensions problem, and the vicious circle of clientelism and state weakness. To get there, I first briefly define the twin problem of persistent conflict: state weakness. I then offer my main set of arguments. Finally, I conclude with some ways forward and searching reasons for optimism.

#### THE STATE

A political economy of state-building is the flip side of the coin of a political economy of conflict. This claim pushes us to define what a capable state is.<sup>3</sup> The discussion (especially among academics) could take us very far from the purpose of this essay. However, I only need the reader to agree on the following.

First, a capable state ideally should provide public goods to broad cross sections of the population. Particularly salient is the provision of security and order. In fact, more than salient it is defining for many scholars at least since Max Weber famously described the state as "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory" (Weber, 1919[1946 edition]).

Second, "legitimate" is an important word here. While there may be several sources and definitions of legitimacy (that discussion would be even longer!), in democracies

<sup>&</sup>lt;sup>3</sup> Indeed, not doing so risks tautology (Kocher, 2010). While state building, as defined in this essay, is deeply connected to conflict, the concepts are fundamentally distinct. As clear below, I focus on state building as a process of approximating more closely a particular ideal type of state-citizen relationship, which involves state capacities but also a particular pattern of use of such capacities. This process, as the ideal type, is a conceptual artifact, and is not meant to be descriptive. I do not claim that societies typically experience this process, or that those that do follow a linear path towards the ideal type. Instead, I argue that identifying the set of obstacles to that (utopic, if the reader likes) transition is a useful analytical path to understanding important real problems for society.

one can think of legitimacy as stemming from the ability of ordinary citizens to control the state and prevent it from abusing its power. As Levinson (2014) puts it, this ideal type of state solves the *fundamental dilemma of state power* (that "a state that is powerful enough to deliver valuable goods is also powerful enough to inflict great harms" (p. 183)) by making power and control complements: because citizens can control the state, they are willing to vest it with more power. Following Acemoglu (2005) one can also call this a "consensually strong state", simply because it becomes stronger with the consent of citizens.<sup>4</sup>

If we can agree on this, then we can also make progress on our original question (who wants violence?) with the following: who opposes a consensually strong state? In certain contexts, many people do. I will now suggest three broad groups of inter-related "mechanisms". These three sets of reasons help explain why a consensually weak state and persistent conflict are so prevalent, not just in Colombia, but also in other societies. In fact, when discussing each mechanism, we will observe the types of social features that help these mechanisms flourish.

#### THREE PROBLEMS

#### The public goods trap

The public goods trap is illustrated in Figure 1. Start in any box in the cycle. For instance, with low supply of public goods. Whenever public goods are poorly provided in a society, people find ways to satisfy their needs. If they have the resources, they will try to privately provide for themselves what the government fails to offer. This explains the arrow connecting "Low supply of public goods" with "Private provision of public goods". But now think of the implications. If people have their needs satisfied privately, if they have solved the problem, they do not need to demand public goods. Hence the arrow connecting "Private provision of public goods" with "Low demand of public goods". The final step in this feedback loop simply recognizes that when people do not demand public goods from the state, the state will not provide as many of them: from "Low demand of public goods" to "Low supply of public goods". Full circle. 5 These

<sup>&</sup>lt;sup>4</sup> It is very common in civil wars and in political orders more generally that neither side totally wins or loses and imposes a legitimate monopoly of violence. So the "state" that I am referring to is, as typically with ideal types, in fact uncommon in history and today. As Staniland (2012, 2017) emphasizes, in a typology of these stable "orders" without a dominant side, many possibilities of state-insurgent cooperation exist. In these cooperation schemes political and economic interests play an important role. This essay concurs. In Staniland's (2012) terms, I will be emphasizing, on the one hand, different incentives that keep actors in schemes of cooperation and thus trapped in a situation of conflict and, on the other hand, the incentives to remain in conflict even absent any such cooperation and "order".

<sup>&</sup>lt;sup>5</sup> Some readers will recognize the connection to Hirschman's "exit" versus "voice" mechanisms, in particular the capacity to demand a reaction from the state versus finding a private solution (Hirschman, 1970, 1993). I thank Sebastián Galiani for highlighting the analogy.

connections reinforce themselves and prevent the state from doing one essential thing it ought to do: provide public goods to broad cross sections of society.

Notice also how this rests on, and reinforces, economic and political inequality. It reinforces economic inequality because when some essential goods are not publicly provided and citizens must make up for these shortages, the well-off can do it but many poor individuals may just have to do without them. This widens the gap in access to essential services. The rich, who are often the more influential and could arguably more effectively demand action from the state to solve the problem, are not really that preoccupied. Moreover, in unequal societies with cheap labor, it will be particularly easy for the rich to get these essential goods, and particularly diffcult for the poor to obtain them. Economic inequality therefore sustains, and is a by-product, of the public goods trap.

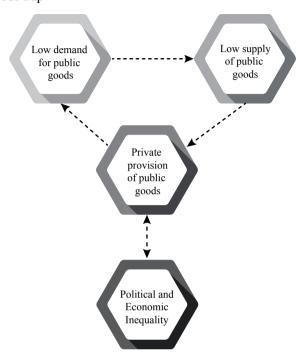
In addition to economic inequality, political inequality more fundamentally feeds into and reproduces the public goods trap. It is more fundamental because the trap would collapse if one imagines a situation of extreme economic inequality, but with perfect political equality. If all voices are heard equally loudly by the political system (in other words, if there is political equality) excluded groups who cannot privately provide for the essential services will be heard. Public goods will be provided to them, and the negative feedback loop will turn into a positive one. Otherwise, political inequality is reproduced by the public goods trap: the large gaps in access to essential services, and resulting gaps in economic conditions, weakens the poorer individuals on many dimensions, among them their political clout to achieve change.

This view resonates with that in Acemoglu, Johnson, and Robinson (2005), which not only emphasizes the role of institutions as fundamental determinants of the economic and social performance of societies, but gives *political* power and institutions an even more fundamental role than *economic* power and institutions. Indeed, and as some of the mechanisms discussed below will reveal further, the distribution of political power is a more important determinant of the organization of society and can have larger and more persistent effects.

It is easier to think of the public goods trap with some concrete examples. In Colombia, public schooling is widely available in the basic levels, but it is on average of very poor quality. There is a poor provision of this public good. Families who can afford it therefore opt out of the system and provide a private education for their children. Data from a large panel survey conducted by Universidad de los Andes (*Encuesta Longitudinal Colombiana de la Universidad de los Andes*, Bernal et al. (2014)) indicates that in the poorest households about 9 out of every 10 children attending school go to a public institution. <sup>6</sup> For the relatively well-off, the

<sup>&</sup>lt;sup>6</sup> Here, "poorest" is defined as belonging to the lowest stratum in a system of subsidies for utility service delivery based on household dwelling characteristics.

Figure 1
The public oods trap



ratio is reversed, and 9 out of 10 are in private schools.<sup>7</sup> This tends to decrease the sense of urgency, especially among the richest sectors of society who often have a stronger political influence, in improving the quality of public education.

A more essential example is of course security. Security guards in apartment buildings are the rule in Colombia. Gated communities are also common. But people living on slums depend on whatever public security the city provides (or fails to provide). More perniciously, part of the reason for the emergence of paramilitary groups in Colombia was the failure of the state to provide law and order in various areas of the country. Groups of landowners, many of them also drug traffickers, decided to provide that for themselves by forming private armies. But this left others vulnerable to violence in general and to paramilitaries in particular, reinforcing the disparities and the state's failure at monopolizing legitimate violence.

Paramilitaries are perhaps the most extreme manifestation of the public goods trap. But the public good trap permeates other dimensions, even creating a "paramilitary culture" with negative consequences for the consolidation of peace and a

Defined as belonging to stratum 4 (the highest available in the survey, where 6 is the maximum). The very rich, who rarely answer surveys, have a nearly universal education coverage in private institutions.

capable state. This could be another reason, together with the clientelistic nature of politics that I discuss below, for the very fragmented nature of Colombian society where individuals compete against one another, lack a common purpose, and instead try to fend for themselves as best as they can. Some, like Thoumi (2002) attribute that phenomenon to the geographic characteristics of the country, which creates obstacles to the state's capacity to control the territory as well as obstructs the creation of national community and solidarity. Others claim that part of the origin for this individualistic tendency is our Spanish heritage (García-Villegas, 2017). The public goods trap can also create, or exacerbate, a set of social norms consistent with these views.

The public goods trap also offers a simple conjecture for one of the most commented features of Colombia's macroeconomic history: its exceptional stability (Robinson, 2007). We can think of "macroeconomic stability" as the one public good that Colombia has provided quite effectively, at least compared to its neighbors and compared to other public goods in the country. And there is indeed one special aspect of this public good: it cannot be provided privately. Setting up a high quality private school is one thing elites can do without the state functioning properly. Avoiding a volatile exchange rate, hyperinflation, or unsustainable fiscal policies, not. Elites are thus more naturally preoccupied with making sure the economy is handled responsibly than with public schools providing highquality education. They can substitute the latter privately, not the former. And this may be, in addition, another reason why some may oppose peace building efforts. These efforts typically require important social transformations, that may produce a fiscal burden and times of uncertainty. Elites may dislike this more than the casual discomfort from violence and insecurity, from which they can largely protect themselves. But also conversely, perhaps if and when the weak state becomes incompatible with macroeconomic stability, Colombia might also consolidate some minimal state capacities. Consistent with this, the history of the "wealth tax" in Colombia reveals that the elites agreed to be taxed only when they perceived high risk of "losing it all" with a severe security crisis (Rodriguez-Franco, 2016).

The public goods trap, therefore, present in countries with poor economic and political institutions, is part of the reason why internal conflict may be so persistent and the efforts to build more capable states so shy and unsuccessful.

## RENTS FROM DISORDER AND THE MANY DIMENSIONS PROBLEM

#### The trouble with rents, especially political

Perhaps an easier explanation to why people want violence is that there are groups that derive economic rents from war. Some are obvious, like the arms industry. Or the leaders of illegal economies (drugs, illegal mining, smuggling), who enforce contracts with brute force, prefer a weak and corruptible state, and are better off

when violence dictates who gets what. Others are less so. Even legal companies may prefer a conflict-ridden country to operate, if this provides barriers to entry to competitors or a lax regulatory environment in terms of regulation. Guidolin and La Ferrara (2007) show this persuasively for the diamond industry in Angola, and it is not hard to recognize similar dynamics in other countries, including Colombia.

This is indeed one important reason. But it is not the whole story, and I would argue not the most important. Just like political inequality is more fundamental than economic inequality in the public goods trap, political rents are more fundamental in explaining who wants violence. One reason has been noted already: politically powerful people shape society more directly than economically powerful people. A complementary argument is that economic elites, whose rents depend on the profitability of their investments, often suffer directly from the disorder and inefficiencies that a poor provision of public goods entails. They may therefore promote efficiency-enhancing reforms, including strengthening the capacity of the state to provide public goods; at the very least, there might be a limit in the extent of disorder that they would like to tolerate even when it brings other benefits like barriers to entry or weak regulation and little oversight. Instead, political elites may be less interested in efficiency-enhancing reforms if these reforms can weaken their control of political power (Acemoglu, 2003).

Of course, economically powerful people tend to have political power too, but the coincidence is not perfect (and at least conceptually the distinction can be made). In fact, for early XXth Century Colombia, we show in Chaves, Fergusson, and Robinson (2015) that the prevalence of electoral fraud is particularly high where economic and political elites coincide or overlap. Moreover, the strength of economic elites as captured by asset inequality is associated with *less*, not more fraud. These correlations are consistent with economic elites suffering from the disorder of a weak state and prevalent fraud around elections (often turning violent), whereas political elites are more willing to embrace the disorder because it allows them to retain power.

Acemoglu, Robinson, and Santos (2013) study the case of "parapoliticians" in Colombia, a perfect illustration of this problem. Parapoliticians are politicians who made deals with paramilitaries to influence elections. These authors show that since the paramilitary groups formed an umbrella organization (the *Autodefensas Unidas de Colombia*, AUC) and got more actively involved in politics, the presence of paramilitaries in a municipality is correlated with the rise of parties associated with the paramilitaries. Their data also reveals that when a senator's list receives more votes in areas with high paramilitary presence, the senator is more likely to support policies benefitting the paramilitaries (specifically, key favorable legislation in the context of a peace process with these groups). Moreover, paramilitaries tend to persist where they appear to have delivered votes to their preferred (and ultimately winning) Presidential candidate. All of these findings are consistent with a simple theory where politicians have very limited incentives

to consolidate the monopoly of violence in some areas of the country because this displaces the paramilitaries who influence elections in their favor.

The case of parapoliticians, similar in other countries where crime and politics gets intertwined,8 shows one way in which some may oppose ending conflict for fear of losing an electoral advantage and political power. Another reason is that politicians often like "enemies" in conflict, and therefore have a vested interest in not ending the conflict. In an article titled "The need for enemies" (Fergusson, Robinson, Torvik, & Vargas, 2016) we develop and test such an argument. Our theory goes beyond the well-known "rally around the flag" effects that occur when a country is facing an external threat (US presidential ratings, for instance, typically go up after terrorist attacks). Instead, we emphasize the urge of politicians to make themselves needed. This phenomenon is familiar outside politics. If you hire someone to work until a particular task is completed (say, you hire an auto mechanic to solve some annoying noise in your car's engine), then by completing the task the person is putting himself out of a job. The same can happen in politics when some politicians are elected because "they are the person for the job". Winston Churchill, for instance, was thought to be the one for the job to lead Britain to victory in the Second World War. As soon as the war was won, British voters removed him from offce.

Perhaps nothing explains better the essence of our argument than this unusually candid declaration of former US congressman Newt Gringrich in 2008:<sup>9</sup>

This is, by the way, the great... one of the great tragedies of the Bush administration: the more successful they've been at intercepting and stopping bad guys, the less proof there is that we're in danger. And therefore the better they have done at making sure that there is not an attack, the easier it is to say 'well there was not going to be an attack anyway.' It's almost like they should every once in a while have allowed an attack to get through just to remind us.

In Fergusson et al. (2016) we develop a theoretical model capturing this logic: when some politicians are perceived as having an advantage in the military fight against insurgents, they want the fight to persist. The main prediction is that large defeats for the insurgents reduce the probability that these politicians fight them, especially in electorally salient places. Consistent with this, we find that after the largest victories against Farc rebels in Colombia, the government reduced its counterinsurgency efforts, especially in politically important municipalities. These patterns suggest that politicians sometimes need to keep enemies alive in order to maintain their political advantage. They behave like the auto mechanic who refuses to end the task once and for all. This, of course, is not good news for peace and state building.

<sup>&</sup>lt;sup>8</sup> See Acemoglu, De Feo, and De Luca (2017), among several others, for the case of Italy, and Dell (2015) in Mexico

<sup>&</sup>lt;sup>9</sup> Huntington, NY Book Revue, Book TV (CSPAN2), 2008-04-29. Available at YouTube: "Newt Gingrich Government should allow terror attacks", https://www.youtube.com/watch?v=pJltjwiefKM.

The need for enemies and the case of parapoliticians highlight how protecting political power can be a strong determinant of persistent conflict and failure to build a functioning state. A further problem arises when certain groups can exert violence as a result of political developments that hurt their interests. This is an issue we examine in "The real winner's curse" (Fergusson, Querubín, Ruiz, & Vargas, in press).<sup>10</sup>

In many countries, despite the presence of nominally democratic institutions that should provide the type of citizen control that a consensually strong state needs, some political groups remain largely excluded from formal political power. *De facto* barriers can take different forms and, in the extreme, outright violence is used. In the case of Colombia, following a legacy of power-sharing agreements between the Liberal and Conservative parties, local elections were introduced in the late 1980s to open up the political system and broaden access to power to formerly excluded groups. A new constitution enacted in 1991 further opened the political arena. Noteworthy among the new entrants was the left, poorly represented by traditional parties, and opposing some established powerful groups like the landowning elites with ties to the paramilitaries. Indeed, these new political actors began advocating different policies than those of traditional parties, including a stronger emphasis on redistribution, communal property rights, land reform, and vindication of peasant rights. Some were able to win local offce.

To study the effect of left-wing victories, we use a regression discontinuity design (RDD) based on close elections and compare municipalities in which the left narrowly won versus narrowly lost the mayoral race. Our results, illustrated in Figure 2, show that a narrow left-wing victory increases right-wing paramilitary violence during the subsequent government term. Also, these effects are concentrated at the beginning of the term and close to the subsequent election. These patterns, together with a comprehensive analysis of all the perpetrated attacks and the evaluation of the left's subsequent performance in elections, points at a concerted effort to intimidate left-wing political leaders to limit their actions in office, disincentivize them from running again, and coercing voters to vote for other options.

In the same spirit of these findings that the introduction of democratic reforms produced unexpected consequences, Steele (2011, 2017) shows that elections in Colombia have helped armed groups identify local cleavages and "disloyal" residents, provoking violence against them.

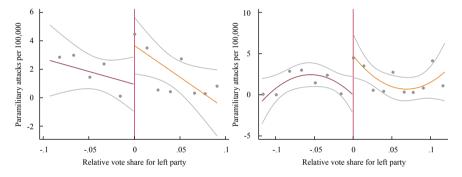
#### A curse of dimensionality?

The real winner's curse highlights other difficulties to build a (consensual) state. Indeed, the reforms introduced in the late 1980s and early 1990s to increase political representation of outsiders and strengthen local democracy at first sight constitute

<sup>&</sup>lt;sup>10</sup>See also Shapiro, Steele, and Vargas (2014) for suggestive evidence that armed conflict in Colombia helps armed groups capture local (taxation) institutions for their own economic benefit.

real efforts to build a consensual democratic state, and they may have played this role too. But a capable state must be strong on many dimensions. When one dimension becomes stronger (in this case, local democracy) but others remain weak (security and order was not yet guaranteed in the territory), politically powerful groups can take advantage of the weak spots to accommodate and counteract the state-building efforts. <sup>11</sup> In this instance, it is clear that the politically powerful took advantage of the weak spot to undo the improvement the central government had achieved and to establish something more closely resembling a local authoritarian regime than a local democracy.

Figure 2
Effect of electing a left-leaning mayor on paramilitary attacks



Source: Fergusson, Querubín, et al. (in press).

This discussion underlines that one of the reasons why it is so difficult to build a capable, consensual state, is that many things have to work well at the same time. Many dimensions have to be strong or else the whole apparatus may be as resilient as its weakest spot. Another example of this comes from parapoliticians and their exposure in the media, an issue we study in Fergusson, Vargas, and Vela (2013). The most optimistic view of the media give it an almost determinant capacity to ensure accountability in democracies. Thomas Jefferson went so far as to say:

The functionaries of every government have propensities to command at will the liberty and property of their constituents. There is no safe deposit for these but with the people themselves, nor can they be safe with them without information. Where the press is free, and every man able to read, all is safe. (Thomas Jefferson to Charles Yancey, 6 January 1816. Emphasis added).<sup>12</sup>

Yet, our work on media exposure of Colombian parapoliticians suggests that unless free media operate in a sufficiently strong institutional environment, provision

<sup>&</sup>lt;sup>11</sup>We could call this "the real political arbitrage" effect.

<sup>&</sup>lt;sup>12</sup>Available at National Archives: Founders Online, https://founders.archives.gov/documents/Jef-ferson/03-09-02-0209.

of information about politicians' misdoings may not increase political accountability and may even have unintended negative consequences. In particular, exposure of misdeeds can lead politicians to double-down on misdoings where they have that option still available. A simple theory in which corrupt politicians can decide how much effort to invest in coercion (with paramilitaries' help) predicts that media exposure, while decreasing average popularity relative to his opponent across all districts, increases incentives to invest in coercion. Hence, the media scandal may increase the vote share of the exposed politician in places where, by increasing coercion, he fully compensates for the popularity loss. If this effect is strong enough, the media scandal may not hurt the overall electoral success of the exposed politician.

The data fit these predictions. Parapoliticians exposed by the press before the elections shift their distribution of votes to areas in which coercion is easier to exert (areas with more paramilitary presence and less pre-sence and efficiency of state institutions). This reshuffling of support is sufficient to compensate the media scandal, and their total vote share does not significantly diffier from that of unexposed candidates. The media scandal had clear negative unintended consequences: it increased coercion and did not stop corrupt politicians from being elected. This again highlights the complementarity between different dimensions of well functioning state. A free and active media needs, also, the existence of free and fair elections.

Eaton (2006) studies another case where an otherwise positive reform for consolidating a more responsive state created unintended negative results given the absence of complementary institutions. Namely, he argues that fiscal decentralization (which could help bring policy closer to the interested constituents) exacerbated internal conflict because it in fact financed the expansion of "armed" clientelism by illegal groups. That is, given the weakness of the armed forces in much of the territory, guerrillas and paramilitaries used decentralized resources to destabilize the state, limiting even further its monopoly over the use of force.

Another example comes from the (very inaptly named) phenomenon of "false positives" in Colombia: the killing of civilians by the armed forces to present them as if they were guerilla members killed in combat. In Acemoglu, Fergusson, Robinson, Romero, and Vargas (in press) we study this problem. The dramatic increase in these cases is illustrated in Figure 3. The increase occurred following a policy of stren-gthening the military and its incentives to combat the guerilla after President Uribe came to office in 2002. In an effort to regain the monopoly of violence, the army was given more resources to fight insurgents and a system pushing for results, involving both formal and informal incentives, was introduced. A special UN commission investigating the case after a scandal broke in 2008, concluded that:

There were incentives: an informal incentive system for soldiers to kill, and a formal one for civilians who provided information leading to the capture or killing of guerillas. The ... system lacked oversight and accountability. (Alston, 2008, p. 2)

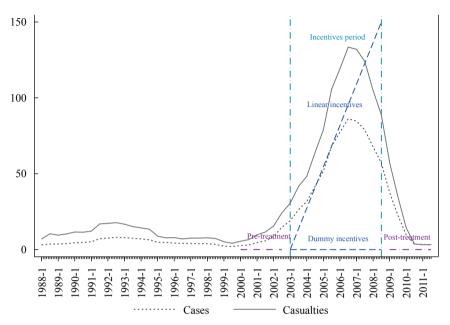
The data we present in Acemoglu et al. (in press) reveals, not just that a large upsurge in illegal murders of civilians coincided with the policy, but that this happened more where military units were headed by colonels, who have stronger promotion incentives, and where local judicial institutions were less capable of investigating killings of innocent civilians. We also found that, during this period, the efficiency of judicial institutions further deteriorated where brigades were led by colonels. Finally, the policy does not even appear to have contained guerilla and paramilitary attacks.

In short, an effort to regain the state's monopoly of violence again backfired and had limited success because the appropriate checks on military misconduct were not correspondingly robust. A key explanation for the (unintended) consequences of the effort was the failure to understand the fundamental complementarity of state institutions and the importance of investing in the many dimensions of the state.

The many dimensions problem (exemplified by the real winner's curse, the parapoliticians' media scandal, the false positives, and decentralization) reveals that, often, the problem is not simply that the state is not strong or capable enough. Rather, that it is unevenly strong or unevenly capable. The dimensions along which the capacity of the state may vary are many, as these examples have revealed. A crucial one is the regional or territorial dimension. This dimension is implicit in some of the phenomena already examined (for example, left-wing candidates and sympathizers are disproportionally targeted in some areas of the country, paramilitary coercion occurs in some municipalities more than others). But I have not discussed some of the more direct consequences of an uneven capacity of the state in the territory.

In Fergusson, Molina, Robinson, and Vargas (2017) we focus on this dimension, by examining long-run regional patterns of development in Colombia. There, we argue that the diverging patterns of economic prosperity within regions in the country reflects correspondingly diverging qualities of economic and political institutions. More fundamentally, the areas with better-functioning economic and political institutions are the same places where the state has been more present and capable, with a remarkable persistence. Why has this (uneven) weakness been so persistent? We advance some hypotheses. Some are related to the interests of local post-colonial elites. Building a modern state may be advantageous from a social point of view, but the weak state allowed them to go untaxed and unregulated, and to manipulate the legal system to their advantage. Also, historically regional elites were worried about potential state-building projects, so much so that in the federal period laws were passed (Law 20 of 1867) to almost codify this by forbidding the national state to intervene in armed conflicts in its constituent states (thus legislating away the monopoly of violence). To enforce the equilibrium, rebellion was treated very softly (Fergusson, Mejíia, & Robinson, 2017).

**Figure 3**False Positives. by Semester Cases and casualties 1988 -2011



Source: Acemoglu et al. (in press).

There are further consequences of the territorial dimension: a weaker state in some areas than others, and the resulting relationship between national and local elites. This only exacerbates the set of obstacles to building a capable state. I do not delve into these issues in detail because Robinson (2013, 2015) offers an excellent discussion of a number of mechanisms along these lines. González (2014) also proposes an interesting perspective on the uneven strength of the state within the territory. Several other researchers have emphasized the importance of the territorial dimension, in particular the idea that the unevenness in the territorial reach and capacity of the state is a feature, not a bug (O'Donnell, 1993; Boone, 2012; Giraudy & Luna, 2017; Steinberg, 2018). That is, it is not that states cannot reach certain areas of a territory with their capacity to deliver public goods and order, but that they do not want to do it. Prominent among the reasons why they may choose this are different political incentives of the involved actors (citizens, local powerholders, and national politicians and the state). This is also a common topic in the "subnational authoritarianism" literature (e.g. Gibson, 2005, 2014; Giraudy, 2010; Sidel, 2014).

The uneven strength of the Colombian state also facilitated a very clientelistic form of politics. I turn to this issue in the next section, addressing the interplay between clientelism and state weakness.

## THE VICIOUS CIRCLE OF CLIENTELISM AND STATE WEAKNESS

Clientelism, or the exchange of targeted benefits for political support, is another key reason for the persistence of a weak state. In fact, in Fergusson, Molina, and Robinson (2017) we argue, and show evidence from Colombia and other countries, that clientelism and state weakness are trapped in a vicious circle: clientelism weakness the state, and a weak state is the perfect environment for clientelism to flourish.

To explain this circle, we first clarify what clientelism is (and is not). First, we emphasize the *particularistic and targeted* nature of benefits: they are delivered to a political supporter or his inner circle, and can be given to supporters and withdrawn from opponents. Second, there is a clear *quid-pro-quo*: transfers and benefits are given in exchange for political support. Third, clientelistic political transactions occur at many levels: when a voter receives a gift in exchange for his vote, or when a contractor supports a politician and is then favored in exchange with a public contract awarded irregularly, or when the executive buys a senator's vote to pass some legislation by giving him some targeted benefit. Often these levels of exchange are interconnected (for example, the corrupt politician giving out contracts in a clientelistic fashion also buys votes in the election).

In our work, we capture clientelism by measuring clientelistic vote-buying. But this discussion helps emphasize that we do it not because it is the only relevant level nor the most damaging, as clientelistic transactions "higher up in the food chain" may in fact be the more crucial origins of the network of transactions. The motivation is that vote-buying is comparatively easier to measure than other types of clientelism. Specifically, it can be measured in surveys, it is a very concrete form of exchange, and it is likely to be interpreted equally by all respondents.

To measure the (consensual) weakness of the state, we rely on tax evasion.<sup>14</sup> Tax evasion is a good indicator of the state's enforcement ability and its capacity to mobilize resources. But more importantly for us, it is also influenced by citizen trust in the state and their *consent* with the implicit social contract.

Yet measuring clientelistic vote buying and tax evasion presents several important challenges. Most notably, people may be ashamed to admit to these behaviors. To overcome these issues, we implement a survey method known as "list experiments" in the Politics Module (Fergusson & Riaño, 2014) of the *Encuesta Longitudinal Colombiana de la Universidad de los Andes* (Bernal et al., 2014).<sup>15</sup>

<sup>&</sup>lt;sup>13</sup>Thus not every allocation of public funds in hopes of obtaining electoral support is necessarily clientelistic; benefits must be contingent on the delivery of support (Stokes, 2007; Hicken, 2011). An example would be procuring funds to build a park in a municipality hoping that citizens then support the politician. While done in expectation of political support, the politician cannot easily deprive a single citizen of the given area of this benefit if she declines her support.

<sup>&</sup>lt;sup>14</sup>There is a long tradition relating state capacity to the development of an effective tax capacity (see Besley and Persson (2009) for a discussion).

<sup>&</sup>lt;sup>15</sup>For a detailed technical description of the method see Blair and Imai (2012), and for our application to clientelism and tax evasion Fergusson, Molina, and Riaño (2018, 2019).

Intuitively, the method works by asking respondents about their behaviors indirectly, avoiding feelings of shame contaminating the responses. Respondents are divided randomly into groups, and some (the *treatment* group) are asked for *how many* factors, yet not *which*, they have taken into account when deciding who to vote for. Included in the list of factors are the benefits that the candidate offered in exchange for the vote (i.e., vote buying). Since the respondent is not revealing his specific behavior with his answer, shame should not bias his responses.

How does the researcher infer, however, the incidence of vote buying? Because another group of randomly selected respondents (the *control* group) are asked exactly the same question except that vote buying is no longer in the list of relevant factors. Since the two questions and respondents are otherwise ex-ante identical, any difference between the answers must be the incidence of vote buying.<sup>16</sup>

To infer tax evasion, a similar procedure is followed. Households are asked for *how many* actions they follow to save money when shopping. A treatment group gets evading the VAT tax as one of the options, and a control group not. The difference in average incidence for each group is the average incidence of evasion.

In addition to doing the list experiments to infer clientelism and tax evasion, we also asked directly to a third randomly selected group of respondents about these behaviors. Doing so provides an interesting contrast, as it allows us to compare citizen responses when confronted directly and when their response does not expose them. Any difference in the answers therefore captures how ashamed they are to honestly admit to clientelistic vote buying and tax evasion.

Figure 4 shows that there is no significant difference between the answers to these direct questions and the list-based estimates. This is the case both for clientelism (upper panel) and tax evasion (lower panel), and for rural or urban areas considered independently. This result is important and underscores how widely accepted clientelism and tax evasion are as part of the normal state of things, consistent with our view that the practices mutually reinforce each other and get deeply embedded in society.

A second key result in Fergusson, Molina, and Robinson (2017) consistent with the vicious circle is the existence of a very robust positive correlation between the two phenomena: people more likely to report evading taxes are also more likely to sell their vote. Indeed, while based on questions not dealing with potential reporting biases, the same correlation is also apparent in a sample of African and Asian countries included in the Afro-and Asianbarometer surveys.

So far this tells us that both phenomena, clientelism and tax evasion, are broadly considered normal and seem to be interrelated. But why? Which mechanisms tie the two behaviors together? We posit seven mechanisms or "sins". I now briefly discuss each one in turn, without delving into complementary empirical evidence provided in Fergusson, Molina, and Robinson (2017):

<sup>&</sup>lt;sup>16</sup>For example, if respondents in the treatment group take into account 1.75 factors on average and those in the control 1.59, the difference, 16%, is the incidence of clientelistic vote buying.

1. Preserving clientelistic parties comparative advantage.

A consensually strong state must provide public goods effectively to the population. Clientelistic politicians oppose this because it erodes their electoral advantage, which is delivering targeted, particularistic goods. Evidence from this comes not only from Colombia. With Horacio Larreguy and Juan Felipe Riaño, we study perhaps one of the most stereotypical clientelistic parties in Latin America: the PRI in Mexico (Fergusson, Larreguy, & Riaño, 2015). We find that when the PRI first got challenged by opposition groups in the 1960s, it reacted by manipulating the location of agrarian communities, sending them to distant locations (especially in municipalities where it faced more competition) to strategically increase the future cost of public good delivery. This compromised future local state capacity to provide public goods and services, and reinforced the equilibrium by leaving voters poor and dependent of the clientelistic relationship.

2. Personal over institutional links: displacing formal relationships with the state.

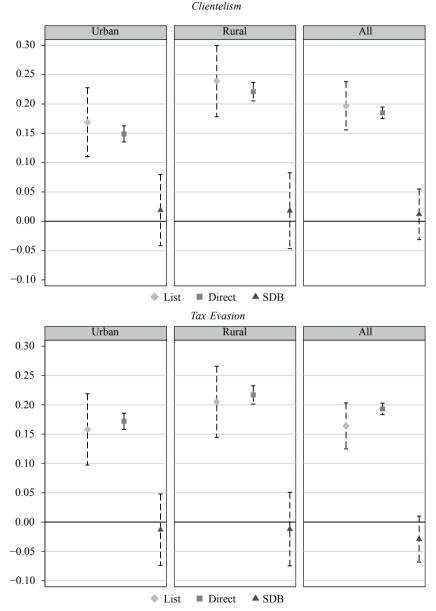
Clientelism relies on personal interactions, informal pacts and deals that can displace potential formal relationships with the state to demand rights and services. In an extreme case, the state does not exist as an apparatus to be controlled by citizens as in the ideal complementary relation between control and power. And to the extent that clientelism is effective at displacing formal connections, voters become more dependent on the clientelistic network for benefits, producing the vicious circle of more clientelism, less state capacity, and more clientelism, and so on.

The displacement of institutional connections with the state is therefore another threat to building a consensually strong state. Personalistic relationships of this sort are sustained by feelings of reciprocity. This is also problematic because they make clientelism very resilient. Specifically, clientelism will not necessarily disappear with simple institutional innovations as the secret ballot (e.g. Wantchekon, 2003; Vicente, 2014). As Lawson and Greene (2014) put it, "curbing clientelism requires a normative component–specifically, that citizens must reject clientelist exchanges on principle because they feel a greater obligation to vote in accordance with their conscience, obey the law, and support democratic institutions."

3. Personal over institutional links: fragmenting society.

Clientelism also contributes to society's fragmentation: each fragmented voter seeks some specific benefit from politicians or their brokers. A fragmented society of this kind, in turn, may also be more easily captured with targeted transfers, and fragmentation weakens collective action and political control over the state. Rather than control and capacity increasing in a symbiotic relationship, we see the opposite: citizens have less control over the state and therefore grant it less power. Each one minds its own business, a culture we had already encountered when discussing the public goods trap.

**Figure 4** Clientelism and tax evasion estimates Colombia, 2013



Notes: Incidence of clientelism (upper panel) or tax evasion (lower panel) as implied by the list experiment (diamond), direct question (square), and the difference between these two measures, capturing the extent of Social Desirability Bias (SDB, triangle). Lines mark 95% confidence bounds.

Source: Fergusson, Molina, and Riaño (2018); Fergusson et al. (2019).

4. Breaking the social contract: mutual justification on defaulting.

When the politician pays for the citizen's vote, the voter infers that the politician is breaking his part of the deal and deriving personal rents from power. In turn, the politician's default might justify the citizen's decision to break his obligations, like paying taxes. Moreover, when citizens do not pay taxes and break the law, they have no stakes in defending the social contract and controlling politicians and the state. This again consolidates the consensually weak state and prevalent clientelism.

García-Villegas (2009, 2017) argues that this is particularly the case in Latin America, where following a Hispanic heritage the law is interpreted as stemming from a "pact" between "equals". According to this "pactist" tradition, when one side defaults the other has the right to default as well. The law (unlike religion or morals) does not hold a higher status than the individual. These mutual justification between politicians and citizens can also have negative spillovers between citizens. Indeed, a law-abiding citizen may be discouraged from obeying the law if he observes that others instead take advantage of it. Instead, a culture of being astute and taking advantage of others emerges. García-Villegas (2017, p. 93-93) writes (own translation):

The astute is a character that all Latin-Americans are acquainted with, not to say we carry it within. It is found from the Cañon del Río Grande to the Patagonia (...) In the southern-cone countries, "the astute lives of the silly, and the silly of his work" and in the Andean region "the world belongs to the astute" (...) In Venezuela, "the shrimp that falls asleep is washed away by the tide" (...) Pedro Nuñez de Cáceres, a Dominican lawyer living in Caracas in the late XIXth century, was surprised with the many expressions in Venezuela to describe someone who had been tricked by someone else's deceipt or cleverness.

In Fergusson, Molina, and Robinson (2017) we provide empirical results consistent with this mutual justification, but perhaps an anecdote is more revealing. In a televised debate for mayoral elections in Bogotá, candidate Antanas Mockus asked candidate Samuel Moreno the following question: "If you could buy 50 votes and thus avoid victory from a candidate who buys 50,000 votes, would you do it?" Samuel Moreno response was: "Yes, no doubt". Moreno won, not surprisingly! And he became the champion of clientelism with government contractors, in the so-called *Cartel de la Contratación*. He is currently in jail.

5. Breaking the social contract: undermining the role of elections and other oversight institutions.

Clientelistic vote buying also undermines the ideal role of elections and other oversight tools. Ideally, voters should vote and then control the winner, make sure promises are fulfilled, and complain and withdraw future support if they are not. But with clientelism voters give their vote, get their money or direct benefit, and the deal is over. Thus an essential oversight incentive in democracies is hurt. And this problem goes beyond voters. All other clientelistic exchanges benefit from opacity, since they are either illegal or sit in uncomfortable gray areas. Thus, those involved have every incentive to dismantle transparency.

6. Powerful groups, not citizens, control the state.

If citizens at large do not control the state, someone else will. With prevailing clientelism, politicians or specific interest groups participating in the clientelistic relationship capture the state. This may include mafias capturing resources from the state, and who in turn may provide funds to buy votes and continue receiving benefits and diverting resources. It can also be public employees whose employment is a reward for political support, and not based on merit.

7. Controlling with a small budget.

Finally, even ignoring its consensual nature, clientelism is also detrimental to the sheer magnitude of state capacity because it is a very cheap form of social control. By relying on small transfers, social networks and other traditional forms of control, it does not even require a large state. Robinson (2007) explores this idea and proposes that the emphasis in clientelism, rather than populism, therefore differentiates Colombia from other countries in the region only on form, not so much on substance.

In short, the very prevalent clientelistic nature of political exchange is a key cause of the weak state, and vice versa. Fostering change is therefore very challenging, an issue I now address to conclude.

#### WHAT CAN BE DONE?

I have painted a very grim picture. Many people do not particularly dislike or disavow violence. They may either directly support it or indirectly perpetuate it through the support of a weak state, with violence as one of the side effects. I have emphasized "vicious circles" and, "curses", and "traps". A weak state and its mirror image of persistent violence are in place for powerful reasons. They are part of a deeply embedded political equilibrium, with many reinforcing feedback loops. They are so ingrained in society that, beyond material incentives, an accompanying set of norms emerge and, also, reinforce the status quo. Escaping such a system is not simple. Many things must fall into place simultaneously; efforts must intend to make progress on many dimensions at the same time.

Therefore, one should probably not expect miracles. But there are also reasons for hope. First, typically there is a virtuous version of the vicious circles and mechanisms that I have studied. Just as a low supply of public goods tends to depress

the demand for them, a drive to increase public good provision can plant the seeds for a revived demand for them that keeps the state responsive. Also, while clientelism engenders a weak state, entrenching clientelism and so on, the rise of non-clientelistic politicians can strengthen the state, which further opens the way for less clientelistic forms of political exchange.

Second, the research I have reviewed produces a few lessons that may be useful for reformers and leaders. In several instances I have emphasized that remedying political disparities is even more fundamental than just correcting economic ones. Giving people a voice and true political power may therefore be a more effective path for change than just seeking to solve their material scarcities. Of course, in the midst of a very clientelistic environment, one has to worry about any such initiative being captured by clientelism. A telling example comes from the set of social reforms embedded in the Colombian 1991 Constitution. The Constitution granted citizens with basic rights to access education and health services, among others. Citizen's demands and legislative reform implementing the Constitutional changes have greatly increased public goods in health and education. Yepes, Ramirez, Sanchez, Ramirez, and Jaramillo (2010) (see also Robinson, 2015) highlight the dramatic increase in health expenditure and coverage in the 1990s.<sup>17</sup> This appears to be a bold and real move towards a consensually strong state. At the same time, health services are also plagued with clientelistic relationships, as the "Hemophilia Cartel" scandal recently illustrated. Fake hemophilic patients were created out of thin air to capture resources, and one former governor and other politicians are involved in the investigations. 18 A similar scheme involving fake or so-called "ghosts" students was introduced to capture resources transferred to schools (Fergusson, Harker, & Molina, 2018).

Third, tax reform can also be very important to change the equilibrium. Colombian elites have been notoriously difficult to tax (Alvaredo & Londoño, 2013). Consistent with the public goods trap and the mutual justification in defaulting, a common rationale of tax evaders and those opposing tax increases is that, unlike other states, the Colombian state offers no public goods. Without "skin in the game", and without benefitting from taxation, those with more economic resources have little motivation to contribute. Yet perhaps, to build a state, the proposition must be turned on its head: tax capacity must increase first so that politically powerful groups feel the burden of taxation and are enticed to make the state responsive, to promote the complementarity between control and power. Martínez (2016) finds

<sup>&</sup>lt;sup>17</sup>Some rulings of the constitutional court are particularly revealing. For instance, in T-760 of 2008 the court dictated that the existing system, granting poorer individuals with subsidized coverage fewer benefits than those of contributors, had to be eliminated and replaced for one with equal benefits for both. The sentence is available at http://www.corteconstitucional.gov.co/relatoria/2008/ T-760-08.htm. See also "Unificación del POS: ¿todos en el suelo?", El Espectador, June 30, 2012, Available at http://www.elespectador.com/noticias/actualidad/vivir/unificacion-delpos-todos-el-suelo-articulo-356399.

<sup>&</sup>lt;sup>18</sup>See Ardila Arrieta (2016), "Los capturados por el 'cartel de la hemofilia', Lyons y los que faltan", In La Silla Vacía, Available at http://lasillavacia.com/historia/los-capturados-por-el-cartel-de-la-hemofilia-lyons-y-los-que-faltan-59116.

that money from national transfers translates into less public goods than money from local taxes in Colombian municipalities. One of the mechanisms that may be behind the findings is that when citizens pay taxes, rather than receiving transfers, they are more willing to invest time to be informed about the way in which the money is spent. This can increase the quality of governance and the provision of public goods by enhancing accountability. This is easier said than done, of course. Recent efforts to impose reasonable income taxation and Pigouvian taxes on some goods has faced strong resistance. But it should be a fundamental part of the agenda to build a modern Colombia. Evidence from the work of Weigel (2017) in the Democratic Republic of Congo indicates that increased tax collection increases citizen political engagement.

Also, while I have emphasized the elites who intentionally want to prevent change, there surely are many that want change but are trapped in a collective action problem. Taxation is again a good example. The weakness of the state reflects a complicated tax code full of exceptions and special treatments that businesses and individuals have received (not surprisingly, in a clientelistic fashion). But perhaps many of these beneficiaries would in fact prefer a more rational tax code, without unjustified exemptions and targeted subsidies, that could raise more resources with fewer distortions. If this strengthens public finance and allows the government to provide better public goods for productivity, like a highly qualified labor force, good road and port infrastructure, technical assistance, etc., everyone would be better off. But of course no one wants to be the first to surrender the special benefits. In this case, good leadership as a coordination device can make a difference.

Of course, I left aside a number of topics that are also important to think about the best way forward. One particularly important yet unexplored issue in this essay is that, especially in contexts of persistent civil war as the one I discussed, one frequently observes the emergence of some sort of social order in conflict-prone areas (Arjona, 2014, 2016). That is, a set of formal and informal institutions shape the way society is organized, creating some "predictability", in particular in the interaction between civilians and armed actors. Most of my analysis focused instead on the more macro-level interaction between the state and insurgents, or the state and citizens. But a clearly relevant area of research is understanding how the stability of these wartime orders feedbacks into the persistence of civil war and the challenges to building consensually strong states. Undoubtedly the difficulties in altering these orders (and the way they blend with state institutions and rules) is likely another powerful obstacle to building something closer to the ideal type I have described.

Perhaps nothing illustrates better the mix of opportunities and difficulties for state building than the recent peace process with the Farc. Returning to the initial portrait of Colombia I painted in the introduction, the recent years suggest a different trend. Partly as a result of this major peace process, several violence indicators

<sup>&</sup>lt;sup>19</sup>A tax reform effort in 2016 proposed, unsuccessfully, to broaden the income tax base and increase the progressiveness of the rates, and to implement a tax on sugary drinks.

decreased. The ministry of defense reported (Ministerio de Defensa, 2017) that the number of military killed in combat has decreased steadily since 2011, from about 480 per year to 113 in 2016. Guerilla members too, from a peak of more than a thousand in 2008, to a bit under 600 in 2009, and then a roughly linear decrease all the way to 59 in 2016. Victims of landmines and other explosives have fallen from 859 in 2008 to 84 in 2016. The list could go on.

Despite these developments, a referendum to ratify the initial terms of the peace agreement with the FARC was rejected at the polls, animated by a powerful opposition. Juan Manuel Santos, the president who pushed this remarkable historical achievement, left office as perhaps the most unpopular president of recent times. This apparently paradoxical situation becomes probably less so after considering all the vested interests in maintaining some aspects of the status quo, which could be shattered by the commitments the government made in the peace process (which was finally modified after the plebiscite and ratified in Congress). Some of these commitments have at least the potential to contribute in the direction of building a more capable state: regional inequities in access to public services are supposed to be tackled, under-represented areas of the country are meant to have privileged political representation, social movements will be strengthened, land acquired illegally must be returned to the rightful owners.

In the process of implementing the accords, the nature of the challenges ahead have been clearly revealed. First, the state has been very slow in the implementation. A limited political capital and sheer incapacity (an incapacity to build state capacity trap!) are two likely reasons. Second, members in Congress delayed the implementation and blocked some of the proposed reforms by voicing concerns. There were several motivations. On the one hand, pure clientelism: "legislative extortion" to get bureaucratic quotas in exchange for supporting the government.<sup>20</sup> On the other hand, fear about the effects of some of the proposals. For example, one of the points of debate is the role of "third persons", namely wealthy individuals taking part in the conflict by financing and supporting paramilitaries. The peace agreement stipulated that they too had to respond to a new transitional justice system. But prominent political leaders (including Santos' own former vice-president) opposed, arguing that there would be a witch-hunt against innocent victims of paramilitary extortion.<sup>21</sup> The concerns may be legitimate, or may (more realistically, perhaps) also reflect a fear of losing a historically privileged treatment that elites enjoy in the status quo I described in this essay. Finally, security challenges abound. Delayed implementation is a perfect recipe for dissidences of reintegrated rebels going back to arms, on their own or recruited by the strengthened armed

<sup>&</sup>lt;sup>20</sup>See "¿Extorsión legislativa?: Las razones del escaso quórum para la paz Política", in El Espectador, November 4 of 2017, Available at https://www.elespectador.com/noticias/politica/extorsion legislativa-las-razones-del-escaso-quorum-para-la-paz-articulo-721548.

<sup>&</sup>lt;sup>21</sup>This article was originally written before the transition to a new government, headed by the political group leading the opposition to the agreement with the FARC. Not surprisingly, therefore, the fears expressed in this paragraph persist.

groups that have filled spaces left by the Farc and not covered by a sluggish state. Social and political leaders, as well as Farc members, have been assassinated at alarming rates. Colombia is in a true critical juncture that could turn things for the better, or change many things only to remain the same.

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## PERCEPTION OF THE SPECIAL JURISDICTION FOR PEACE FOR INCARCERATED MEMBERS OF THE MILITARY IN THE ARMED CONFLICT IN COLOMBIA\*

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Sandoval Garrido, L. E., Riaño Bermúdez, L. C., & Palencia Pérez, A. S. (2019). Perception of the Special Jurisdiction for Peace for Incarcerated Members of the Military in the Armed Conflict in Colombia. *Cuadernos de Economía*, 38(78), 701-728.

With the implementation of the Special Jurisdiction for Peace (JEP), former military soldiers who were because of the armed conflict have been able to reduce sentences and obtain freedom. This document analyses the perception of the JEP by these soldiers based on a survey that identified the type of criminal conviction, the economic and family context, and the perception of the post-conflict for each of the participant soldiers. The results demonstrate that the interviewees consider the main harms of their imprisonment are a family breakdown and unfair treatment between the military and other actors. They hope that being included in the JEP will allow them to have job opportunities and get their families back.

**Keywords:** Transitional Justice; Special Jurisdiction for Peace; Military Justice; Armed Conflict.

JEL: D74: J52: D78: 055

Sandoval Garrido, L. E., Riaño Bermúdez, L. C., & Palencia Pérez, A. S. (2019). Percepción de la Jurisdicción Especial para la Paz para miembros encarcelados de las fuerzas militares en el conflicto armado colombiano. *Cuadernos de Economía*, 38(78), 701-728.

Con la implementación de la Justicia Especial para la Paz (JEP), los militares judicializados en Colombia a raíz del conflicto armado han podido reducir penas y obtener libertad. Este documento analiza la percepción de la JEP que estos militares tienen, a partir de una encuesta que identificó el tipo de proceso penal, la situación económica y familiar, y la percepción del posconflicto. Los resultados muestran que, para los entrevistados, los principales daños son la ruptura familiar y el tratamiento injusto entre militares y demás actores. Ellos esperan que estar en la JEP les permita tener posibilidades laborales y recuperar sus familias.

**Palabras clave:** Justicia Transicional; Jurisdicción Especial para la Paz; Justicia Militar; Conflicto Armado.

**JEL:** D74; J52; D78; 055

Sandoval Garrido, L. E., Riaño Bermúdez, L. C., & Palencia Pérez, A. S. (2019). Perception de la Juridiction Spéciale pour la Paix pour les membres des forces militaires emprisonnés dans le conflit armé colombien. *Cuadernos de Economía*, 38(78), 701-728.

Avec la mise en place de la Justice Spéciale pour la Paix (JEP selon son sigle en espagnol), les militaires qui ont été condamnés en Colombie à cause du conflit armé ont pu bénéficier d'une réduction de peine et obtenir la liberté. Ce document analyse la perception qu'ont ces militaires de la JEP à partir d'une enquête qui a identifié le type de procédure pénale, la situation économique et familiale

et la perception de l'après-conflit. Les résultats montrent que, pour les personnes interrogées, les principaux dommages sont la rupture familiale et le traitement injuste entyre les militaires et autres acteurs. Ils espèrent qu'être dans la JEP leur permettra d'avoir des possibilités de travail et de récupérer leurs familles.

**Mots-clés:** justice transitionnelle, juridiction Spéciale pour la Paix, justice militaire, conflit armé.

**JEL:** D74; J52; D78; 055

Sandoval Garrido, L. E., Riaño Bermúdez, L. C., & Palencia Pérez, A. S. (2019). Percepção da Jurisdição Especial para a Paz para membros encarcerados das forças militares no conflito armado colombiano. *Cuadernos de Economía*, 38(78), 701-728.

Com a implementação da Justiça Especial para a Paz (JEP), os militares processados na Colômbia após o conflito armado conseguiram reduzir penas e obter liberdade. Este documento analisa a percepção que esses militares têm da JEP, com base em uma pesquisa que identificou o tipo de processo penal, a situação econômica e familiar e a percepção do pós-conflito. Os resultados mostram que, para os entrevistados, os principais danos são a separação familiar e o tratamento injusto entre militares e outros atores. Eles esperam que estar no JEP lhes permita ter oportunidades de emprego e recuperar suas famílias.

**Palavras-chave:** justiça de transição, Jurisdição Especial para a Paz, justiça militar, conflito armado.

**JEL:** D74; J52; D78; 055

#### INTRODUCTION

In the context of the armed conflict in Colombia, active and retired military officers have been criminally prosecuted for being linked to armed confrontations between state forces and outlaw armed groups in which civilians were killed in. The treatment of these cases is a function of the military criminal justice system when it comes to acts carried out as part of military service, and in other cases, they are judged within the civilian justice system. The latter unfolds when they fail to demonstrate that the deaths of civilians in military operations are due to clashes with outlaw armed forces and are judged within the state justice system as human rights violations.

Personal and non-institutional justifications characterize the extrajudicial executions in which members of the security forces are involved. Those operations sought to achieve the results demanded by superiors and resulted in the so-called "false positives" (Reveles, 2012). "False positives" were produced by military units under pressure to apprehend guerrilla fighters, so when they failed to obtain results, they decided to carry out operations to cook up weapons and victims, who were civilians identified as members of armed groups who had been deployed in military assaults. Those outstanding results meant rewards for those soldiers involved. Later, some crimes were corroborated through testimonies of people who lived the conflict zones, the rest were confirmed by soldiers and their commanders to obtain a reduction in their prison sentence, then the intensification of the conflict and the delegitimization of state actions provoked the armed forces to be considered as an actor in the conflict and, therefore, to be required in the Transitional Justice System (TJ).

At present, there are still debates about the effects at the state and individual level of the TJ, since there are opposing statements about their consequences and exact mechanisms. A review of recent TJ studies reveals that empirical evidence is diverse. In this regard, Thoms, Ron and Paris (2010) argue that a more systematic and comparative analysis of the TJ record is needed to move from discussions based on faith to arguments based on facts, understanding that in many cases the individual subjectivity can generate biased understandings of the global perspective.

In most cases, the evaluation of the TJ effects is based on aggregate groups which do not allow for an objective assessment of individual actors in the conflict. In consequence, unless each case is treated separately, it is not possible to weigh the impacts accurately. According to David (2017), justice is understood as a sociopolitical category rather than a legal category, a deployment of the concept that leads to different results. For this reason, this document deals with the detained soldiers as individuals and not as part of an institution or an aggregate.

Through the information collected via a survey, this document analyzes the perceptions that the military officers in Colombia have of the Special Jurisdiction for Peace (JEP in its Spanish acronym) in the wake of the armed conflict. In total, 333 inquiries were made of active and inactive personnel of the National Army who at

the time of the study were being deprived of their freedom in prisons and penitentiaries for members of the Public Force of High and Medium Security (CPAMS). The survey contained socio-economic, family, and legal questions, and also an open response module that sought to account for the perception of the military about different aspects of the JEP: time of incarceration, trust in justice, experience (if any), state capacity to absorb failures of the JEP, post-conflict and reintegration. This information was processed through a mixed method. It was found that although the advantages of participating in the JEP are evident, at least in terms of sentencing time, there is not a generalized feeling of optimism since there are no sufficient legal guarantees and they feel that they are at a disadvantage compared to FARC combatants in terms of judicial processing.

This document is divided into six sections. After this introduction, section two exposes an exploratory analysis of the historical experiences of TJ elsewhere in the world and an account of the Colombian case. Section three outlines the current judging system for the military forces. The fourth section describes the methodology used for the analysis. The fifth section provides the corresponding interpretation of the data and the results. Finally, the sixth section summarizes and concludes.

#### THE TRANSITIONAL JUSTICE EXPERIENCE

According to the International Center for Transitional Justice (ICTJ, in its acronym in English), "transitional justice is the set of judicial and political measures that various countries have used as reparations for the massive violations of human rights" (ICTJ, n.d, p.1). To this end, different criminal actions, truth commissions, victims' compensation and institutional variations will be included, depending on the specific situation of the country or nation to which it applies. This justice will then seek a transition towards democracy or a solution to internal conflicts, although there are cases where these conditions are not necessary, as in the case of Mexico. There, Cantú (2014) reveals a de facto type of TJ within the authoritarian governments that in their recent fight against drugs have violated human rights and have co-opted extreme amounts of power, for which a specific jurisdiction was created to consolidate peace. However, not only should it constitute a set of measures aimed at punishing the perpetrators and reparations for the victims, but it should also focus on a reconciliation avoiding social division (Rojas-Páez & Guzmán-Rincón, 2016). As Teitel (2000) states, the application is not satisfactory for all those involved since the traditional concept of justice derived from the consensus must be discarded to make way to achieve the social goal of moving towards a more liberal democratic system.

Although each TJ process has unique features, the United Nations (UN) through the Human Rights Council generates a broad explanation where it argues that TJ covers the full range of judicial and non-judicial measures, such as individual prosecution, reparation, truth-seeking, institutional reform, background checks on public officials, or an appropriate combination of these measures, in order to

guarantee justice, provide remedies to victims, promote the recovery of normalcy and reconciliation, establish independent entities that supervise security systems, restore confidence in state institutions and promote the rule of law in accordance with the law from the human rights (ONU, 2012).

In line with the above, Valderrama and Ortiz (2017) conclude that, although there are supranational organizations such as the Inter-American Court of Human Rights that provide non-amnesty for crimes against humanity, the TJ has the flexibility to achieve the objectives that will foster peace. Wolfgang (2012) shows an example of this in the international context where TJ claims the right to truth and memory, however painful it may be, in cases like the Eichmann trial in Israel, the South African Commission of the Truth and Reconciliation (TRC) after Apartheid and the National Truth Commission of Brazil (CNT) after the military regime. State agents are often actively involved, sometimes directly, sometimes through omission and other times under alliances with certain outlaw groups, in the different events and conflicts that trigger the subsequent need for a TJ. Armed forces become a crucial element in these processes since, in addition to its military capacity, it is generally one of the institutions with the highest presence at the region level.

#### **Colombian Context**

Jaramillo (2014), underlining the fact that Colombia has suffered more than five decades of armed conflict, where different actors have maintained constant struggles against the social order, the state and other outlaw groups, stresses that, throughout this period, the country has tried to uncover the facts that have surrounded all these events and has had twelve national study commissions and extrajudicial investigations regarding the violence. This effort for the clarification of the truth and the construction of historical memory has been fundamental to the peace process and has created the foundation for the truth commissions that will later meet the aforementioned characteristics of an effective commission (Hayner, 2008).

#### Antecedents

Diverse actors have contributed to the formation and the dynamics of this context throughout the country, each of them with different idiosyncratic genesis. Many of those actors have transformed to become smaller operational cells over time, known as the Bacrim (Quintero, 2017). In a brief outline of some TJ processes experienced in Colombian history, the one known as "Forgiveness and Forgetfulness" is highlighted. This process was born to demobilize the leftist insurgent group April 19<sup>th</sup> Movement (M-19), that was born after dissatisfaction with the fraud in the presidential elections of April 19, 1970, where General Gustavo Rojas Pinilla, despite having broad popular support and favorable polling ended up losing to the conservative candidate Misael Pastrana (Ayala, 2006). This group began as

an urban insurgent organization in 1971, but by 1974, it had consolidated into a guerrilla group and expanded into rural territories (Narváez, 2012).

Aguilera (2009) acknowledges that the group took advantage of the widespread discontent to promote its rise in the nation through populist actions and dissemination of information through the infiltration of radio and television channels. Although initially, they began with symbolic acts such as the robbery of the sword of the liberator Simón Bolívar in 1974, later the group utilized kidnapping for extortion and pressure to finance their operations and achieve political objectives. Finally, the seizure of the Palace of Justice in November 1985 is the point of decline of the organization (Gómez Gallego, Herrera Vergara & Pinilla Pinilla, 2010). Albeit, on principle, the ordinary justice system took the cases of the commanders and participants of the seizure, it was by Law 77 of 1989 that the Government granted them a pardon and the outstanding debts of the M-19 were waived by Colombian law.

The armed forces clearly demonstrated their dissatisfaction with the eventual truce between the members of the M-19 and the EPL as well as other efforts extended to the guerrillas of the FARC and the Quintin Lame. For example, an interview for the commission of truth with General (r) Rafael Samudio referred to the armed forces as an organization forgotten by the government of President Betancur which had a complacent attitude towards the insurgency (Gómez et al., 2010).

The federal military forces were disappointed because they thought that the peace accord was signed only to satisfy the whims of the guerrilla group and the generals were not heard, they were never heard, and instead a truce with the rebels was agreed upon. Nor will it be more than an instrument of pressure manufactured by international subversion (Landazábal, 1985, p. 265).

The amnesty would end up weakening the authority of the armed forces as it would undermine efforts to imprison militants of these groups by removing them from prisons. There was also public derision for those active military members accused of belonging to the movement Death to Kidnappers -MAS- which was created by drug traffickers to avenge the abduction of Martha Nieves Ochoa, the sister of members of the Medellín cartel leadership, although this charge was eventually passed down to the Military Criminal Justice system (Ramírez & Restrepo, 1988).

The excessive use of force and the efforts of the authorities to regain control when the Palace of Justice was seized by M-19 (called the resumption) put the military in the eye of the hurricane, as the public became aware of actions committed by agents that involved serious human rights violations (Tribunal Especial de Instrucción , 1986). In addition to the tasteless pardon granted to M-19, in 2005 the case against the military forces was reopened through Resolution 3954 of 25 November 2005, which generated indictments against several members of the FFMM, increasing military mistrust of the judicial process.

Another broad TJ process is known as "Justice and Peace", in which the paramilitary groups, which were born from a series of events such as guerrilla growth, increase in drug trafficking, and uncertain peace under the government of Betancur (Cubides, 2007) became central. However, the Historical Memory Group-GMH- (2013) indicates that the milestone of the birth of paramilitaries is the MAS movement that, as previously mentioned, was a group created by drug traffickers to avenge the abduction of Martha Ochoa.

Soon these paramilitary groups began to offer landowners "security service" protection in exchange for payments, which caused their numbers and the zones of influence in which they operated to increase alarmingly (Romero, 2003). In addition to this, Betancur's approach to peace increased the forgetfulness of the state towards the armed forces, which led some of its men to swell the ranks of their self-defense groups (CNMH, 2013). In the paramilitaries' first ten years, the number of men increased by almost 1000% (Sánchez, Díaz, & Formisano, 2003). This condition, along with a newly established democratic regime of regional elections in 1982, resulted in a dispute over the territories becoming entrenched in violence which, accompanied by state abandonment, facilitated the coopting of regional governments and the deepening of conflicts, according to the thesis of Goldstone and Ulfelder (2004).

Through Decree 356 of 1994, the government allowed the creation of armed surveillance cooperatives for those rural areas where the state could not be present; such as groups were in legal limbo for prolonged periods. Among the criminal actions of the paramilitaries were all types of human rights crimes and violations of international humanitarian law, as well as crimes impacting public health such as drug trafficking. These armed surveillance cooperatives climbed to power, even infiltrating the local and national government (Pulido &Martínez, 2018).

In 2002, dialogues began with the national government that sought the demobilization of these groups. In 2003 the Pact of Ralito, between the government and the Self-Defense Groups, and finally in 2005 with Law 975 of 2005, the milestone of establishing a TJ, the "Law of Justice and Peace", was achieved. This law sought to emphasize the importance of punishment, although minimal, since such punitive measures ranged from 5 to 8 years, and it also clarified the truth and reparations that would be due to the victims.

As the process for obtaining the truth progressed, the relationship between state agents and paramilitaries was increasingly evident, being the armed forces one of the critical pieces in this relationship (Uprimny & Saffon, 2008).

#### Special Jurisdiction for Peace

Quintero (2017) tried to explain the genesis of the FARC throughout a hostile half-century that saw a high concentration of power and land among the wealthy few which subsequently gave birth to guerrillas, whose principal objective was a social

struggle for more equity in access to power and land. The FARC was born under this name in 1966; they boast the achievement of being the longest-lived guerrilla organization in the world (Pécaut, 2008). The FARC is the insurgent armed group that has left more victims in Colombia than any other group. According to the GMH (2013), there are 20,000 documented deaths, 5.7 million people displaced in rural areas, more than 25,000 disappeared and almost 30,000 kidnapped. This group committed numerous human rights violations, as well as violations of international humanitarian law and coordinating with drug cartels. Villalobos (2008) criticizes the actions of the group that, disguised as a struggle for justice, developed an extensive network of drug trafficking linked to some of the most powerful cartels in the world and generated substantial revenues.

The attempt of the Colombian state to achieve peace with this subversive group is not new. Since the 1980s, different governments have tried to generate approaches without success. It was not until the government of President Andrés Pastrana (1998-2002) that the first peace dialogues were initiated, with permanent international accompaniment, and a broad agenda for discussion and public hearings. Unfortunately, they were not successful (Leguízamo, 2002).

Finally, a new hope for peace came with the government of Juan Manuel Santos in 2012, when a negotiation table was announced in Havana, Cuba and work was carried out on a "general agreement for the termination of the conflict and the construction of a stable and lasting peace", which was the protocol for the talks (González, 2015). After four years of negotiations and several suspensions for breaches of the ceasefire between participants, the signing of the peace accords was finally announced.

A framework of TJ called "Special Jurisdiction for Peace" (JEP, in its Spanish acronym) was established by Decree 1592 of 2017, which along with some complementary laws such as Law 1448 of 2011 or the "Law of Victims", sought to generate an environment conducive to the achievement of peace. To this, the JEP adopted the four premises that the UN promulgates as fundamental for peace's success: a) the obligation of the state to investigate, prosecute and convict perpetrators of different crimes, especially against human rights, b) truth, c) reparations and d) the prevention of repetition of criminal acts (UN, 2014).

Concerning the public force, this peace process had a particular focus compared to those before it: the active participation of the armed forces at the negotiating table, as well as the recognition of the state as a perpetrating actor within the conflict, for which the JEP could evaluate crimes committed by agents of the state that are directly or indirectly related to the conflict. The JEP could "adopt decisions that grant full legal security to those who participated directly or indirectly in the internal armed conflict through the commission of the mentioned conducts" (Law 1592 of 2017).

Taking into account that the Inter-American Commission on Human Rights -IACHR ordered Colombia in 2015 not to include crimes against human rights

committed by members of the security forces in the Military Criminal Justice System (Agencia EFE, 2015), the new jurisdiction became an attractive legal alternative for all crimes committed in acts of service and whose relationship with the conflict is evident. Although Benítez, Quintero, Márquez, & Ortiz (2015) identified the recognition of the rights granted to members of the military forces in TJ processes, from a review of countries that have gone from dictatorship to democracy and from war to peace, in order to expose which could be the rights and guarantees granted to the members of these forces during the transitional justice process in Colombia, how they will approach this transition is still underexplored.

Thus, the framework of action for the JEP is the broadest within the TJ processes Colombia has experienced since all kinds of actors could potentially be included within it. Thus, included are not only combatants but also politicians and even civilians who have committed crimes motivated by the armed conflict. In addition to this, the statute of the JEP establishes the creation of a court that will analyze all the cases that enter it as new, without considering previous convictions for the same events.

The participation of the armed forces at the negotiating table allowed them to receive benefits similar to the insurgent groups. Some authors such as Gómez (2016) highlight the new TJ system according to modern trends of law and justice, and freedom from ideological biases and individualizations.

Although the current transitional justice process has made an effort to include the military forces as an actor in the armed conflict. Within the military forces, there are high levels of dissatisfaction with unequal treatment with groups outside the conflict that are also part of the process. Also, it is not common to obtain individual statements from the institution or from personnel hosted by TJ

#### **International Context**

The results in society derived from the TJ can be varied. Bakiner (2010) analyzes the progress and limitations of TJ's efforts in Chile through the examination of a key political actor: the armed forces. The former attitude of the military of denial and non-cooperation concerning the human rights violations of the Pinochet dictatorship (1973-1990) was slowly replaced by dialogue with civilians, institutional recognition of violations and limited cooperation with the courts. Although the strategic interactions with other political actors and the generational /personal changes stand out as variables that explain the behavioral and ideological transformation of the army, the article highlights a third crucial factor: the pluralization of truth and justice mechanisms, both national and international, that legally opened social and political fields of challenge against impunity and oblivion. Finally, and before an arduous process, a paradigmatic change was achieved in the armed forces that included repentance and non-repetition.

None of the main political actors in Chile, including the military, could exert total control over these multiple channels of truth and justice. The result was the adoption of new legitimizing strategies and discourses in accord with human rights. The army reoriented its position on human rights in the context of Pinochet's arrest in London in 1998, a changing political environment and the legal battle for amnesties for the abuses of the dictators.

Another case where the tate was responsible for a very high percentage of crimes against human rights was Brazil after the coup d'état of 1964, where the significant repression made the military and police forces directly responsible for abuses. A subsequent adjudication was omitted due to the Amnesty Law enacted in 1979. This omission allowed gaps in an ultimate reconciliation to be perpetuated in the transitional regimes and it is for this reason that since the beginning of the 1980s, the Brazilian state has made efforts to compensate the victims of the dictatorship. Even though many continue to cry out for the truth, the Truth Commission, created in 2012, focuses on clarifying the facts of this era without enacting punitive consequences (Leão, 2013).

Another emblematic case that includes systematic violations of human rights by state agents and insurgents is that of Sierra Leone, where Ginifer (2003) carries out an analysis of the reintegration of ex-combatants, emphasizing that the principal role of the military forces was a reactive one before the rebellion of the Revolutionary United Front (RUF). However, there was a systematic violation of human rights by the different actors, formally ending in 2002. Their first obstacle when it came to returning to civilian life was a prevailing fear within the society of the acts of the past, taking into account the innumerable atrocities. Additionally, the limited capacity of the state to educate and create jobs was conducive of a high rate of recidivism, which the support of entities external to the government was essential in combating. This outside support allowed an adequate transition towards normalcy, accompanied by a process within communities to facilitate acceptance of ex-combatants. This is particularly difficult since there is resistance to giving opportunities to these people, who can be considered "rewards" for their actions in addition to many ex-combatants fearing for their lives.

Something similar happened with the ex-combatants of the civil war in Mozambique, where Wiegink (2013) describes the particular case of those belonging to the RENAMO and finds that reincorporation into civilian life was especially difficult for both the ruling party and the rebel forces. In addition to being a process with shallow involvement, it was further complicated by deep identity-based hatreds within the society and fear of "witchcraft" or traditions that were perceived to threaten life. In this type of context, ex-soldiers show widespread disdain for international institutions and organizations such as the UN.

But not all of TJ's attempts have been satisfactory despite the existence of supranational bodies such as the IACHR (1997) that in theory, regulate amnesty in cases of crimes against humanity or serious human rights violations. For example,

Umukoro (2018) refers to the "attempt" of TJ in Nigeria as a sample of a co-opted state because after its failed commissions, especially the 1999 Commission of Investigation of violations of Human Rights, failed to consolidate a regime of transition after the military governments that had committed sevear human rights violations, mainly against the communities of the Niger Delta. The armed forces had a fundamental role in these processes as they were in charge of occupying territories for the extraction of crude oil. In this instance, a weak state apparatus combined with corrupt governors showed little initiative in bringing the accused to hearings to obtain the truth.

The Iraqi case is not far behind and has had broad international visibility. Iraqi TJ was widely criticized because it was a "justice of the victors" thanks to the latent influence of the United States where entities that assumed the judgments like the Iraqi Special Court (IST), later High Iraqi Court (IHCC) and the Coalition Provisional Authority (CPA) ended up emptying the state apparatus in its eagerness to eliminate any residual Baathism. About 500,000 soldiers were discharged from the force, many of whom had to be reinstated to their work, not only because it was merited, but also because it was not possible to prove any culpability under the official legal structure.

Algeria is a case of forgiveness and forgetfulness, where amnesty was granted in a first attempt to stop the violence. Subsequently, immunity was granted, and finally, in 2005, President Bouteflika called for a referendum to also grant clemency to Islamic fighters and state agents and military forces. That was done in combination with the disbursement of monetary compensation to victims. However, the insurgency continues to grow, and human rights organizations have been increasingly demonstrative in their claims to the government for the thousands of disappeared persons (Wiebelhaus-Brahm, 2016).

The TJ and its correct application constitute a fundamental pillar for the cessation of hostilities. Its absence can lead to spirals of violence and corruption on a large scale, such as the Afghan case where Saeed and Parmentier (2017) show that after the attack on the twin towers, post-Taliban Afghanistan initiated what was called the "Plan of Action for Peace and Reconciliation" in 2006. This element was initially weak and later omitted as a strategy to maintain order in the short term since the current political system would falter if its application became effective. Finally, continued impunity and inequality in land tenure generated new outbreaks of discord between different groups in the society and, eventually, new conflicts.

These arguments are consistent with the findings of Castel (2009) who, through the experience of Rwanda and Burundi, shows that traditional justice is, in general, biased or at the service of the most important political force of countries with weak institutions. This prevalence is even more profound when nations recover from complex events such as the genocide in these two African nations that used traditional courts like the Gacacas in Rwanda and the Bushingantahe in Burundi,

resulting in high rates and lengths of sentences in the absence of comprehensive reparations to society and favoring the Tutsis in both cases.

Although in the literature the focal analysis of agents of the state is very superficial or non-existent, Sokoli (2016), through an investigation with focus groups for the case of the independence of Croatia, studied the judicial narrative versus the narrative of war in order to understand the role of TJ and its sentences. Three groups were chosen: pensioners, middle and high school teachers, and war veterans. They all agreed with very clear positions about the actions of Serbia against Croatia, generally extolling their heroic actions and justifying them as a legitimate defense against the Serbian invasion. The administration of the TJ, in this case, was imperative since it was awarded to the Croatian authorities through the International Criminal Tribunal for the Former Yugoslavia (ICTY) whose trials proceeded in line with the popular beliefs mentioned above. Additionally, factors such as having been a policeman or military officer were excluding factors so that the success of this system was very satisfactory and tended to achieve the long-term objectives of TJ.

As previously observed, international literature affirms that the treatment that has been given to agents of the state is still very superficial; the process lacks a systematic investigation of behavioral patterns. An obvious reason for this is that these state actors are perhaps some of the most marginalized in the society after this process because they have been shown to have broken oaths and defrauded the trust that their nations had put in them.

### CURRENT JUDGEMENT OF THE MILITARY FORCES

At present, military forces can be tried in three-justice schemes: i) Military Criminal Justice, ii) Civilian Justice, iii) Special Justice for Peace. The application of each depends on the conduct in question. Conduct deemed to be an act in violation of military regulations is judged within the military justice system. The ordinary courts will judge conducts that represent violations of human rights or civil law and which cannot be justified within the actions of an institution. The Special Justice for Peace will include all those crimes that would otherwise be judged in the ordinary courts but have a direct or indirect relationship with the armed conflict. The legal framework for the application of each justice framework is as follows:

i. Military Criminal Justice: Regulated by law 1410 of 2010, this system judges all those crimes committed during military service that derive from official orders given by superiors with the exceptions of "torture, genocide, enforced disappearance, against humanity or those that Attempt against IHL ... or conduct that is openly contrary to the constitutional function" (Military Penal Code, 2010)

- ii. Civilian Justice: Judges individuals who have committed some of the behaviors excluded from the previous category crimes against humanity and crimes against international humanitarian law. For this jurisdiction, there are basically two laws under which any individual can be tried depending on the date of occurrence of the conduct in question. The first is Law 600 of 2000, "Inquisitorial Criminal System", and the second is Law 906 of 2004 or "Accusatory Criminal System". The main difference between these laws lies in the form of judgment. As applies to Law 600, the judge accuses and makes the final judgment. Under Law 906, this function is decentralized.
- ii. Special Justice for Peace (JEP): Through Law 1820 of December 30, 2017, the Colombian State defines the benefits and conditions for insurgents and agents of the State (including members of the security forces). In the case of the public force, all those accused or convicted of actions that are directly or indirectly related to the armed conflict are subject to this justice system. The benefits offered are:
- a) Transitory and conditioned freedom
- b) Suspension of arrest warrants
- c) Responsibility of command
- d) Legal security
- e) Waiver of criminal prosecution
- f) Prevalence of the JEP over any other criminal, disciplinary, fiscal or administrative action.

Additionally, those members who have been deprived of their liberty and who subsequently receive a sentence with the JEP will obtain an effective discount in their late penalty equivalent to the real time of imprisonment to which they have already been subjected. In other words, a person who receives a condemnation having already been incarcerated will receive recognition for this time and will only have to serve the prescribed sentence time dating from their first day of imprisonment prior to sentencing. An significant advance in this process is that there will be no preventive assurance measure<sup>1</sup>.

#### **DATA USED**

In this research, a questionnaire was used as a collection instrument, consisting of 53 questions, of which 70% are quantitative, and 30% are qualitative. The survey applied to the staff had an initial pilot test of fifteen individuals where additions and corrections of some questions were made, but the structure of the questionnaire was not affected. The final survey was comprised of four modules divided as follows:

<sup>&</sup>lt;sup>1</sup> Deprivation of provisional detention when a legal process is developed and the individual is considered a danger to society, may escape, destroy hide evidence.

- **a) Module I General Information:** Seeks to identify the individual through his age group, rank, education and health status.
- **b) Module II About the process**: Investigates the causes of imprisonment, types of crimes, convictions, and defense expenses, among others.
- c) Module III Economic and family: Examines the individual's economic conditions after the process, as well as the dynamics in the family nucleus.
- **d) Module IV Open questions**: Seeks to understand how the Special Jurisdiction for Peace views the defendant.

These modules are intended to investigate how the individual has generated an understanding of the JEP that has allowed him to make value judgments about his own process and the general process. The closed questions facilitate the creation of scales that quantitatively indicate these perceptions, while the open questions yield insight into the social constructs that, in part, determine how respondents perceive the JEP.

The data used correspond to active and inactive personnel of the National Army of Colombia, deprived of freedom during November 2017. A survey was conducted in each of the CPAMS, where each of the inmates could decide to participate or not in the exercise. Ultimately, 333 inmates of 714 participated at the beginning of the study<sup>2</sup>. Non-participation was due to several factors. The first was that a significant number of them, at the time of the visit, was in the midst of legal proceedings. Second, in some centers, there was paid work and many of the prisoners were working at the time of the visit (as in the case of the Engineers Battalion No. 4). Another reason was that some inmates were being prosecuted for actions unrelated to the conflict and therefore, did not make up a relevant part of the sample. Finally, individuals refused to participate in the exercise due to fear or merely lacking interest in the subject. However, the latter corresponds to a small minority proportion of the population as the surveys were conducted during training first thing in the morning and were usually ordered by the officer in charge. Therefore, it is not likely that the collected sample contains a major bias. Table 1 and Table 2 show the former military participation in the survey by degree and by connection to the institution.

The participation rate adjusted to the data at the beginning of the survey cycle is as follows: For the interpretation of results two modules were generated, the questions of the quantitative type are analyzed by the SPSS software. For the qualitative module, the plausible theory of Strauss and Corbin (2012) is used. In this study, the data were systematically collected and coded through AtlasTI qualitative analysis software.

<sup>&</sup>lt;sup>2</sup> It is essential to note that, on a daily basis, the personnel came under the benefit of transitional and conditioned freedom of transitional justice so that this number may have been lower than the one at the end of the survey cycle.

Table 1.
Participation of personnel according to detention center

<b>Detention Center</b>	Location	Internal	Answers	Response Rate
Military Police Battalion 13	Bogotá	50	22	44%
Battalion ASPC No. 16 <sup>a</sup>	Yopal	57	37	65%
Battalion ASPC No. 7	Apiay	20	10	50%
Engineering Battalion No. 2	Malambo	35	32	91%
Artillery Battalion No. 13	Bogotá	55	24	44%
Communications Battalion No.1	Facatativá	67	23	34%
Engineering Battalion No. 1	Bello	229	73	32%
Battalion ASPC No. 10	Valledupar	102	21	21%
Military Police Battalion No. 3	Cali	99	91	92%
Total		714	333	47%

<sup>&</sup>lt;sup>a</sup> Combat and services report

Source: author's format based on the survey results

It should be noted that there are only men in detention. Among the participants of the survey, the most significant volume of interviewees is concentrated in the soldier rank with 191 responses, corresponding to 57.35%, followed by NCOs occupying 28.22% and, finally, officers representing 12.61%, in addition to the remaining 1.8% that is not specified. Of the total, only 34% remain active within the armed forces, while the rest were discharged or are in retirement.

**Table 2.** Responses by degree and by connection to the institution

Degree	Not Linked	Linked	Not Specified	Proportion
Soldiers	136	52	3	57.36%
Non-Com. Officers	55	38	1	28.23%
Officers	23	19	-	12.61%
Not-Specified	1	4	1	1.80%
Proportion	64.56%	33.93%	1.50%	100%

Source: author's format based on the survey results

#### METHODOLOGICAL DESIGN

The research utilizes a mixed methods approach since it integrates quantitative and qualitative elements that allow a comprehensive analysis of the perceptions of the military involved in criminalized acts and that are currently undergoing the process of the JEP. Thereby, the unit of analysis corresponds to individuals held in military prisons who meet those characteristics.

According to Hernández, Fernández and Baptista (2010), mixed methods represent a set of systematic, empirical and critical research processes that involve the collection and analysis of quantitative and qualitative data, as well as their integration and joint discussion, to make inferences from all the information collected (Hernández et al., 2010, pp. 546). That is why the process heretofore undertaken is an adequate way to understand the phenomenon under study.

On the one hand, the qualitative element of the mixed approach used for this work is justified insofar as it allows the authors to understand and analyze the perceptions of the participants, as well as the textual descriptions of their feelings in relation to how they are being or will be judged by the JEP. This qualitative element of the methodology used is also justified because it allows a registering of the data provided by the interviewees in their own language since it is assumed that the real expressions of the military are transcendental in the process of converting them into results of the investigative work Likewise, It allows a study of the group of soldiers in the process of trying to understand the context and the current circumstances in which they find themselves.

On the other hand, the quantitative element is justified because, due to the collection mechanisms, it was possible to obtain numerical data expressed on the basis of their quantifiable properties. This being the case, this quantitative element of the mixed approach makes it possible to test hypotheses that complement or allow a better understanding of the perceptions of the members of the army who agreed to be interviewed, and allow for synthetic descriptions of the numerical data obtained.

#### ANALYSIS AND RESULTS

Figure 3 presents the semantic network in which it is observed that the JEP generates negative feelings in the respondents such as disappointment due to institutional abandonment, uncertainty in their processes and resentment at feeling inequality in the way JEP deals with outlaw groups. However, the implementation of the JEP also generates positive expectations related to the recovery of the family, the feeling of hope and freedom when their sentence is reduced and the possibility of reintegrating into society, which would allow them to improve their income.

By deconstructing the analysis of the network in Figure 3 by ranks, it can be confirmed that the soldiers perceive that JEP allows them to reduce time in jail and obtain their freedom more promptly; at an aggregate level, they consider it

part of the process that will allow the country to move towards the end of the conflict. NCOs feel that JEP applies asymmetric treatment to themselves when compared to outlaw groups, as expressed by the following opinion "it is a situation that serves the military and is a benefit obtained by the guerrilla" (Suboficial 307). As far as the officers are concerned, their perceptions of the JEP are framed by the objective pursued by the peace process, as evidenced by the expressions of Officer 159: "[this is a] transcendental moment and opportunity for those who have made mistakes in the war". Officer 911 said, this "is something excellent, since it serves to end this silly war where we Colombians have been killed for 52 years".

The words of one of them confirm that statement when saying that he would welcome the JEP because he believes "that after God, the only hope of seeing freedom is the JEP, although there are not many guarantees, there is a light of relief" (Official 913). Only 13% of the officers would not accept the JEP because the process seems unfair and unequal concerning the treatment of the insurgent groups. In this sense, regarding the process, one testimony stated: "it is a hoax. It is designed to clean up the guerrillas and assign responsibilities to members of the military force" (Official 168).

Likewise, as regards non-commissioned officers, 91.5% (86) declared that they would benefit from the JEP for reasons similar to those expressed by the officers, in fact, Petty Officer 726 stated that, "although one is not guilty, there are benefits and more importantly, decreases in the sentence which we did not obtain with the ordinary justice". This declaration provides a good example of the feeling of distrust for the institutions of traditional justice.

Finally, in the case of the soldiers surveyed, 95% would take advantage of the JEP for reasons such as guarantees in the process, being able to prove their innocence and reach their freedom more quickly. It is observed that, regardless of military rank, more than 87% of the respondents would benefit from the JEP for similar reasons.

These high percentages (87% for officers, 91.5% for non-commissioned officers and 95% for soldiers) of military personnel who opted in to participate in the JEP process are the product of near-unanimous desire among inmates to benefit from its guarantees and sentence reductions. In fact, about 87.1% have already taken refuge or are in the process of receiving it, while the rest would not be given the opportunity either because the crime committed does not qualify, or because they prefer to continue under civilian justice as a personal decision based on their negative feelings towards the JEP.

From an analysis of how the military personnel interviewed perceive the possibility of taking advantage of the JEP, it is evident that there is great hope for a reduction in sentencing for those who opt for transitional justice. This expectation is not unfounded, because when doing the statistical analysis, it is to be noted that the group of soldiers who wish to benefit from the JEP has a mean sentence time of 34.1 years. The group that does not want to use the JEP process has an average of 26.1 years if they remain in the Civilian Justice system. On the other hand, if

one compares the average time of the expected sentence if they join the JEP for the two groups, the average is close to 5 years (Table 3).

**Table 3.**Statistics of the military that are willing to take advantage of the JEP and those who do not

	Would you be willing to take advantage of the JEP?	Average	Standard Deviation	Average Standard Error
Duration of Sentence in Civilian	SI	34.14	22.689	2.005
Jurisdiction	NO	26.11	12.843	1.716
Duration of Sentence	SI	4.97	2.136	0.188
with the JEP	NO	5.27	4.548	0.592

Source: author's format based on the survey results

When comparing the distributions of sentencing times with the Kruskal-Wallis test, the null hypothesis is also rejected. This means that the military's perspective of taking advantage of JEP to reduce its sentence time is statistically validated (Table 4).

**Table 4.**Kruskal-Wallis Test

Null Hypothesis (Ho)	Test	Significance	Decision
The distribution of the duration of the sentence in Civilian Jurisdiction is the same for the military willing to take advantage of the JEP as for those who do not.	Kruskal-Wallis test for independent sam- ples	0.007	Reject Ho
The distribution of the duration of sentence under the JEP is the same for the military willing to take advantage of the JEP as for those who do not.	Kruskal-Wallis test for independent samples	0.432	Do Not Reject Ho

Source: author's format based on the survey results

Additionally, the results of the Wilcoxon test corroborate the median difference between the duration of the sentence under Civilian Jurisdiction and the duration of the sentence under the JEP is not zero (0) (Table 5), which means that the

sentence received for taking part in this process would be less than the sentence imposed under Civilian Jurisdiction.

**Table 5.** Wilcoxon Test

Null Hypothesis (Ho)	Test	Significance	Decision
The median of the difference between the duration of a sentence under Civilian Jurisdiction and the duration of sentence under the JEP is equal to zero.	ranges with signs for	0.000	Reject the Ho

Source: author's format based on the survey results

If the analysis is made considering the crimes in particular, the expectation of a shorter conviction is maintained. For example, for those who have committed crimes against International Humanitarian Law experienced an average reduction from 34.7 years to 4.9 years, a similar reduction occurs with crimes against life, which go from 29.2 years to 5.5 years. Likewise, crimes against life and freedom personnel would<sup>3</sup> go from serving 21.7 years, on average, to 4.5 years. Other types of crimes, such as those that threaten public safety, would go from 11.9 to 6.3 years. It is important to bear in mind that about 62% of respondents are convicted, so for those who did not have a firm conviction at the time of the survey, they inquired about the possible sentence time. There are also some differences in penalties between legally similar individuals since 28.3% assumed an early sentence and those who have not done so have an average of 3.63 years as courtmartialed. It is observed that 81% of the crimes committed by the individuals under study were during the period between 2002 and 2010.

Continuing with the deconstruction of the issues presented in Figure 3, for 86% of the respondents, being in the current situation elicits an emotional reaction due to family problems such as separation, the growth of children without the presence of the father and the increase in psychological burdens on family members.

82% of the respondents consider the events for which they began their process were typical of the internal armed conflict and clarify that they were in compliance with their duty and developing some operation. Besides, 52% accused the NGOs of intervening during their trials through different measures, mainly as representatives of victims, arguing that false witnesses are often introduced in order to obtain a significant compensation from the state, even when the victims were combatants from outlaw groups. These irregularities lead them, in some cases, to feel disappointment and resentment toward the military forces and, in other cases, the desire

<sup>&</sup>lt;sup>3</sup> Refers to crimes such as homicide, genocide, kidnapping, forced disappearance, personal injury, among others

for freedom and hope. However, there is a degree of uncertainty, since they cannot be certain of the outcome of their process.

When analyzing by rank the perception of the military about the preparation of the state to guarantee them an appropriate reinsertion into society after the process, it is found that 92% of the officers, 74% of the soldiers and 68% of the non-commissioned officers consider the state to be unprepared. In some cases, this is because they feel that "the benefits for the members of the FFMM are very few compared with those of the FARC" (Soldier 709), and in other cases because "it is a slow process and we must work hard on the conscience of the people to accept us into society again" (Official 720).

In the case of perspectives on their future with conditional or definitive freedom, regardless of the military rank, in general, the desire is to recover their family life and seek employment alternatives to military service, in many cases of an independent nature. Another outcome they have expressed a desire for is an opportunity for studies that would lead to other employment, allowing them to integrate into society and receive an income to satisfy their basic needs. Nevertheless, it is found that 10 soldiers, 3 noncommissioned officers and 5 officers wish to resume their activities in the army, either for the love of the country or because they do not feel that they have opportunities outside the military. This is corroborated by the words of soldier 767 who said, "at this moment I do not know what I would do since I do not know anything other than military life. I am not really trained in any other area because I devoted my whole life to the army".

#### CONCLUSIONS

The of the interviews' assessment demonstrates that the benefits and the drawbacks of the JEP vary according to the military rank of the soldier being interviewed. For officers and soldiers, the JEP tends to be interpreted as a mechanism for ending the conflict and moving to a new historical era in Colombia. However, for non-commissioned officers, there is a generalized feeling of asymmetry in the treatment of soldiers and outlaw groups involved in the conflict, as well as the feeling of betrayal by the state and in particular by the FFMM.

Although a majority of soldiers within each of the ranks (officer, non-commissioned officer and soldier) are willing to join the JEP, the feelings and qualifiers towards it vary between ranks for several reasons. The first of these is that as the rank within the institution increases, the percentage of participants in irregular operations that are syndicated or convicted is less, which may give the impression that ordinary justice for these cases is more inflexible among the lower ranks. Therefore, there is more acceptance in this group. On the other hand, expenses for legal representation are lower in the lower ranks so the failure of legal battles of this scope can occur quickly in the face of financial insolvency, for which the JEP constitutes a viable and hopeful alternative.

As for the future that the military await, they generally hope that the JEP will reduce their time of incarceration and thus allow them to reintegrate into society, rebuild their family and complete their life goals. There is evidence of the need for a disruptive strategy by the state considering the difficulty of relocating to find work, as this is a point of recurring concern among the respondents.

These observations allow an understanding of the impact of the application of the JEP from the perspective of the military involved in the process. Based on this understanding, the judicial operators in charge of these processes have this tool to assess and understand the context in which these actors are immersed.

In short, the JEP is welcomed by the active and inactive members of the National Army, despite the obvious outlier of what they call unequal treatment between themselves and the FARC guerrillas, as well as a deep concern about what will come after: damages to the society, their role in work and family life, and the general uncertainty which poses challenges for future governments that must guarantee the socialization process together with an educational component for a healthy society.

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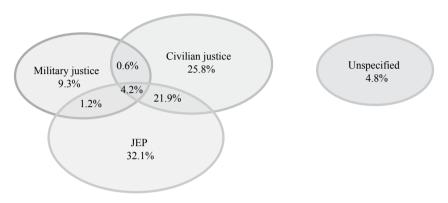
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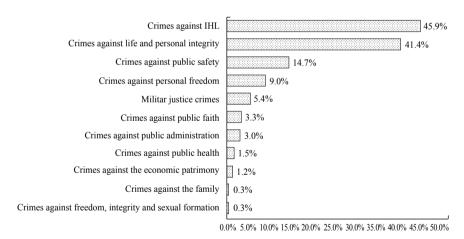
#### **GRAPHICS**

**Graphic 1.** Distribution by types of jurisdiction



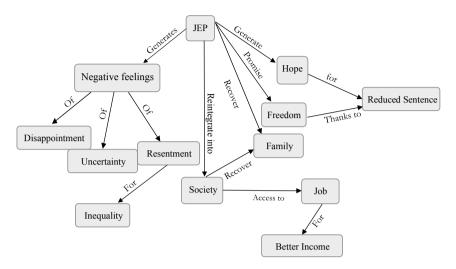
Source: Author's format based on the survey results

**Graphic 2.** Distribution of crimes committed



Source: Author's format based on the survey results

Figure 3. Semantic Network of the Special Jurisdiction for Peace



Source: Author's format based on the survey results

# AGROECOLOGY AND INTEGRAL MICROFINANCE: RECOMMENDATIONS FOR THE COLOMBIAN POST-CONFLICT AVOIDING THE FINANCIALIZATION OF RURAL FINANCING

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One of the main challenges for the Colombian post-conflict is to develop sustainable proposals for peasant families that were affected by the armed conflict. With

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the purpose of analyzing this challenge, after the introduction, the second part of the paper presents the land possession dyna-mics in Colombia, criticizes the Green Revolution approach and discusses theoretical concerns about agroecology. The third section highlights the importance of combined microfinance in comparison to financialized microfinance, for financing rural projects and agroecology. Furthermore, this part argues that the combination of agroecology and combined microfinance is a powerful tool to make scenarios sustainable for small producers. Finally, the fourth section concludes.

**Keywords:** Microfinance, Postconflict, financialization, agroecology, familiar agriculture.

**JEL:** D63, J31, E2

Ramírez Virviescas N., Monroy Isaza S., & Guevara Castañeda D. A. (2019). (2019). Agroecología y microfinanzas: recomendaciones para el postconflicto colombiano evitando la financiarización del financiamiento rural. *Cuadernos de Economía*, 38(78), 729-751.

Uno de los principales desafíos para el postconflicto colombiano es desarrollar propuestas sostenibles para las familias campesinas que fueron afectadas. Con el propósito de analizar este desafío, este trabajo tiene cuatro secciones: la primera es la introducción, la segunda presenta la dinámica de tenencias de tierra en Colombia y también critica el enfoque de la Revolución Verde, además de discutir aspectos teóricos sobre la agroecología. La tercera sección destaca la importancia de las microfinanzas integrales en comparación con las microfinanzas financiarizadas, para el financiamiento de proyectos rurales y la agroecología. Esta parte también argumenta que la combinación de la agroecología y la microfinanciación integral es una herramienta poderosa para crear escenarios sostenibles para los pequeños productores. Finalmente, en la cuarta sección se presentan las conclusiones.

**Palabras clave:** Microfinanzas, Postconflicto, financiarización, agroecología, agricultura familiar.

JEL: D63, J31, E2

Ramírez Virviescas N., Monroy Isaza S., & Guevara Castañeda D. A. (2019). (2019). Agroécologie et microfinances : recommandations pour l'après-conflit en évitant la financiarisation du financement rural. *Cuadernos de Economía*, 38(78), 729-751.

L'un des défis principaux pour l'après-conflit colombien consiste à développer des propositions soutenables pour les familles paysannes qui ont été affectées. Pour analyser ce défi, ce travail compte quatre sections : la première est l'introduction, la seconde présente la dynamique des formes de tenures de la terre en Colombie ainsi qu'une critique de l'approche de la Révolution Verte, outre le fait de discuter d'aspects théoriques sur l'agroécologie. La troisième section souligne l'importance des microfinances intégrales, comparées aux microfinances financiarisées, pour le financement de projets ruraux et l'agroécologie. Cette partie argumente

également que la combinaison de l'agroécologie et du microfinancement intégral est un outil puissant pour créer des scénarios soutenables pour les petits producteurs. Enfin, la quatrième section présente les conclusions.

Mots-clés: microfinances, après-conflit, financiarisation, agroécologie, agriculture familiale.

**JEL:** D63, J31, E2

Ramírez Virviescas N., Monroy Isaza S., & Guevara Castañeda D. A. (2019). Agroecologia e micro finanças: recomendações para o pós-conflito colombiano, evitando a financeirização do financiamento rural. *Cuadernos de Economía*, 38(78), 729-751.

Um dos principais desafios para o pós-conflito colombiano é o desenvolvimento de propostas sustentáveis para as famílias camponesas afetadas. Com o objetivo de analisar esse desafio, este trabalho está dividido em quatro seções: a primeira é a introdução, a segunda apresenta a dinâmica da posse da terra na Colômbia e também critica a abordagem da Revolução Verde, além de discutir aspectos teóricos da agroecologia. A terceira seção destaca a importância das microfinanças integrais, em comparação com as microfinanças financeirizadas para o financiamento de projetos rurais e da agroecologia. Esta parte também argumenta que a combinação de agroecologia e microfinanciamento integral é uma ferramenta poderosa para criar cenários sustentáveis para pequenos produtores. Finalmente, a quarta seção apresenta as conclusões.

**Palavras-chave:** microfinanças, pós-conflito, financeirização, agroecologia, agricultura familiar.

**JEL:** D63, J31, E2

#### INTRODUCTION

After more than 50 years, at the end of 2016, the Colombian government reached a peace agreement with the FARC-EP (Fuerzas Armadas Revolucionarias de Colombia), the main guerrilla force of the country. The central scenarios of this armed strife were the rural areas, as the land dispute was in the center of the conflict; in consequence, many actors and victims of this war were principally peasant humble families. Thus, the first chapter of the "Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace" is entitled "Comprehensive Rural Reform" (CRR). This point tries to foster a significant change in the Colombian countryside and close up the gaps between urban and rural areas while contributing to fight poverty and promoting equality. The agreement insists that:

The development of rural areas depends on a proper balance between the various existing forms of production – family farming, agroindustry, tourism, agriculture on a commercial scale -; on competitiveness and the need to promote and encourage investment in rural areas with entrepreneurial vision and for the productive purposes as a condition for their development; and on promotion and encouragement on an equal basis of links between small-scale rural production and other production models, which could be vertical or horizontal and on a different scale. In any case, the rural, family-run and community-based economy will be promoted and protected and measures will be adopted to develop and strengthen it (Gobierno de Colombia & FARC-EP, 2016, p. 12).

Within this framework, in this paper, we emphasize the agroecological approach and its integral financing as one of the roads that can be followed to successfully achieve what the FARC-EP and the Colombian government signed in the peace agreement. Agroecology satisfies the CRR approach as it can "guarantee productivity through programs for effective access to land, together with innovation, science and technology, technical assistance, credit, irrigation and marketing, and other means of production that add value" (Gobierno de Colombia & FARC-EP, 2016, p. 13)

Agroecology has also emerged as a response to the problems of the Green Revolution, monoculture and its relationship with financialization. As it is widely known, finance has conquered different spaces, from macroeconomics sectors to daily life dynamics; thus, agroindustry has also been financialized. This approach, we consider, is not entirely convenient for the post-agreement scenario. We will develop in detail this argument in the second section. Hence, we insist that agroecology has many positive characteristics that make it appealing to achieve what the parties agreed.

However, a critical point for the agroecology stands on which sustainable scheme is going to finance it in the long run. That means, which approach could go beyond traditional banking or problematic microfinance. Thus, in this work, we will also discuss the problem of financialized microfinance in the world to propose a sustainable combined microfinance approach in its original sense, which goes beyond

the microcredit provision and accompany with comprehensive advising and companionship. This method implies, also, cultural changes of the financial actors for the post-conflict and straightening and empowering attitudes from the communities towards those traditional actors, which should in some cases play with the rules for agroecology and family farming as a real opportunity to keep a durable and sustainable peace.

### AGROECOLOGY, GREEN REVOLUTION AND POST-CONFLICT: A CONVERGENCE

The general characteristics of land possession in Colombia show the significant presence of drug trafficking and transnational corporations. Their main tactic for land grabbing has been dispossession and forced displacement (Fajardo, 2014). Until 2013, this process had left 6 million of abandoned hectares, most of them belonging to small and medium-sized owners (Mateus, 2016).

This situation has caused enormous impacts, such as the increase in the prices of exploitable land to produce food and raw materials, for the benefit of national economies. Also, its alienation by countries and transnational corporations, which is a process that strengthens the 'relocation' of agriculture. Not to mention that the effects that the agrarian systems of monoculture have on local ecosystems are enormous (Fajardo, 2014, p. 106).

In agro-environmental terms, the total loss of natural forest in Colombia between 1990 and 2010 was of approximately 6,206,000 hectares (5.4% of the country's surface). It was located mainly in the regions of the Andes and the Amazon. This phenomenon has occurred due to deforestation processes, installation of productive systems, especially stockbreeders, expansion of the agricultural frontier, colonization and concentration of lands suitable for agriculture. This process mainly affected the interrelationships between cultures and ecosystems and the forms of common property, that represent 30% of the national territory (Mateus, 2016, p. 68). Additionally, it has left the small property with projects focused on "entrepreneurship' and 'productive alliances' as the only alternatives to achieve economic viability" (Fajardo, 2014, p. 106).

In this sense, there is a certain degree of concomitance with the advance of the neoliberal perspective of rural development in Latin America. Kay (2007) states that neoliberal policies have encouraged non-traditional and export-oriented capitalist agricultural exports, which requires very high amounts of investment, which are directly proportional to the levels of risk, and generates high return rates for those who can enter to compete in such conditions.

Rubio (2009), who interprets the neoliberal approach in terms of its agro-export phase, expresses himself in the same direction. The author states that extensive production is the base of this approach, which excludes a large number of small producers, since production requires high capital investments with a high risk.

Therefore, those included constitute an elite that controls and supplies a good part of the world market. Both, precariousness and labor flexibility are integral parts of the model. While the productivity of work rises, by increasing the degree of specialization and quality, the wages decrease in terms of the length of the working day, concomitance with the increase in preference for female and child labor (Rubio, 2009).

The actors that promote and finance the Green Revolution<sup>1</sup> contribute to the unsustainability of industrial agriculture, as well as the depredation of natural resources, water pollution, the destruction of soils, the loss of biodiversity, the globalization of hunger, marginalization and exclusion of farmers, and the murder of social leaders and peasant leaders (Funes-Monzote & Márquez, 2016). That is why movements and social organizations that work around agriculture and land problem are engaged in this global struggle. Currently, the main crops of the Colombian economy are oil palm and bananas, whose consolidation has been historically tied to the Human Rights violation (Fajardo, 2014).

In the Colombian Orinoquia, a region where historical confluence between land-holding and illegal economies has existed, export-oriented agricultural production (agrofuels) has now been established. This production model is a result of the "Plan Consolidación", which derived from the "Plan Colombia". The construction of the Villavicencio-San José del Guaviare road is the most significant manifestation of this project (Fajardo, 2014), which, in general terms, has had a considerable impact on food. Since 2000, the national food production volume (rice, corn, barley and wheat) has been negative; while its imports have grown considerably (Fajardo, 2014). While in the 1980s, Colombia had about 90% of the staple food availability; for the 2000s, imports went from 5 billion COP to 9 billion COP, showing an increase of 80% (Mateus, 2016).

Given the lack of worthy alternatives for economic incorporation, access to criminal circles becomes increasingly attractive. This threat is, precisely, a primary concern in the scenario after the peace agreement in Colombian rurality. According to the World Drug Report (UNODC, 2017), after the implementation of the peace agreement, a sharp increase in the crops declared of illicit use has characterized the context in the national territory. These have gone from 96,000 ha in 2015 to 146,000 ha in 2016, which equals an increase of 52%. Two border departments concentrate half of this increase, Norte de Santander and Nariño. This type of crop is grown mainly in areas where the guerrillas have had a historical presence: Catatumbo, Nariño and Putumayo. Lack of public-private institutions, distrust from the community, precariousness in the provision of social services, and scarcity of public and legal agricultural production characterized these areas.

<sup>&</sup>lt;sup>1</sup> The Green Revolution (Ceccon, 2008) is a political order of global scale. During the 1950s, it focused on increasing agricultural productivity and large-scale production. For the 1990s, biotechnology was instituted as an axis through genetic engineering, with the same purpose: the increase of agricultural productivity.

Peace with a territorial-based approach implies the characterization of the conflicts that persist around biodiversity and the natural assets of Colombia. Henceforth, the participatory construction of plans that reverse the effects of war on nature becomes indispensable (Valencia, 2017). As a result, agroecology appears as an alternative to economic insecurity. This approach must be understood as both the minimum necessary to subsist and live with dignity and the possibility of developing sustainable, productive projects (Sámano, 2013).

At the executive level, some isolated initiatives have not been consolidated in the implementation of an effective public policy capable of responding to the needs of reincorporation. One reason that contributes to the crisis of the peace process refers to the failures of the socioeconomic reincorporation. Compared with medium and large-scale production projects, one can say that there are only productive proposals, aimed at small production, around cocoa, soy, palm and some livestock projects, but no strategy for the implementation of productive projects has been achieved (Valencia, 2017).

### **Green Revolution versus Agroecology**

After the dot.com and the 2008 crisis, agriculture became a target for financial investment. Private equity firms, hedge funds, commercial banks and sovereign wealth funds have been investing in agricultural and food industries. Financial capital has been acquiring *Agrifood* companies, and unprecedented interest in acquiring arable lands is strengthened: land grabbing. Thus, we can talk about the financialization in the agrarian sector, especially in rural regions of Asia and South America, understanding financialization as the penetration of financial entities in aspects of economic life (Lawrence, Sippel, Larder, & DesFours, 2014). For the Colombian case, the signing of the peace agreement and its consolidation were the necessary steps for the rurality to present itself as an attractive field for international investors and the agribusiness sector.

Neoliberalism, as the current manifestation of the capital accumulation regime, has incorporated the criticisms made of it from different spheres. The financialization of agriculture, therefore, seeks to commodify seeds and agrobiodiversity; strip the agroecological knowledge of peasants and indigenous communities, and insert greater agricultural diversity into food markets, the cosmetic industry and pharmacology. Additionally, it attempts to increase the benefits derived from carbon credits and neoliberal conservation through agroforestry arrangements, and profit from the expansion of the markets for organic industrial products, which will soon be known as agroecological in large areas (Giraldo & Rosset, 2016, p. 20).

Agriculture, at least since the adoption of the Green Revolution and its technological package, entered the race for the modernization of agricultural work. It is a global advance that continues expanding forcefully. It is also part of the industrialization policies that have divided the world into developed and underdeveloped countries (Monroy, 2018). According to McMichael (2009) and Rubio (2017), the confrontation

between those states that lead the global production and exports of cereals and peasant and family farming is the most precise expression of that division. The ultimate aim of this dispute, that has the global market as the arena, is to benefit the large agrifood transnational corporations, which lead the production and marketing of inputs for agriculture, ranging from seeds to patents and transgenic processes.

This type of agriculture has spread all over the world, and its regulation depends on the global market distribution mechanisms. The higher income countries grant massive subsidies to their agricultural production, in concomitance with the configuration of stable structures, based on the monopolization of markets in the countries of the global south. The world market for agricultural products, therefore, is regulated by transnational corporations and supported by multilateral organizations and states (McMichael, 2015).

After more than half a century of public attention focused on reforming the agricultural sector with technical assistance interventions and modernization of the productive, food and market systems, the development crisis in agriculture and food remains. Even more, it is possible to argue that perhaps this crisis has deepened. Today, it is not only the old problems of the past that are of concern: the nourishment of citizens and the integration of traditionally marginalized sectors to the supposed modernity. It is necessary to call for reflection to organize social and environmental responses that are scientifically and publicly informed (Paredes, Sherwood, & Arce, 2016, p. 14).

The new balance of the Green Revolution innovates in terms of genetic manipulation and its correlation with agro-food products, now commodities. The other factors continue without significant alterations. Vast monocultures, mainly corn, sugarcane, soybean and palm, require large tracts of land and implies increasingly capital-intensive agriculture. Thus, land dispossession appears as a new tactic with effects on agricultural and rural unemployment (Rubio, 2017). The ecological and food consequences for the rural and more impoverished population are significantly harmful.

These consequences refer to the significant increase in land dedicated to monocultures, which, in ecological terms, indicates an enormous loss in biodiversity, resilience in the face of climate change, food diversity, and forest loss (Altieri 2008). On the other hand, the financialization of the agri-food sector has caused a significant increase in food prices, marked mainly by the soybean, rice, corn and wheat crops (Rubio 2017). This variation will primarily affect the most impoverished rural populations (Funes-Monzote & Márquez 2016).

Concerning agri-food production in the context of the neoliberal approach to rural development and financialization, agroecology is considered in this work as a viable proposal regarding the post-conflict scenario and the social reality in Colombia. In general terms, agroecology can be understood as a theoretical-methodological proposal that rescues the complexity of socio-environmental relationships. This approach assumes agroecosystems as its object of study. Sevilla and Soler (2009)

define it as a scientific approach to the analysis and evaluation of agroecosystems and food systems and as a proposal for technical-productive and socio-political praxis around the ecological management of natural resources.

Álvarez-Salas, Polanco-Echeverry & Ríos-Osorio (2014) understand agroecology as an innovative technological practice that aims to apply ecological dynamics to crops and natural resources management. They argue that it cannot be understood without its status as a social movement, which advocates the empowerment of the peasantry and the distribution of the land. They focus on agroecology as a discipline in construction.

Agroecology, which emerges as an alternative course in rural studies, resists conventional agriculture and its effects on society (Monroy, 2018). The traditional agriculture can be identified as a kind of agriculture that has been historically practiced without chemical inputs -this is valid for the last century. This kind of agriculture is millenary, and it has evolved in time and space privileging local resources, as well as human and animal energy, as opposed to the high levels of fossil energy that is demanded by modern agriculture (Altieri, 1991).

Agriculture, nowadays, in the New Agriculture for Development approach (McMichael, 2009), can be summarized as the conflict between peasant and familiar agriculture and global market agriculture. In this scenario, the latter imposes an expedient policy framework which serves to the interests of the sizeable transnational input companies (seeds, hormones, proteins, chemical products), and, at the same time, responds to the states that lead the world production and trade of cereals (Rubio, 2017).

With this in mind, agroecology raises a dispute with export-oriented agroindustry, based on free trade and financialization (Altieri, 2015; Rubio, 2017). This agriculture scheme, founded on the Green Revolution, far from solving poverty, has intensified it. At the same time, this paradigm of massive agriculture has increased world hunger, rural-urban migration and environmental deterioration (Rubio, 2017). The agriculture entirely dedicated to exportation is under the control of big private entrepreneurs, who are linked to the businesses that hold power in the world market of agricultural supplies and seeds. They have enclosed the subsistence possibilities of small-scale agriculture (Monroy, 2018).

The problem of food, in rural development, arises in the context of a cultural change, where societies have advanced towards more complex individual and collective concerns. The abandonment of the notion of material welfare, and the assumption of the quality of life category (Llopis-Goig, 2009), has led to the condensation of new problems. Issues that concern to the environment, human rights, new parameters of aesthetics, individual and collective autonomy are some of them.

The difference between these two categories (material welfare and quality of life) expresses itself in the new dynamics of consumption. Thus, the consumers are showing an increased sensitivity in relation to their consumption activities, not

only taking into account aspects such as price, quality and ease of acquisition of products, but also where and how they have been manufactured, as well as who benefits from their purchase (Llopis-Goig, 2009, p. 148).

This behavior responds to a dynamic of dispute in which the production, whether agroecological or organic, is torn between the sizeable agroindustrial production oriented to the market and the need to contribute to a healthy diet, respectful of nature and geared towards small production.

It seems possible that the action of the state is presented in the context of ignorance of the autonomy of small producers. In general, peasant and entrepreneurial modes of agricultural exploitation are homologated. In this regard, van der Ploeg (2010) states that the objective of creating and expanding added value reflects on the peasant condition: hostile environments are faced generating an independent production of income using basically, though not exclusively, self-created and self-managed resources. The business model strives to absorb the resources of others, as well as to produce added value with the available resources. The capitalist mode concentrates on the production of profit (surplus value) even though it implies a reduction of the total added value. Meanwhile, the new ordering mode presented does not produce anything on its own; it basically seeks to drain the added value generated by others (p. 74).

#### A brief history of the Agroecology in Colombia

According to León et al. (2015), the origins of agroecology in Colombia can be traced back to the 1970s and 1980s. It arises simultaneously with the rise of environmental consciousness in Latin America, which came along with the resumption of peasant agricultural traditions and the ecological paradigm, in scientific terms. Although agroecology was not recognized as a paradigmatic axis, alternative agriculture was. This form of agriculture achieved institutional recognition by the state.

In 1995, the Ministry of Agriculture and Rural Development, although tangentially, issued resolution 544, in which it was included under the field of agriculture (León et al., 2015). Henceforth, necessary efforts were articulated, mainly from the foundation of different NGOs (León et al., 2015). These include the Instituto Mayor Campesino, the Center for Research in Sustainable Systems and Agricultural Production, the Foundation for the Application and Teaching of Science, among others. Additional to the convergence of academics, farmers and consumers.

Throughout the country, academic and practical experiences have emerged since the 1980s. Here, this document highlights some of those occurred in the central region. In Bogota, since 1995, several academics have joined together with the Inter-American Institute of Agriculture to hold different academic events around alternative agriculture (León et al., 2015). The 1980s welcomed the first practical experiences. These, very significant, were presented in a heterogeneous diaspora

of farms, where farmers and academics from Europe and Latin America converged. The Departments of Cundinamarca (municipalities of Tenjo, Sopó and the valley of Guasca) and Tolima (municipality of Guayabal) were essential spaces for collective experimentation. Likewise, San Isidro Foundation, towards 1985, established an extensive program that impacted about 35 municipalities in the north of the Department of Boyacá, and developed projects based on alternative agriculture (León et al., 2015).

Finally, in 2011 the Colombian Scientific Society of Agroecology (León et al., 2015) was established and, since then, has allowed significant articulations with academic and practical experiences, mainly in Latin America. As a result, agroecology in Colombia is not alluded to as a new discipline. On the contrary, it is recognized as a field with enough experience, that has not been duly recognized by official history, as far as agricultural sciences are concerned. Its historical accumulation, in scientific terms, guarantees its relevance as an active part of the public policies of the Colombian state.

## INTEGRAL MICROFINANCE FOR THE AGROECOLOGICAL APPROACH

According to Fernández, Piñeros, & Estrada (2012), financial insertion in the Colombian agricultural sector has been key to the development of agriculture in the last decade, with significantly increasing resources available to the sector. In recent years, productive financing by traditional banks in rural areas has developed from two positions. The first corresponds to green financing lines, which promotes the environmental benefit of productive projects. The second corresponds to the support of projects with a productive purpose that seeks to expand the quality and volume of agricultural production, in order to optimize the use of farming inputs and resources of the agrarian sector (Delgado, Ortiz, & Ossa, 2016).

However, collateral warranties, such as durable assets, are one of the main aspects that define the access to financing, primarily through formal financial intermediaries, which is one of the main reasons why small producers do not have access to financing alternatives. Thereby, in the middle of the post-conflict scenario, alliances have been developed between multilateral and public entities with the purpose of contributing to micro and small rural enterprises (individual or associative), which have the aim of penetrating specialized markets in a more stable manner and with higher added value to primary production (UNDP & KOICA, 2016).

Analogously, multilateral entities, private companies and Microfinance Institutions (MFIs) have settled programs to promote the development of the country and strengthen the offer of banking services. In Colombia, the MFIs are part of regulated and non-regulated private entities and governmental agencies as the "Banco Agrario de Colombia", the leading bank in rural municipalities that offers microfinance services among other activities (Ramírez, 2018).

In the case of the private entities, the regulated ones are watched by the Colombian Financing Superintendence (Superintendencia Financiera de Colombia-SFC) if they are commercial banks, financing cooperatives, insurance companies, among others financing companies. Likewise, other regulated entities, which include cooperative organizations that only make financial activities with their associates, are supervised by the Solidarity Economy Superintendence (Superintendencia de Economía Solidaria-SES).

On the other hand, the non-regulated entities are Microfinance NGO's that only can grant microcredits. They must report their activities to the Commerce Ministry and to the national program called "Banca de Oportunidades".

The case of Rural Finance Initiative of USAID is an example of a multilateral entity which seeks to increase financial inclusion in 197 municipalities of Colombia, through the coordination and articulation of public and private efforts. This program tries to stimulate access to credit, financing of value chains and banking in rural and urban areas, by promoting financial education and providing technical assistance and accompaniment to financial institutions. Thus, they can gain greater territorial presence, increase their clients and enhance their existing ones; and with a sustainable and innovative model of their portfolio, improve profitability (USAID, 2016).

These efforts are focused on territories that have been affected by the armed conflict and are subject to policies of crop substitution. In this context, the microfinance cooperatives would be the most suitable option due to their presence in areas where other traditional entities would hardly arrive. These are, in most cases, local initiatives that only offer credits or saving products to the associates without a rental purpose. Besides, rural communities used to identify more with this kind of entities as they have a broad portfolio that adapts to the farmers' needs (Grau-Prada, 2017).

In an incipient way and without a clear strategy of productive projects that are in tune with the territory reality, some public and private institutions have promoted programs and public policies in which they present microfinance as an alternative that supports the development of agricultural projects with social and economic sustainability. The Microfinance program lead by Finagro (Finagro, 2013) and the agreement between Asomicrofinanzas and Citi Foundation for the economic inclusion of the different actors of the post-conflict are some of those projects. This initiative puts into operation a financial trust fund managed by the MFIs to grant loans to post-conflict microentrepreneurs and offer training courses to low-income young people who aspire to work with MFIs; as well as those advisers who want to improve their skills (Asomicrofinanzas, 2017).

On the other hand, a significant portion of the international cooperation programs implemented in the Colombian post-conflict scenario is part of the model of rural inclusive economic development, that as a principle has stable articulation for dynamic and competitive markets of agricultural family groups, through business

schemes that promote inclusion in the different links of the territorial value chains (UNPD, 2016). Under this framework, multilateral entities and international cooperation agencies have signed agreements to work on the co-financing of projects and development programs.

However, these cooperation initiatives do not offer support for a framework that exceeds 40 months (UNPD, 2016), and given the limited resources, it is not viable to support all rural communities in the post-conflict scenario or all types of productive projects. For that reason, under these programs value chains such as cocoa, oil palm and fish production are prioritized, but there is no space for the agroecological projects that focus on small production and contribute to a healthy diet and are environmentally sustainable.

The Colombian Agency for Reintegration (ACR) is the public entity in charge of studying the technical and financial viability of draft business and entrepreneurship in the context of the Colombian conflict. They provide permanent technological and business training to those who require it. There are also other programs as "The Financial Support Program" (FAP), which is responsible for a seed capital program and the finance business initiatives, through the Investment Fund for the Social Benefit (FIBS) (Estrada, Venegas & Zuleta, 2015).

Within the framework of productive development in post-conflict zones, an initial post-agreement stage is developed in which the government and multilateral entities support productive initiatives with assistance and guidance. In this context, a transformation process called Greenfields emerges, through which new microfinance institutions are created on account of subsidies and donations to assist only communities of low income (Ramírez, 2018).

However, after this initial stage, a gap comes out within the financing process of these initiatives and productive projects in rural areas, especially in the context of a dispute between the agribusiness and the peasantry and their allies. The concern with the financing mechanism resides particularly in the absence of financial alternatives for agroecological projects. Under this scenario, there is a transformation called "Upgrading process", a process which describes the evolution of some NGOs that used to offer financial services to low-income people and microenterprises, and now they have started to be regulated entities at the level of commercial banks (Ramírez, 2018).

Moreover, since 2009 and 2010, in Colombia, there has been a downscaling process in which commercial financing entities start to enter the business of the microfinance services as an expansion strategy to get new consumers. This change distorts the microfinance methodology or even loses it to get more profits (Ramírez, 2018).

Additionally, as was told before, after the 2008 crisis, deregulation, privatization and free trade policies have opened spaces in southern rural areas for transnational financial capital and transnational corporations to invest in new and old companies around the world (Rosset & Martínez, 2016). From this new perspective, the financial

support for productive agricultural projects in emerging economies is focused on promoting agrochemical business for agriculture for exporting purposes (Caporal & Paterson, 2010).

The public and private support to the productive initiatives are based on the technical pattern established in monocultures, which depends on agrochemicals and transgenes. In this regard, the peace agreement signing in Colombia opened a new space for rent-seeking investment to cover opportunities in the post-conflict zones in search for a boom in export crops, agrofuels and industrial monoculture plantations. For that reason, the perspectives for the security and food sovereignty that are materialized in agroecological initiatives, do not have financial support, and the small farmers are alone and without assistance to develop their productive projects.

That lack of cooperation reveals the need to provide environmentally, socially and economically sustainable productive alternatives to peasant families to avoid their incursion into illicit activities. Precisely, those agroecological projects that encompass this description give the peasants sustainable and productive options that promote sovereignty and food security based on their understanding of the territory, practices, knowledge and traditions.

However, such initiatives require investment and financial promotion, but in a traditional commercial financing framework, there is no support for these types of projects. In this sense, given the absence of guarantees to acquire formal credit, microcredit with social, non-financial and non-commercial purposes and motives is presented. This approach is denominated "integral microcredit" and can be seen as an inclusion mechanism for responsible, productive finances, and as an instrument that enhances long-term productive activities by providing financial and technical support to productive entrepreneurs in the levels of productive, organizational and commercial incubation for agroecological projects. In these terms, microfinance is not merely banking; it is a development tool as well (Pant, 2009).

The comprehensive approach of microfinance, also known as "microcredit plus", recognizes the multidimensional nature of poverty and the need to solve it by addressing different aspects of the microentrepreneur and their areas of interaction, acknowledging the links between the dynamics within households, the community, the market and the State. Therefore, identifying the need to modify the structural factor (social, economic, political and legal) that inhibit the population access to the use and benefits of good microcredit (Renaud & Iglesias, 2008).

According to Mballa (2017), integral microfinance is the sustainability approach of microfinance services, through which microfinance is recognized as a multidimensional and multifaceted tool designed towards goals that go beyond the strictly economic sphere. This instrument focuses on the generation of self-employment and entrepreneurship, financial inclusion, integration to health, employment and education and the empowerment of women and rural communities. This approach's purpose is to stimulate the best use of financial resources through the promotion of capital accumulation mechanisms for the economically and financially

disadvantaged population. All this by means of analyzing every component of the families' context to design the appropriate technical assistance that generates sustainable activities and economic surplus (Mballa, 2017).

As Armendáriz and Morduch (2010) expose, microfinance serves as a mechanism through which the poorest can benefit from having better and innovative alternatives to save, secure and apply for credits that fit their particularities. That is why integral microfinance can become an essential instrument for the sustainability of agroecological initiatives.

Following the analysis of Montoya (2017), in the Colombian post-conflict, microfinance has been presented as a mobilizer of the CRR (Comprehensive Rural Reform). It can be possible through the territorial-based approach and the definition of the products based on a balanced relationship between peasants and microfinance institution, with transparent costs and rationalization of margins, as well as flexibility, individuality, relevance and opportunity as the main characteristics of microfinance services where people and territory are the central aspects.

Microfinance often integrates the offer of financial services that provide access to microcredit, insurance, savings schemes and even funds transfers, to impoverished or low-income people who are typically rejected by commercial banks (Armendáriz, 2013). However, given the vulnerability of the agricultural sector and its population, implementing rural microfinance requires special vigilance.

If the supply of microfinance services is distorted towards an uncontrolled risk-taking, without the State as a provider in territories where it now begins to be present, it can reach results utterly contrary to expectations, and even going as far as deepening the inequities and poverty conditions through the establishment of a financialization process.

Financialized microfinance means the conversion of microfinance services towards a purely rent-seeking approach, in which the microfinance methodology is blurred and, consequently, scenarios of over-indebtedness are generated, charges over the usury rate can appear and coercive actions for the collection of the credits can be implemented, among other aspects that unleash greater economic and social vulnerability of the population (Ramírez, 2018). According to Alfonso (2015), a sharp drop follows the accelerated growth of microfinance institutions. This fall is caused by increased competition among institutions, which leads to ignorance of the conditions and priorities of the most impoverished clients and takes them to a situation of over-indebtedness.

In the same way, that expansion has also been accompanied by problems of inefficient allocation and usury, which have triggered issues such as the one that occurred in India in 2010. The distance that institutions took from their clients and the loss of contact with what was happening in the lives of the poor were the leading causes of the crisis in that Asian country. In other words, that crisis is

explained by the failure of the microfinance methodology, namely, social intermediation (Das, 2013).

The warning signs of a financialization process light up when an accelerated growth of microfinance programs starts because this can generate a market saturation and a change of orientation of the MFIs towards a constant search for profitability (Ramírez, 2018). According to Slee (2015), as microfinance grew, an interaction network of operations was created among microfinance funds that invest in microfinance institutions, which in turn make loans to other institutions and which are rated by microfinance rating agencies. In this interaction, the problems of the principal agent became perverse, and without any regulatory framework, they have given rise to incentives that have allowed the transformation of microfinance towards a market-led industry permeated by cases of capitalization on built-up assets and even corruption.

In contrast to the previous, to achieve the purpose of being a catalyst for local development in the post-conflict scenario, integral microfinance has to be implemented as a tool for empowering the endogenous capacities of the communities, and in this way be useful to attend to the socioeconomic needs of individuals. To achieve this purpose and avoid a scenario of financialization, the State and the communities must understand the possible risks that can distort the integral approach of the provision of microfinance services.

MFIs must assume systematic principles based not only on innovation but above all on spatiotemporal planning to satisfy the needs of societies. Here the role of the State as the regulator for the MFIs is the crucial factor to prevent financialization of microcredit in rural Colombia. Even if the private actors are in the credit market, the MFI needs particular control from the Colombian financial regulator (Super Intendencia Financiera-SIF) so that the integral microfinance approach works. It is essential to be aware of the close relationship between banking conglomerates and regulators; however, it is vital to insist in a specific department inside SIF to consolidate an integral MFIs approach.

In the same way, the strengthening of knowledge of the natural environment of the requesters of microcredits should be promoted, as well as the relevance and competitiveness of their projects. It is also essential to cultivate a genuine co-participation between microcredit applicants and the different administrative and business levels of MFIs, to not neglect assistance and accompaniment or weaken the integral approach to planning and managing microfinance policies (Mballa, 2017).

### MICROFINANCE IN POST-CONFLICT SCENARIOS

Entities constituted as non-governmental organizations, some commercial banks and some establishments of the cooperative sector are those who offer microfinance services in the Colombian market, but there is a public policy of peacebuilding within which MFIs have not been included as support agencies. According to

Grau-Prada (2017), MFIs, notwithstanding their private nature, can support state policies for the post-conflict through an expansion of coverage in the provision of microfinance services; MFIs allow for the financial inclusion of the ex-combatants, and fulfill a social function that invites them to not remain strange to the context in which they operate.

Rural Cameroon serves as an example. There, the transformation of a small credit union contributed to the mitigation of conflict and displacement in the immediate area. As Heen (2004) explains, while the loan recipients embarked on projects with the funds they have borrowed, they iron out rough edges with people with whom they had problems with. What began with as a financial initiative ended up in stabilizing the village.

MFIs can also help in the post-conflict through the stimulation of the empowerment of the members of the community to establish companies of their own and recover the mutual confidence, through the incentive of reintegration of affected people and actors of the conflict through credit associations (Estrada et al., 2015).

International experiences of implementing microfinance in post-conflict scenarios showed that this kind of services is beneficial for the development of legal activities. However, the role of the state is crucial for the development of microfinance institutions, both in terms of resource allocation and in its interest in social reconstruction. In her study about the implementation of microfinance services in Uganda, Jacobson (2001) asserts that the role of MFIs produces better results when social conditions altered by the conflict have stabilized; thereby, the success of MFIs in the post-conflict depends in no small extent on the State's commitment to the allocation of resources and social reconstruction efforts.

On the other hand, Wilson (2002) exposes in his study the support of MFIs in the post-conflict phase in Cambodia, Angola, Mozambique and Rwanda. He found that the environment has a significant effect on the establishment of microfinance services and showed that security is the most crucial factor in the supply of semiformal microfinance. In the same way, he also found that "in general, agricultural activities that offer returns in the future for a greater initial investment become increasingly important as the environment stabilizes" (Wilson, 2002, p. 104).

Wilson's study also exposed that when choosing a microfinance product, clients prefer those that are flexible, convenient and give people easy access to their money, for that reason, informal loans directly respond most effectively to those preferences. In this scenario, informal credit corresponds to agreements outside of any commercial contract, that are specially developed in emerging markets characterized by a major presence of a representative fraction of defaulters, higher interest rates and special terms for the loans. Finally, the author emphasizes that the main obstacles for sustaining MFIs are insecurity and the human resource, for that reason, it is necessary to create innovative lending and saving mechanisms that can achieve a balance between the costs of provision and the attractiveness of the product to clients.

The international experiences highlight that the need for the role of MFIs in the post-conflict is not merely to grant loans for productive projects but to guide their actions to improve the conditions of the inhabitants who move towards peace. For this, it is essential to build a new service portfolio that contributes to post-conflict management, oriented to rural inhabitants and preventing financialization of microfinance scenarios.

As Grau-Prada (2017) also points out, in compliance with its social function, the activities of MFIs do not rely solely on the provision of credit services. Their contribution to the post-conflict is complemented by focusing their attention, in addition to financial services, on non-financial services such as training programs in financial education, creation of leadership, promotion of the culture of entrepreneurship, among others. In other words, application of the microfinance methodology within the framework of integral microfinance.

For all the aspects told above, it is noteworthy to say that integral microfinance plays an essential role in the pursuit of true stable peace, since it is presented as an initial step for financial inclusion and, therefore, as a necessary tool for the productive and economic development of the most vulnerable regions.

In this manner, its development must be guarded in a particular way through special legislation and citizen oversight, to avoid any process of financialization, that leads to its fundamental mission to be blurred and oriented towards a logic of maximum profitability. In consequence, it would destroy the capacity to increase productivity and, therefore, the opportunity to have a sustainable development that guarantees the reduction of poverty and growth in the long term.

With all these reasons, we aim to promote the implementation of integral microfinance in the post-conflict zones of Colombia, for the sake of supporting the development of agroecological projects in a framework that safeguards its social mission, and contributing to an actual sustainable rural development.

### CONCLUSIONS

The Colombian peace agreement opened a new space for rent-seeking investments to cover opportunities in the post-conflict zones, many of them associated with export-oriented crops, agrofuels and industrial monoculture plantations. This is related to the financialization of the agriculture phenomena, and we have argued why this approach is problematic in the context of the Colombian post-agreement scenario. Thus, we have proposed agroecology and its integral financing as an alternative for peasant families and small farmers.

Agroecology offers a new technique in agricultural production, highlighting the importance of socio-environmental relationships between ecological economics and political ecology. The new political agenda, which is based on the ecological need to configure flexible production systems, as a brake on the advance of climate change, is not only revitalized around the political dispute articulated through the

political elites. It is a space of social conflict, involving a wide range of social actors, inter-class and inter-ethnic alliances, which bring to the table an evident social crisis of global nature.

A broad political consensus is needed, at least in the parliament, to allow the rural population, mainly from the most affected areas by the armed conflict, to access a real possibility that increases their living standards. This consensus is indispensable since it implies the political will to face a frontal dispute against transnational corporations, which does not mean the elimination of this segment of the market. On the contrary, it requires a room for the development of the proposal presented in this paper.

As agroecology emerges as a sustainable proposal, it is crucial to think about how to finance it. Thus, we need to include integral finance as a fundamental element of any local development initiative, which implies a drastic change in the financial institutions that grant credits for rural sectors. It is necessary, within the framework of this perspective, to abandon the credit paradigms that promote only monocultures and, therefore, are eliminating diversity. For this reason, we proposed integral microfinance for agroecological production. It supposes a new structure of social and technological production, which goes beyond genetically modified organisms, agrochemicals, agrofuels, among others.

Through the financing of agroecological projects with integral microcredits, it is possible to achieve the empowerment of the communities immersed in the Colombian post-conflict so that they can establish their own production projects. The integral approach of microfinance avoids the conversion of microfinance services to a pure rentier approach and, on the contrary, stimulates the best productive use of financial resources allowing their sustainability in the long term. In order to have an effective implementation of the integral approach, it is essential to highlight the role of the state as MFIs regulator through a significant commitment from the SIF in this financial business.

Finally, international experiences in the implementation of microfinance strategies in post-conflict zones emphasize the need to link government efforts with the actions of microfinance institutions in the territories to improve the conditions of the inhabitants who move towards peace. These relations between State and MFIs are crucial for the development of strategies focus on rural inhabitants where microfinance services can be useful for the consolidation of productive alternatives that lead to the economic and social reconstruction of the communities.

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# LAS FARIANAS: REINTEGRATION OF FORMER FEMALE FARC FIGHTERS AS A DRIVER FOR PEACE IN COLOMBIA

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Barrios Sabogal, L. C., & Richter, S. (2019). Las Farianas: Reintegration of former female FARC fighters as a driver for peace in Colombia. *Cuadernos de Economía*, 38(78), 753-784.

The 2016 peace agreement includes comprehensive prescriptions for the so-called "reincorporation" of former combatants into the social, economic and political life of Colombia. However, the literature is somewhat skeptical regarding the reintegration of female fighters, since they are usually either neglected or are facing intense stigmatization by the society. Nevertheless, based on empirical data from field research in 2018, we argue that both former FARC ex-combatants and conflict-affected communities largely support the reintegration process. This

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acceptance offers not only prospects for peace but a unique opportunity to promote gender equality in the traditional Colombian society.

**Keywords:** Colombia, Peace Agreement, FARC, DDR, Reintegration, Gender, Former female FARC combatants.

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Barrios Sabogal, L. C., & Richter, S. (2019). Las Farianas: Reintegración de mujeres excombatientes de las FARC como motor para la paz en Colombia. *Cuadernos de Economía*, 38(78), 753-784.

El acuerdo de paz de 2016 incluye disposiciones integrales para la llamada "reincorporación" de excombatientes en la vida social, económica y política de Colombia. Sin embargo, la literatura es bastante escéptica con respecto a la reintegración de las excombatientes, pues generalmente son excluidas o enfrentan una fuerte estigmatización por parte de la sociedad. Ahora bien, con base en datos empíricos de la investigación de campo realizada en 2018, encontramos que tanto los excombatientes de las FARC como las comunidades afectadas por el conflicto apoyan en gran medida el proceso de reintegración. Esto ofrece no solo perspectivas de paz, sino también una oportunidad única para promover la igualdad de género en la sociedad tradicional colombiana.

**Palabras clave:** Colombia, Acuerdo de paz, FARC, DDR, Reintegración, Género, mujeres excombatientes de las FARC.

**JEL:** D74, J16, O17

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L'accord de paix de 2016 inclut des dispositions intégrales pour la dite « réincorporation » des excombattantes à la vie sociale, économique et politique de Colombie. Cependant, les publications sont assez sceptiques à propos de la réintégration des excombattantes, car elles sont généralement exclues ou sont confrontées à une forte stigmatisation de la part de la société. Or, sur la base de faits empiriques de l'enquête de terrain effectuée en 2018, nous avons trouvé que tant les excombattants des FARC que les communautés affectées par le conflit soutiennent en grande partie le processus de réintégration. Ce qui n'offre pas seulement des perspectives de paix mais encore une occasion unique pour promouvoir l'égalité de genre dans la société traditionnelle colombienne.

**Mots-clés:** Colombie, accord de paix, FARC, DDR, réintégration, genre, femmes excombattantes des FARC.

**JEL:** D74, J16, O17

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O acordo de paz de 2016 inclui disposições abrangentes para a chamada "reintegração" de ex-combatentes na vida social, econômica e política colombiana. Porém, a literatura é bem cética em relação à reintegração das ex-combatentes, pois geralmente são excluídas ou enfrentam uma forte estigmatização pela sociedade. No entanto, com base em dados empíricos da investigação de campo realizada em 2018, descobrimos que tanto os ex-combatentes das FARC quanto as comunidades afetadas pelo conflito apoiam fortemente o processo de reintegração. Isso oferece não apenas perspectivas de paz, mas também uma oportunidade única de promover a igualdade de gênero na sociedade colombiana tradicional.

**Palavras-chave:** Colômbia, acordo de paz, FARC, DDR, reintegração, gênero, mulheres ex-combatentes das FARC.

**JEL:** D74, J16, O17

# INTRODUCTION: FEMALE FIGHTERS –DRIVERS OR OBSTACLES FOR PEACE IN COLOMBIA?

"[T]he reintegration of the members of FARC-EP is undoubtedly the most critical task within the overall peace consolidation agenda" (UNSG, 2017).

In 2016, one of the most long-standing and protracted violent conflicts in the world took a positive turn: The Final Agreement between the Colombian government and the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) was signed. However, the peace process has not been met with widespread popular support, evidenced by the negative results of the referendum on the first draft of the peace agreement, in October 2016, and the victory of Iván Duque in the 2018 presidential elections, an outspoken opponent of the peace agreement.

One of the most contested elements is the socioeconomic and political reintegration of more than 13.000 FARC members, among them 7.000 former combatants (Angelo, 2016; Casey & Daniels, 2017). The disarmament, demobilization, and reintegration (DDR) process has achieved significant benchmarks – with the FARC handing over its weapons under UN supervision and its political participation in the parliamentary elections in 2018. Nonetheless, the idea of impunity and political eligibility for former fighters who may have committed war crimes and human rights violations has been met with widespread resistance throughout the population. Additionally, FARC itself stressed the point that it never disarmed but only laid down the weapons and that the reintegration process is proceeding as a collective 'reincorporation', rather than in an individual way in order to maintain the group's cohesion.

Women constituted a crucial part of the insurgent group; they were estimated to make up approximately 23% of the FARC (Universidad Nacional de Colombia, 2017). The rebels had recruited traditionally marginalized sectors of the population, like women, and had – partly based on Marxist ideology, partly in response to the war context – implemented a gender regime that was based foremost on capacities and not the sex of fighters (Dietrich Ortega, 2014). Many female combatants fulfilled traditionally male roles on the frontline and were part of the militia. They were combatants, guards, troop supporters, radio operators, money managers, instructors, and doctors, among other roles (Magnæs Gjelsvik, 2010; OPC, 2015). Even if women within FARC did not take part in the highest management levels of the group (Castrillón Pulido, 2015), politically they also served as leaders in the low and middle ranks, assuming positions of trust in the larger organization.

In the literature on DDR in general, the argument is made that it does not matter how female combatants came to a group (by their own free will, abduction or force), they generally are neglected during the DDR processes, and they are rarely considered for leadership during the reconstruction (see Rehn & Sirleaf, 2002; Shekhawat, 2015; Shekhawat & Bishnu, 2015; Zirion Landaluze, 2012).

Therefore, many female combatants find it difficult to reintegrate into civilian communities, specifically in social terms, and they receive little support (see UN, 2006; UNDP, 2002; Zirion Landaluze, 2012). Communities may be distrustful towards female ex-combatants, while women themselves may feel that they do not fit in with the traditions and social expectations of their communities anymore, making it harder for them to settle down to a new life. Based on that literature, we have to assume that rather than being drivers of the peace process, female FARC ex-combatants could become an obstacle or even spoil it. Is this the reality in Colombia? How are former female FARC fighters able to transform their social roles during the reintegration process and how does this affect prospects for peace?

This article has a gender-based approach which we deem crucial to analyzing the Colombian case. Notably, we assume that gender impacts people's social roles and opportunities, their needs and rights. Therefore, we study how gender plays out specifically in Colombia in order to have a precise understanding of the role of former female FARC combatants within war and the post-conflict reconstruction. We find an extended body of research on DDR processes all around the world, e.g. Jennings (2007) and Munive & Jakobsen (2012) on Liberia; Torjesen & MacFarlane (2007) on Tajikistan or McEvoy & Shirlow (2009) on Northern Ireland. Since gender has been increasingly a cross-cutting issue in DDR, a diverse corpus of literature has begun to emerge. For example, Mazurana & Eckerbom Cole (2013) consider how DDR processes remain unaware of or downplay the impact of militarized gender relationships of women during armed conflicts. We also consider several case studies, e.g. Utas (2005) and Basini (2013) on Liberia, Macdonald (2008) and MacKenzie (2009) on Sierra Leone, Ketola (2017) on Nepal and Duzel (2018) on the Kurdish female guerrillas.

Particularly, in Latin America studies have explored gender aspects of female combatants' experiences especially in left-wing guerrilla groups, from the moment they joined them to disarmament, demobilization and life beyond (Dietrich Ortega, 2012, 2014; Gonzalez-Perez, 2006; Hauge, 2008; Kampwirth, 2002; Lobao, 1990; Luciak, 2001; Shayne, 1999; Viterna, 2006, 2013). Concerning Colombia, the academic interest in the chances and risks of reintegration of FARC women is rapidly increasing though we still miss systematic and comprehensive publications. Serrano Murcia (2013) analyzes all DDR processes in Colombia so far and concludes that in none of them have the disadvantaged position and the particular needs of women been considered. In addition, we find several studies which have focused their attention on the role of women before, during and after these DDR processes, and how their identities were constructed and deconstructed (e.g. Castrillón Pulido, 2015; Cifuentes Patiño, 2009; Esguerra Rezk, 2013; Herrera & Porch, 2008; Ibarra Melo, 2009; Jiménez Sánchez, 2014; Kunz & Sjöberg, 2009; Londoño & Nieto-Valdivieso, 2006; Magnæs Gjelsvik, 2010; Mejía Pérez & Anctil Avoine, 2017; Méndez, 2012; Nieto-Valdivieso, 2017; Ocampo, Baracaldo, Arboleda, & Escobar, (2014); OPC, 2015; Theidon, 2009). Until now, there have been few studies that generally analyze the current reincorporation process of former FARC combatants from a gender-perspective (e.g. GPaz, 2018), this article provides a valuable and pioneering explorative study of the transformation of the social roles of former female FARC combatants from a local perspective.

The article is based on a qualitative research design focusing on both the pers-pectives from former fighters and conflict-affected communities from the bottom up and not – as is usually done – top down in the political context. By drawing on extensive empirical research in so-called transitory zones and rural areas formerly controlled by FARC, we will show that there is a striking contrast between the existing DDR-literature, which takes a skeptical stance, and the more positive perception held both among fighters and the communities. Thus, we argue that former female FARC fighters can perform new roles at the local level and thus play a decisive role during the reintegration process in social, political and economic terms.

The present study is of high political and academic relevance. First, Colombia now faces a unique moment in its history. The reintegration of former combatants is pivotal for the success or failure of the peace process and will have path-dependent effects. Second, the article presents an original, in depth-case study on the DDR process of the FARC from a gender perspective and thus challenges some of the conclusions of previous studies, namely that the reintegration of female fighters is far more problematic than of their male counterparts. This situation is even more important in light of the fact that the 2016 peace accords in Colombia were the first in a global scale to include a gender perspective: during the peace negotiations, a sub-commission on gender was created to take into account the needs of women and LGBTI communities (GPaz, 2018). Thus, it is crucial to study what long-term impact that approach had and how it affected the peace implementation (O'Neill, 2015).

We proceed as follows: In the second section, we will outline our theoretical framework by linking the literature on DDR-processes with gender perspectives, namely Butler's performativity approach. We will also shortly describe our research methodology and data collection. In the third part, we will present in-depth our empirical data both from the interviews with former FARC fighters in transitory zones and the micro-survey in conflict-affected communities. We will conclude by linking our results to the current discussion on the peace process in Colombia and suggesting new insights for both political and academic thinking.

### DEMILITARIZATION, DEMOBILIZATION AND REINTEGRATION: A GENDER-BASED APPROACH

The process of disarmament, demobilization and reintegration (DDR) is considered an essential stage for the successful implementation of a civil war peace agreement. The main aim is to contribute to the security of post-conflict settings by supporting the transition of former combatants from the military to the civilian life and providing them with the necessary tools to become active

participants in the peace process (Shekhawat & Bishnu, 2015; UN, 2006; UNDP, 2002). The United Nations emphasize that DDR "has repeatedly proved to be vital to stabilizing a post-conflict situation, to reducing the likelihood of renewed violence" (UN, 2000b, p. 1).

#### Reintegration: Bringing former fighters back into communities

There is consensus in the academic literature that the reintegration stage presents more complex challenges than either disarmament or demobilization (Hagman & Nielsen, 2002; UN, 2000b). Following Torjesen (2013), reintegration can be defined as a "process in which fighters (1) change their identity from 'combatant' to 'civilian' and (2) alter their behaviour by ending the use of violent means" (p. 4). Both social and economic reintegration are long-term processes, while political reintegration often is a more immediate step. According to the literature, reintegration is a necessary precondition for the permanent cessation of violence, as it reduces the risk of impairing the peace process, as well as the recurrence of conflict (Hensell & Gerdes, 2017; Humphreys & Weinstein, 2007). Nevertheless, this process is highly contested and often problematic. Tull & Mehler (2005) argue that the presence of leaders who may have committed human rights violations during the conflict in the country's legal institutions often causes resistance in both affected communities and the general population. Thus, DDR alone cannot provide security and development to a post-conflict country but must be part of a broader political, economic and social national reconstruction strategy that requires significant coordination and unity of effort between the local, national and international (Ball & Goor, 2006; Hagman & Nielsen, 2002; UN, 2006; UN Women, 2009; UNDP, 2002).

Specifically, tensions can easily arise between former combatants and the conflict-affected communities into which ex-combatants are being integrated. On the one hand, ex-combatants will re-enter civil society and regain civilian status, but they may not have experience or memories of pre-war times (UN, 2006; UNDP, 2002). In this case, due to the war, their skills would be limited, and the market would be unable to absorb them. If former fighters do not find the opportunities to conduct a dignified life by having, for instance, a decent job, they may become obstacles to the peace process through criminal activity and the use of violence in the communities where they have been reintegrated (Buxton, 2008; UN, 2006; Zirion Landaluze, 2012). On the other hand, conflict-affected communities might have neither the capacity nor the desire to assist these former combatants as they might perceive them as a 'lost generation' due to their lack of education, training and employment (UN, 2006). For this reason, communities must see the opportunities presented by the peace process in order to not become obstacles to the process (Hagman & Nielsen, 2002; UN, 2000b).

### The transformation of wartime roles to peacetime roles of female fighters

In the Resolution 1325 on Women, Peace and Security, adopted by the Security Council in 2000, the United Nations recognized the importance of gender justice as a crucial factor to social transformation after conflict (UN, 2000a, p. 5). Indeed, conflict is not gender neutral (Shekhawat & Bishnu, 2015), it is a "gendered activity: women and men have different access to resources, power and decision making before, during and after conflicts. The experience of women and men in situations of tension, war and post-conflict reconstruction is significantly different" (Council of Europe, 2004, para. 1). Even though it is widely recognized that women and their specific needs and concerns should be included in the peace processes, they are often still overlooked by the DDR decision-makers (ILO, 2009; Myrttinen, Naujoks, & El-Bushra, 2014; Shekhawat & Bishnu, 2015; UN, 2006; UN Women, 2009; UNDP, 2002).

Gender-based approaches emphasize that "gender is a social artifice. Our ideas of what women and men reflect are, nothing that exists eternally in nature. Instead they derive from customs that embed social relations of power" (Nussbaum, 1999, p. 5). Specifically, according to Nussbaum (1999), Butler's theory of gender performativity is relevant, claiming that "when we act and speak in a gendered way, we are not simply reporting on something that is already fixed in the world, we are actively constituting it, replicating it, and reinforcing it" (p. 7). A gender-based approach in line with Butler (1990) thus requires us to surmount binary categories such as men/women, masculine/feminine, perpetrator/victim, in order to understand how war time and peace time roles are constantly reconstructed and to create opportunities to transform them.

During the conflict, many female combatants enjoyed parity, power and freedom of choice especially in left-wing armed groups that centered women's emancipation and gender equality as cornerstones of their fight (Castrillón Pulido, 2015). Hence, women acquired more responsibilities and increased their political participation and incidence in decision-making processes at the low and middle ranks (Zirion Landaluze, 2012). However, this wartime empowerment is temporary and ambivalent. The failure to recognize women as perpetrators not only strengthens the masculinized image of war but incentivizes their marginalization from peace-building processes and the reinforcement of existing gender inequalities. Women are often not visible in the peace processes, they are excluded from the formulation, implementation and evaluation of DDR, and they are rarely leaders during reconstruction (Rehn & Sirleaf, 2002; Shekhawat, 2015; Shekhawat & Bishnu, 2015; Zirion Landaluze, 2012).

The reasons behind this exclusion vary. First, as Shekhawat (2015) argues, patriarchy is intensely embedded in most societies and social existence. Masculinized leadership decides the timing and intensity of the involvement of women in war and peace. Consequently, the role of women within conflict is often undermined and to

some extent not acknowledged, reflected in post-conflict situations and depriving them of active participation in and benefits from the DDR process.

Second, it is often assumed that men are the primary threat to the post-conflict stability and security and thus that they should be the main focus of DDR (UN, 2006; Zirion Landaluze, 2012). The dominant discourse in peace processes all over the world portrays women as victims, spectators or prizes (Herrera & Porch, 2008; Shekhawat, 2015); therefore, they are not included in the peace process because they are assumed not to represent any risk to it.

Third, women are often forced to re-accept their 'traditional' roles in society (Dietrich Ortega, 2010); they have to suffer the stigmatization that they are violent, and therefore unacceptable, women (Méndez, 2012; OPC, 2015). They have to confront community shaming, particularly if they are single mothers or have a sexually transmitted disease; and they have to find a livelihood which can lead them to prostitution should employment prove difficult to find (Shekhawat, 2015). Hence, former female combatants are triply alienated in post-conflict situations – from their former group, from the state and from their new community – "while their group neglects them and the state is apathetic, society stigmatizes them" (Shekhawat, 2015, pp. 16-17). In this sense, mechanisms are not built-in to guarantee their active political, economic and social participation in the reintegration process.

An effective political reintegration offers former combatants the opportunity to improve levels of representation and legitimacy of institutions by articulating their grievances and demands through legitimate and peaceable channels rather than by taking up arms (Buxton, 2008; UN, 2006). However, women often face marginalization in formal political participation spaces, e.g. newly constituted parties tend to ignore the current quota for female participation or to assign a quota at the end of the electoral list, where there are few chances of women being elected (Dietrich Ortega, 2014). Economic reintegration shall help former combatants become productive members of their communities either by obtaining long-term gainful employment or by initiating other income-generating activities, including agriculture, that may support them and their families (Hagman & Nielsen, 2002; Torjesen, 2013; UN, 2006). Women often have limited economic possibilities, limited rights and limited access to productive resources such as credit, land, housing, training, employment opportunities and technology (UN, 2006; UNDP, 2002). What is more, they may have acquired different skills during the conflict that are not certified (Farr, 2002) or that do not fit the 'traditional' and proper work for them. Despite the fact that many female former combatants are interested in pursuing non-traditional professions, they are often given training and job opportunities that are associated with female 'traditional' professions, such as domestic tasks, tailoring, secretarial jobs, and hairdressing, among others (Dietrich Ortega, 2010; Shekhawat & Bishnu, 2015).

The social reintegration process should encompass different measures to reconstruct social ties and social cohesion by allowing former combatants to become

positive agents of change (Torjesen, 2013; UN, 2006). Women, and especially the ones that joined armed groups voluntarily (Rehn & Sirleaf, 2002), face increased stigma and discrimination once they are in the communities due to their inability and resistance to readapting to 'traditional' roles in society (UN, 2006; UNDP, 2002; Zirion Landaluze, 2012). In other words, as Rehn & Sirleaf (2002, p. 117) state, "communities may be suspicious of women returning from battle, and the women themselves may no longer feel they fit in". Thus, women are often driven into submissive relationships, or they are forced to survive while being marginalized from the community (Farr, 2002).

In summary, for the DDR process, "there is an urgent need to challenge the traditional understanding of men and women, war and peace, perpetrator and perpetrated since the post-conflict scenario may be equally gendered, as it is the conflict scenario" (Shekhawat, 2015, p. 9). In other words, there is a risk that peace processes might reflect and thus perpetuate the war context, for example, that decision-makers will strengthen, legitimize and reproduce patriarchal systems and will thus obstruct the path toward sustainable peace (Shekhawat, 2015).

### **Research Methodology**

This article presents results from a research project that applied a mixed method research design (Schoonenboom & Johnson, 2017) based on instruments of quantitative community-based surveys and ethnographic field study (Atkinson & Delamont, 2010; Bryman, 2012). Colombia presents a unique single-case study (Yin, 2003; cf. Gerring, 2004), given its combination of relatively long-standing democratic tradition and stable political institutions despite wide-spread human rights violations in one of the longest civil wars in the world. In addition, in contrast to many other cases, the peace process was primarily internally driven and not imposed from the outside. Original empirical data were acquired through anonymous, semi-structured key informant interviews (DiCicco-Bloom & Crabtree, 2006; Warren, 2001) that provided essential information on the reintegration policies and the perception of the main stakeholders on the national level. These primary data were complemented by a bottom-up approach to identify the perception of former fighters and grievances in conflict-affected communities. Specifically, a data-source triangulation was conducted in order to make use of several perspectives (Flick, 2018, p. 530; on triangulation Taylor, Bogdan, & DeVault, 2015).

Data were collected during two-month fieldwork in two Colombian territories, allowing for case-specific variation: Caquetá and Tolima (Gerring & Cojocaru, 2016). Both regions were profoundly affected by the conflict and had been under the control of the former FARC. After the consolidation of the 26 "zonas transitorias de normalización", or Transitory Zones, where the disarmament and demobilization processes took place, the rebel group abandoned more than 98% of the territory that they used to occupy (PARES, 2017). After the demobilization process, Transitory Zones were transformed into ETCR (Espacios Territoriales de

Capacitación y Reincorporación or Territorial Area for Training and Reincorporation) in order to conduct the reintegration process, which we find in both regions.

Anonymous semi-structured in-depth interviews with former female and male FARC combatants (DiCicco-Bloom & Crabtree, 2006; Warren, 2001) were conducted to reconstruct "perceptions of events and experiences", in this case about their roles during the armed conflict and how they perceive the reintegration process to the civilian life. In order to contrast the information of the interviews with the daily life of these former fighters in the ETCR, two-month participant observation was applied (Di Domenico & Nelson, 2016). In order to have different perspectives about the peace process, communities with varying approval rates in the 2016 referendum were chosen for data collection (Plebiscito, 2016). To maintain the anonymity of former FARC fighters, we will not expose the precise name of the communities and ETCR (see table 1). Though we tried to have as much variation as possible, the selection of the two ETCRs for FARC interviews might expose biases in the results in two ways: Firstly, all interviewed former FARC fighters were still living in the transitory zones, thus showing a generally high level of commitment to the peace process and the approach to collective reincorporation. This outcome might frame the previous experience within FARC and the current perspectives in a more positive way. Secondly, the two areas were previously under full FARC control; thus, we are not able to fully apply results from both the interviews and the micro-survey to regions which are still contested between different armed groups. However, given the limits of accessibility and security criteria for field research, we still assume relatively high reliability and validity of our data based on the robustness of the results across the two compared cases.

**Table 1**. Communities for Field Research

	Rural area	Controlled by the FARC-EP in the past	The presence of a transitory area	2016 referendum results
Caquetá	Yes	Yes	Yes	Yes
Tolima	Yes	Yes	Yes	No

Source: Authors' compilation based on Plebiscito (2016).

Finally, to contrast the former fighters' perceptions with the ones of the conflict-affected communities where former fighters are being reintegrated, a community-based micro-survey with 75 participants in each of the municipalities in Caquetá and Tolima was conducted (Brück, Justino, Verwimp, & Tedesco, 2013). This method intends to "facilitate the study of the microfoundations of war because they allow researchers to obtain fine-grained data on variations in individuals' attitudes and behaviour" (Eck, 2011, p. 165). Questions were partly based on the last 2016 Americas Barometer Colombia (Galvis Ramírez, Baracaldo Orjuela,

García Sánchez, & Barragán Lizarazo, 2016), specifically regarding the peace process and reintegration of former FARC combatants. Purposive, quota-based sampling was used in order to reflect the variety of perceptions in the conflict-affected communities. The sample reflects, to a large extent, the structure of rural communities; thus, we can conclude that a broad variety of opinions is included, which represent the opinions of conflict-affected communities.<sup>1</sup>

## PROSPECTS FOR PEACE: REINTEGRATION OF FARC FIGHTERS IN COLOMBIA

Colombia has endured the longest-running armed conflict in Latin America. For more than 50 years, there have been successive waves of confrontation between the government, the guerrillas, paramilitary forces, and organized criminal groups surrounding the drug market (GMH, 2016). Given the political background of the conflict, with grievances from the local populations as a driving force, Colombia can be identified as a Protracted Social Conflict, a term coined by Edward E. Azar to denote a "prolonged and often violent struggle by communal groups for such basic needs as security, recognition and acceptance, fair access to political institutions and economic participation" (Azar, 1990, p. 93). The rebel group FARC was founded on a strong foundation of Marxist ideology, seeking justice for marginalized social groups and appropriate access to land by all available means. Even though the group developed into a criminal (even labelled terrorist) organization, its political agenda always remained part of the fight (Phelan, 2017).

Colombia has experienced five different instances of collective DDR in the past 30 years (Angelo, 2016). Specifically, the transition of the Patriotic Union (Unión Patriótica, UP) into the political sphere largely failed, due to a lack of protection for demobilized fighters and refusal by the FARC to renounce armed struggle (Angelo, 2016). In contrast, the political reintegration of the guerilla group M-19 in the early 1990s is often mentioned as a positive case, "offering the FARC a model for the organization's transition to post-conflict" (Angelo, 2016, p. 3). Accordingly, alongside amnesty and security guarantees, the demands for social reintegration and participation in political life have been a pivotal element in the peace negotiations, in order to assure FARC-EP's approval (Feldmann, 2017).

### War-time roles of former FARC fighters

According to empirical studies, Colombian gender norms resemble those of many other countries in the world, as women are portrayed as peaceful, caring, maternal,

<sup>&</sup>lt;sup>1</sup> As is usual in research contexts with high-security risks and problems of accessibility, we did not rely on a pre-fixed quota system but made sure to include all societal segments of local communities. To give some examples: 51% of all respondents were female, 49% male; 18% were at the age between 18-25, 33% between 26-40, 39% between 41-60 and 10% older than 65; 23% had no education degree at all, 44% primary school, 17% high school, 7% technological education, 4% University education, 4% other specialized degrees (with 1% did not answer).

apolitical victims, while men are believed to be more aggressive and confrontational (Anctil Avoine & Tillman, 2015; Dietrich Ortega, 2014). Even if the participation of women in the armed conflict is recognized, it is perceived in ways that ignore their agency (Anctil Avoine & Tillman, 2015, p. 217). However, this dominant imaginary in the Colombian society is contrasted by the insurgents' own gender regime. They mobilize gender constructions to create a distance between them and the broad social order (Dietrich Ortega, 2014) in order to allow the combatants to assume roles against the old order where social injustices prevail. Hence, the binary categories identified by Butler (1990), where men are conceived of as perpetrators and women as victims, were challenged by the fact that women were not excluded. On the contrary, they were entirely part of the insurgent project (Dietrich Ortega, 2012, p. 494). Thus, also in line with Utas (2005) and the findings from our interviews, being perpetrators and victims for FARC women was not mutually exclusive but simultaneously formed part of their social role. In order to foment cohesion and unity among the group, and to take advantage of everyone's capacities, female and male combatants had the same tasks, as interviews in Caquetá and Tolima confirmed and this quote from a former female FARC fighter illustrates:

Here men and women contributed shoulder to shoulder, that if the man had to carry 50 pounds, we women too, that if the man went to combat, the woman also went. Like this, women within FARC earned respect and earned the position to be equal to men. (Woman 2, Caquetá, 19.02.2018)

Hence, by being included and considered equal to men, female former combatants had the opportunity to have agency, a term used by Dietrich Ortega (2014) that refers to "the actions of a political actor, which recognizes both the capacities of the people who exercise and the spaces generated by the structures in which the concrete person is immersed" (p. 89). Female FARC combatants enjoyed relative freedom and control over their choices, as well as their service in the group gave them a sense of accomplishment and an opportunity to play important roles (Gonzalez-Perez, 2006; Herrera & Porch, 2008; Méndez, 2012; Nieto-Valdivieso, 2017). As Woman 1 in Caquetá said: "One says good, I am useful in a fight, I am useful in a process, ... they recognize my career, my work, my sacrifice, I feel useful because they are taking me into account" (Woman 1, Caquetá, 17.02.2018). Militant women's agency was also strengthened by a rupture in their previous life practices, which opened other options for them that would not have been possible outside the organization (Dietrich Ortega, 2014). These opportunities may include leaving home, being politically active, participating in a project of national scope or getting access to training (e.g. Woman 8, Tolima, 03.03.2018). Consequently, the conditions in the insurgent group allowed women to be recognized for their capabilities and merits, to get access to positions of responsibility and assume leadership positions within the organization (Dietrich Ortega, 2014), even if they did not achieve any position in the FARC secretariat (Castrillón Pulido, 2015).

Other studies take a more critical stance on women's role within the FARC guerilla group and argue that sexuality played an important role: Herrera & Porch (2008, p. 621) found that "guerrilleras [female ex-combatants] in the FARC use[d] their sexuality to gain power and influence without the headaches of responsibility, or submitting to the drudgery of the FARC's stiff education and training program required for promotion to positions of leadership". Our findings do not confirm this though, in line with some other studies (Kunz & Sjöberg, 2009; Méndez, 2012; OPC, 2015), one of the females interviewed assured that the women of the commanders indeed had certain benefits. Another aspect that is critically discussed in the literature is reproductive rights where elements of femininity came into tension, to for instance, maternity (Esquerra Rezk, 2013; Magnæs Gjelsvik, 2010). Within FARC, practices such as forced contraception and forced abortions were based on the idea that motherhood was incompatible with the armed revolutionary struggle (Méndez, 2012). In the interviews, we found that female FARC excombatants were fully aware of these practices, but they did not conceive them as something forced, even idealizing these practices: "They performed abortions out of necessity. I learned to perform abortions, and I did it just for necessity and for the convenience of the *compañeras*.... Never in the course of FARC's life, ... someone was forced." (Woman 1, Caquetá, 17.02.2018)

Despite the previous contrasting findings, there is a common ground in the studies mentioned above (Esguerra Rezk, 2013; Herrera & Porch, 2008; Méndez, 2012): the opportunities of mobilization did generate confidence in women. They assumed that they could perform equally or even better than their peers (Dietrich Ortega, 2014): "During the resistance, women showed that they were much more resistant and it is a task that we as *mujeres farianas* assumed and that is why men always respected us and always considered us their *compañeras*." (Woman 2, Caquetá, 19.02.2018)

Interviews with former male FARC combatants confirm this perspective; all men interviewed in Caquetá and Tolima affirmed that women were equal to them, some even recognizing that women were coping better with the challenges of resistance. The female comrade was considered a different type of woman – different than the mother, wife, sister or daughter. They were rewarded with certain roles acknowledged by male comrades and perceived as active participants, politically empowered *compañeras* willing to fight with weapons for a change in the system without being seen as a threat in the revolutionary endeavor (Dietrich Ortega, 2012, 2014):

They [women] often had more courageous behavior than many of us men, many times. ... Our *compañeras* were commanders, professionals in dentistry, professionals in medicine, professionals in communications, professionals in filming, professionals in propaganda, professionals in the art of mobile guerrilla warfare. They also occupied a trench, like any man; they fought men, they went to the battlefield with a machine gun, with a mortar, with a rifle, they were nurses; they were present in all contexts. (Man 4, Caquetá, 18.02.2018)

This finding somewhat contrasts few previous studies which found a more negative perception of female combatants by their male comrades, e.g. denouncing them as "puta" [bitch or slut] (e.g. Méndez, 2012, Theidon, 2009). The difference, however, can be explained by the fact that all male and female combatants interviewed in our study are still living in the same collective, thus having either more positive views or hesitant to expose their negative views.

To sum up, we can confirm what Dietrich Ortega (2014) states, that in the FARC insurgent organization, by and large, the identities based on partnership are more representative than the ones based on gender. Even though men and women within the FARC were not able to entirely "escape" from the Colombian macho society, cases of machismo were rather the exception. Hence, dichotomies such as women/pacifism, men/militarism and victim/perpetrator are insufficient for understanding the complexity of the processes involved in women's participation in armed conflict (see also Anctil Avoine & Tillman, 2015, p. 225). Being part on an insurgent group that aims to overcome traditional roles thus provides both female and male combatants with an idea of gender equality.

Following Anctil Avoine & Tillman (2015, p. 221), however, "even when women are considered equal in combat situations, they are not necessarily accorded the same status in everyday life once war is over." In other words, the participation of women in combat allows them to escape from gender attributes that marginalize them in society while offering them the possibility of increasing their agency. This underlines the importance of a transformation of their roles once they come back to society, which will be analyzed in the following section.

### A free choice to make: perspectives on reintegration from former female FARC fighters

The main goal of DDR programs is to allow former fighters a new life as civilians. The adaptation to or construction of new social roles is especially challenging for FARC fighters, given the fact that gender-equality was a significant characteristic in the guerrilla. One male fighter even went as far as arguing that "in FARC we have managed to overcome all that [machismo]" (Man 3, Caquetá, 21.02.2018). Based on the interviews in Colombia, former female FARC fighters share an interest in contributing to peace from different angles: "I know that my dedication and remaining days of life will be dedicated to the struggle because ... the implementation of the agreements has not ended. We have to begin to build those agreements in daily life" (Woman 3, Caquetá, 21.02.2018). We will separately analyze the three different areas of reintegration efforts (political, economic and social) though they are largely connected. For example, missing economic opportunities will inhibit further political participation of ex-combatants in the long run.

### Political Reintegration

Previous studies have been skeptical regarding the active participation of women in political life since they are usually removed from party lists or demoted to less powerful positions (Dietrich Ortega, 2014). In contrast, in the early stages of the reintegration process, former female FARC fighters were actively involved in consultations at the national level, as this quote shows: "Woman X travels a lot to Bogotá, to those talks, meetings, and she is part of the party. So is Woman Y. Woman Y is really important in the party." (Woman 3, Caquetá, 21.02.2018). As of now, female FARC fighters show a deep interest in and willingness to take over political responsibility at the local level: "If a number of people agree that I can reach a Mayor's Office or City Council, I am willing to put my efforts and my knowledge to run a municipality, with the support and technical advice of many people." (Woman 1, Caquetá, 17.02.2018). In addition to that, at the elementary political level, women were able to shape actively the decision-making process in ECTRs themselves and have been taking leadership positions: "Usually, we go to an assembly to appoint a board or something and, ... we always guarantee women's participation." (Woman 1, Caquetá, 17.02.2018)

Political ambitions by female ex-combatants are supported by their male counterparts. During the reintegration stage in Caquetá and Tolima, men continue to perceive their female comrades not based on gender, but for their capabilities: "The movement does not differentiate between feminine or masculine ability to develop a specific task, especially in politics. If it was not like that during the war, it will be much less now in politics." (Man 9, Tolima, 05.03.2018)

Beyond the opportunities offered to them, former female FARC fighters clearly identified risks and obstacles for their political reintegration: Firstly, though a majority of them wanted to vote during the national elections 2018, only a minority was able to do so due to some specific regulations in the registration procedures presenting a systematic obstacle for active voting rights. Secondly, the majority of former fighters interviewed raised concerns regarding their active participation since they missed guarantees from the side of the Colombian state. Indeed, during the parliamentary elections in 2018, the newly founded party FARC stopped its public campaign due to death threats and harassments. The consequences were mostly felt at the local level since the party as such was already reserved ten seats in parliament by the peace agreement. This quote illustrates well the fears created:

The challenge that we are already facing as a political party is hard because you have noticed that over time, with the implementation there have been several difficulties that sometimes makes you scared to go out. ... The issue of reincorporation is tough, ... you have noticed with the elections how things are, ... you have looked how they treated us, then things get complicated, and I say that it should not be like that. If within the agreements regarding political participation, it was stated that all the parties have the guarantees to participating, and they cannot hinder each other, then why is this happening? All that was agreed has not been fulfilled. (Woman 7, Tolima, 04.03.2018)

### **Economic Reintegration**

Regarding economic reintegration efforts, we do find a pattern in the literature that women receive fewer benefits from DDR programs and that they often become ensnared again in traditional social roles and domestic work (Dietrich Ortega, 2010; Esguerra Rezk, 2013; Shekhawat & Bishnu, 2015). Colombia offers a differentiated picture, the majority of interviewed former female FARC fighters underline three points: Firstly, women want to have free choice. Thus, some women recognized the advantage of more traditional jobs, such as manicurist or hairdresser, e.g. concerning the health situation, but are willing to have these jobs for legitimate and praiseworthy reasons independent of whether these jobs are considered to be stereotypically for women or not. Secondly, we can observe a clear expectation to be able to use the skills they acquired during wartime:

In the *vida fariana*, my profession was nursing and bacteriology. ... I made a physiotherapy course, and I exercised it for many years, and I also did the clinical laboratory course, and I set up two clinical laboratories. ... I was trained by a bacteriologist from Bogotá who worked in an institution, she came and taught us so much that in the end, she said '*mijita*, do not feel incapable of rubbing shoulders with any bacteriologist just because you are without a diploma. ... One felt very useful in different things, and therefore one had the recognition of the people. (Woman 1, Caquetá, 17.02.2018)

And, thirdly, female FARC fighters showed a strong willingness to participate in further education programs. In this sense, education and training are fundamental aspects for the economic reintegration of these women:

The wish is not to stay there as if we were very clumsy but to try to get out of those stages ... because, otherwise we would always end up being the employees of many people who have been able to study and are already working. So if we talk about empowerment, we have to talk about the fact that we have to be educated, we have to be formed, we have to be professionalized so we can say I am an ex-combatant, but I am a technician in agronomy. (Woman 1, Caquetá, 17.02.2018)

Participant observation in the ETCR supports the empirical results from the interviews, notably that women are a vital part of the daily economic life in the transitory zones. However, one of the crucial preconditions that was identified by all former fighters for a successful economic reintegration was clearly the ownership of land as this is the only possible path to building their own independent life and sustaining themselves – keeping in mind that the FARC was a guerilla consisting mostly of peasants. For them, it is indispensable to have proper and dignified means of life since the help of the government is temporary and does not cover all their needs:

The base for us is the land. ... To be able to sustain ourselves and for our people to think about the future, the only guarantee is that they can have land

because we come to a normal life, we are laying down our arms, we are leaving our military life to become civilians and that means a normal life, and how is it? If you are going to live in the countryside, you need a piece of land to cultivate and make your family life. (Woman 2, Caquetá, 19.02.2018)

The importance of ownership of land for a self-sustainable reintegration process is exemplified by the fact that the two ETCR's differ considerably in this regard: In Caquetá, former combatants managed to buy land and have many productive projects like cultivating pineapples or conducting other activities that generate income. On the other hand, in Tolima, due to different conditions, ex-combatants have not been able to buy land and were thus under pressure to work in neighboring farms.<sup>2</sup> In consequence, many have left for the cities or other places to find a proper job, because the Colombian government has not fully complied with the peace agreement.

#### Social Reintegration

Social reintegration is, according to existing studies, the context where women face the most pressure to assume socially constructed traditional roles in peacetime compared to war times (Dietrich Ortega, 2014). Often, among women, significant uncertainties and suffering prevailed, since they could not achieve their former goal of taking power, or because they had lost the organization and the collective project. This fact was also clearly seen in the interviews conducted with both female and male ex-combatants:

There is something that, at some point, makes me feel nostalgic: It is when we signed the agreement. Until then, we were in a small bubble, the small bubble of the *familia fariana*. That bubble had contained an atmosphere where all the principles were. ... When we signed the agreement, we came here and that atmosphere at a certain moment breaks and the ultraviolet rays of the anti-values that are in Colombian society began to arrive, ... and with the woman it is the same. ... We are in this exercise of not losing that, here we have to take that atmosphere and keep trying to reconstruct it from all sides. (Man 3, Caquetá, 21.02.2018)

This result is in line with other studies which argue that even if some women remember traumatic moments as members of the organization, they consider that being in FARC was a happy time in their lives: full of affection, love, friendship and comradery (Nieto-Valdivieso, 2017). With regard to gender-equality, former female FARC fighters affirmed that they still feel equal to their male counterparts, that they have been trying to keep this equality and to promote it to the society where they are being reintegrated: "I have spoken to them a lot, when I go there,

<sup>&</sup>lt;sup>2</sup> FARC ex-combatants and the landowner were not able to find an agreement regarding the price of the land since the landowner did not want to sell them the land, there was no political will to support the negotiations, and there were high levels of mistrust between FARC and governmental institutions.

I talked a lot about gender. I have told them that we as women have to earn respect, ... that they have to value themselves as women, that we do not have to think that we only belong in the house but that we have the right to other things." (Woman 7, Tolima, 04.03.2018). Interestingly, even the male ex-combatants want to play an important role in promoting this equality in the broader Colombian society:

From the ETCR, we believe that the patriarchal culture should be eradicated and changed. Based on that, then we can give that recognition to the woman so that she also exercises the controls and directions within the government, within the institutions, within the specialties or sciences. So, the woman ceases to be an apparatus that only has her as an organ, as a reproductive instrument and not as a person, a woman with rights and abilities to project herself further in life and take society forward as such. (Man 4, Caquetá, 18.02.2018)

However, in line with studies that have found that equality among female and male combatants tends to disappear rather quickly (Dietrich Ortega, 2014), interviews and observations in the ETCR indicate a first trend: Many women have perceived the reintegration process as a form a 'liberation' of reproductive capacity which, during the war, impeded insurgent women's ability to have children (Dietrich Ortega, 2014). There is a 'baby boom' (Cosoy, 2017) that is evident both in Caquetá and Tolima. In contrast to the Colombian society, the ambition to continue both as a woman having children and as a woman taking over professional tasks according to her capabilities is still vivid and shared both by female and male ex-combatants. However, when it comes to day-to-day social roles, some women confirm that they returned to play the traditional roles that society dictates for them (e.g. Woman 3, Caquetá, 21.02.2018). Even if not discriminated against in the ETCR, both women and men cannot escape from the traditional Colombian culture and the dynamics of the society. Results from participant observation show that gender inequality was increasing and that typical Colombian gender roles (e.g. *machismo*) were visible, especially during social events.

### A "friendly" woman: perspectives from conflict-affected communities

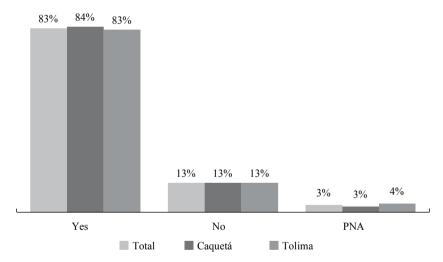
A vital element of the peace process is the acceptance of the conflict-affected communities where former combatants are being reintegrated. Colombia's post-conflict stage is challenging – with a massive gap between FARC's gender equality approach and thus the wartime role of empowered and capable women and the more traditional Colombian society where FARC women are expected to perform new peacetime roles. Indeed – and in line with the literature – former female fighters are specifically afraid of the stereotypes and conceptions that the population has about them which impedes their process of reintegration:

The government and certain social classes still stigmatize us, you, for being a former combatant, cannot have a job, you, who were a female combatant, no, you are very cruel. ... We are civilians, but in our mind, ... we still

classify ourselves as *guerrilleros*. That is a title that we won, and nobody is going to take it away from us even if they say that we are ugly, ... the bad guys. (Woman 6, Tolima, 02.03.2018)

Based on the results from the 150 questionnaires, however, we do see a differentiated perception of former FARC fighters among the population in the conflict-affected communities. In general, a large majority of the respondents in Caquetá and Tolima support the reintegration process of former combatants into society (see Graph 1). Contrasting to the literature (see for instance O'Reilly, 2015), more men support the process in both Caquetá and Tolima (86% of males to 82% of females / 87% of males to 78% of females). Also, in both places, non-victims support the reintegration process to a higher degree than the victims of FARC violence (85% to 83% and 85% to 79%). This result is attention-grabbing as far as it is generally believed that victims support the peace process in Colombia and that those who have not been directly affected by the conflict tend to reject it.

**Graph 1.**Level of acceptance of the reintegration of former FARC combatants into the society



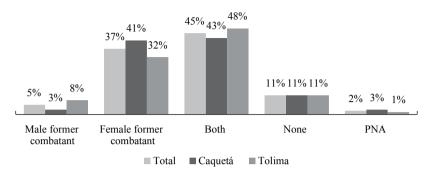
Question: Do you think it is important that ex-combatants of the FARC are reintegrated into society? [Yes; No]. All the categories are present.<sup>3</sup> Source: Authors.

In contrast to both the arguments formulated in the literature and the perceptions by former FARC members, among female FARC fighters, we neither find indications of stigmatization nor rejections of the reintegration process. Many respondents in Caquetá and Tolima even believe that women could be reintegrated more easily into society, though the majority sees no significant difference between

female and male former combatants.

<sup>&</sup>lt;sup>3</sup> PNA stands for Prefer Not to Answer.

**Graph 2.** Perception of the reintegration process by gender of the former combatants

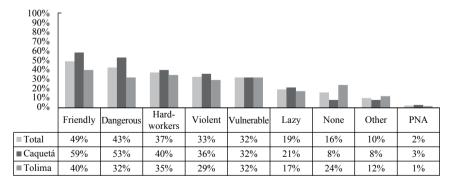


Question: Who would you believe that can be reintegrated more easily into civil life: a demobilized man or a demobilized woman? [Demobilized man, Demobilized woman, Both, None]. All the categories are present.

Source: Authors.

The results of the questionnaires also exhibit a surprisingly positive image of former FARC fighters among the conflict-affected communities. Interestingly, graph 3 on all former fighters and graph 4 on former female fighters show that there are differences in the perception. While all fighters, in general, are perceived as 'friendly', women are much more often linked to characteristics such as 'hardworking' and 'vulnerable' than all fighters together, where descriptions such as 'dangerous' dominate more.

**Graph 3.** Perceptions of conflict-affected communities of former FARC combatants



Question: What is your perception of the ex-combatants of the FARC? [Friendly, Violent, Lazy, Hard-workers, Dangerous, Vulnerable, None, Other]. All the categories are present.<sup>4</sup> Source: Authors.

<sup>&</sup>lt;sup>4</sup> The total does not add up to 100% because it was a multiple-choice question.

100% 90% 80% 70% 60% 50% 40% 30% 20% 10% 0% Hard-PNA Friendly Vulnerable Dangerous Violent Other None Lazy workers 51% 37% 30% 24% 19% 14% ■ Total 46% 11% 2% ■ Caquetá 53% 41% 43% 29% 19% 4% 44% 20% 3% **■** Tolima 48% 48% 32% 17% 19% 19% 9% 17% 1%

**Graph 4.** Perceptions of conflict-affected communities of former female FARC combatants<sup>5</sup>

Question: What is your perception of former female FARC-combatants? [Friendly, Violent, Lazy, Hard-workers, Dangerous, Vulnerable, None, Other]. All the categories are present. Source: Authors.

## Summary of results: community-based reintegration and prospects for peace

Based on the above-mentioned empirical data, we can carve out four main arguments on the reintegration process of female FARC ex-combatants:

Firstly, both women and men within FARC support a robust political role of former female fighters. The elections in 2018 proved to be a crucial step – albeit few women voted due to the previously identified registration problems. Remarkably, these women are willing to participate in the political arena of the country by running for local elected office. These traditional forms of political participation are crucial factors for the sustainability of the peace process insofar as former combatants are now able to channel their demands through peaceful and legal means. However, based on electoral results in the parliamentary elections in 2018, Colombia resembles somehow reintegration processes in other countries in that only two seats out of ten will be taken by women (as of June 2018). It is thus yet to be seen whether local elections in 2019 will confirm this underrepresentation. Nonetheless, there are other ways in which they are being politically engaged at the local level; for instance, in the ETCR where they have assumed leadership roles that male comrades acknowledge and appreciate.

Secondly, we do observe an evident willingness on the side of female ex-combatants to transform their roles in economic terms – thus to acquire jobs and open small businesses based on landownership, allowing them self-sustainable development. The data show a strong desire on the side of former combatants for their capabilities to be

<sup>&</sup>lt;sup>5</sup> The total does not add up to 100% because it was a multiple-choice question.

recognized and upgraded with further training and education programs. Interestingly, some of the women interviewed indeed intend to work in more traditional roles, e.g. as hairdressers, which is entirely in line with their gender concepts and their agency, notably the desire to have free choice.

Thirdly, the results regarding social integration indicate that the transformation of social roles is indeed quickly happening, evidenced in patterns both of FARC's approach to gender equality and already some few instances in the traditional Colombian machismo culture. By and large, women and men have the same responsibilities both in private and in public life and share the interest of expanding gender equality throughout society.

Lastly, questionnaires in conflict-affected communities falsify claims in the literature about patterns of stigmatization of fighters, specifically female fighters. To the contrary: The overwhelming majority of the 150 respondents support the reintegration process of FARC fighters. Female fighters even get higher approval rates and are assigned more positive characteristics than male fighters.

# CONCLUSION: CHANGING ROLES OF FARC FIGHTERS – CHANGING ROLES OF WOMEN IN COLOMBIA?

During the war, female FARC combatants changed the traditional roles of their previous lives and became empowered by new roles within the combatant's daily routine. FARC women were able to get trained in various areas, they conducted the same tasks as their male counterparts, and they took leadership positions. Female combatants gained the respect of men, who perceived these *mujeres farianas*<sup>6</sup> as courageous and women of decision that fought like any man, which made them different from the rest of the women in society and allowed them to be self-confident about their abilities. The gender regime within FARC where combatants were not treated according to their gender but to their capacities, enabled women to achieve a high level of agency. Even though obedience to military orders by highest male guerilla ranks were part of the daily life of violent insurgency in the context of war, and even if women were not part of the leadership at the highest level, they were transcending the traditional roles imposed on them in the Colombian society and pursuing an intense level of activities (cf. on the definition of agency Dietrich Ortega, 2014).

However, as high as the self-esteem of female fighters was during the armed conflict, the gap from the role of women in the traditional Colombian society is also markedly large, especially at the local level. Based on academic literature, we would thus clearly expect a more problematic reintegration stage for female than

<sup>6</sup> Under http://www.mujerfariana.org/ female ex-combatants publish blog posts etc. in which they share their perspective on the current peace process.

for male ex-combatants – in two distinct ways. Firstly, equal treatment tends to disappear rather quickly in the post-conflict stage. Secondly, women face far more challenges than men – due to the socially constructed roles, communities tend to label them as transgressive women. Moreover, they are marginalized in the DDR programs because the society and especially the decision-makers overlook their active participation in the conflict and perceive them usually as victims (cf. Anctil Avoine & Tillman, 2015; Dietrich Ortega, 2014). Thus, binary categories such as women/men, pacifist/violent, victim/perpetrator often dominate post-conflict peacebuilding (cf. Butler, 1990).

In contrast to these arguments, our research results draw a different picture of former female fighters and prospects for their reintegration in Colombia. Based on the findings from Caquetá and Tolima, we argue that neither ex-combatants nor conflict-affected communities oppose the reintegration of FARC into the society. Even if it is believed that the general public opinion in Colombia portrays former female combatants as transgressors of the traditional roles, conflict-affected communities in Caquetá and Tolima have in general a positive perception about them, which may facilitate their process of reintegration within these communities.

However, our results confirm the literature to a certain extent, that these positive portrayals are also partly accompanied by victimization of former female fighters – at the expense of recognition of their own agency:

When I had a surgery, a nurse said some things, and I realized it, so I told her: look, I know you know that I am a *guerrillera*, and it is true. ... You were saying that there we were raped, that we were forced to have relations with the bosses, that we were forcibly recruited, that was what you were saying, ... and you are very wrong. I told her I am a *guerrillera*, at no time did they rape me, they never recruited me forcibly, I told her, I came because I wanted because I liked the guerrilla, I told her, no one is forced there. (Woman 7, Tolima, 04.03.2018)

Both interviews with ex-combatants and questionnaires in conflict-affected communities reveal that the typical stereotypes referred to by Butler (1990), e.g. men-perpetrators / women-victims are nevertheless not fully applicable to the local level in Colombia. During the conflict, women were active and equal to men in their participation. They also oppose transforming their social roles to traditional forms but want to lead on an equal footing to men in the construction of their communities during the peacebuilding stage. These binary categories also do not work in the communities and therefore also do not work in crucial parts of the Colombian society, as this study was able to show.

According to the perception of former fighters, key obstacles that exist are mainly related to the stagnating implementation of the peace agreement, notably the distribution of land for economic reintegration and (security) guarantees for political integration. This is also reflected in the most recent report of the NGO Gpaz (Género en la Paz) at the publication date of this article: According to the data

published in October 2018, from the 109 gender-related dispositions in the peace agreements, 70,64% were normatively processed (e.g. through laws or constitutional reform) while only 14,68% were already implemented at an operational level. Particular data concerning the reincorporation process are only slightly more positive, with 85% normatively processed and 20% operatively implemented (Gpaz, 2018). Thus, in order to support the swift and self-sustainable transformation of former rebels into civilians, it is vital for all governmental and international agencies to offer and strengthen these guarantees and to implement land reforms. Moreover, projects to support female fighters are specifically valuable about training and education and to support their leadership roles. These measures are indispensable to continuing the strengthening and transformation of the agency they acquired during the conflict into a peaceful and legal setting and to give women equal opportunities to make independent decisions.

On a positive note, though, the "DDR process ... creates openings for new patterns and performances of gender relations within society" (Anctil Avoine & Tillman, 2015, p. 223). It is a unique opportunity for Colombia to increase gender-equality, empower women and thus support the transformation from traditional to modern social roles for women – beyond the setting of the post-conflict stage.

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#### INSTITUTIONAL DILEMMAS AND CHALLENGES IN THE TERRITORIAL CONSTRUCTION OF PEACE\*

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Restrepo Botero, D. I., & Peña Galeano, C. A. (2019). Institutional dilemmas and challenges in the territorial construction of peace. Cuadernos de Economía, 38(78), 785-811.

Implementation of the peace accords signed by the Colombian government and the leadership of FARC-EP will have strong institutional constraints. The central

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dilemma of the integration of post-conflict territories to the nation is the following: Will the State be taken to the provinces, or will the State be built from below, through strong social participation and a lasting local institutional creation? Although the agreements signed are part of the centralist tradition of building the national State from the top, they also provide space for significant reforms that would deepen the decentralisation process. To contribute to the public debate on the "territorial and differentiated construction" of peace, this essay reflects on how to operate in the 170 municipalities prioritised for intervention and proposes a series of institutional reforms not foreseen in the agreements, which would facilitate territorial State-building.

**Keywords:** Decentralization, Peace Agreements, peacebuilding.

**JEL:** H11, R12, H73, H77

# Restrepo Botero, D. I., & Peña Galeano, C. A. (2019). Dilemas y desafíos institucionales en la construcción territorial de la paz. *Cuadernos de Economía*, 38(78), 785-811.

La implementación de los acuerdos de paz firmados por el Gobierno colombiano y los líderes de las FARC-EP tendrá fuertes restricciones institucionales. El dilema central de la integración de los territorios de postconflicto a la nación es el siguiente: ¿Se llevará el Estado a las provincias, o se construirá el Estado desde abajo, mediante la participación social fuerte y una creación institucional local duradera? Si bien los acuerdos firmados son parte de la tradición centralista de construir Estado desde arriba, también proporcionan un espacio para reformas significativas que profundizarían el proceso de descentralización. Para contribuir al debate público sobre la "construcción territorial y diferenciada" de la paz, este ensayo refleja cómo operar en los 170 municipios priorizados para la intervención, y propone una serie de reformas institucionales no previstas en los acuerdos que facilitarían la creación territorial del Estado.

**Palabras clave:** descentralización, acuerdos de paz, construcción de paz. **JEL:** H11, R12, H73, H77

# Restrepo Botero, D. I., & Peña Galeano, C. A. (2019). Dilemnes et défis institutionnels dans la construction territoriale de la paix. *Cuadernos de Economía*, 38(78), 785-811.

La mise en place des accords de paix signés par le Gouvernement colombien et les leaders des FARC-EP aura de fortes restrictions institutionnelles. Le principal dilemne de l'intégration des territoires de l'après conflit est le suivant : l'Etat sera mené dans les provinces ou bien l'Etat se construira à partir de la base avec une forte participation sociale et une création institutionnelle locale durable ? Bien que les accords signés fassent partie de la tradition centraliste de construire l'Etat depuis le sommet, ils offrent aussi un espace pour des réformes significatives qui approfondiraient le processus de décentralisation. Pour contribuer au débat public sur la « construction territorale et différenciée » de la paix, cet essai reflète la

manière d'opérer dans les 170 municipalités prioritaires pour l'intervention et propose une série de réformes institutionnelles non prévues dans les accords qui faciliteraient la création territoriale de l'Etat.

Mots-clés: décentralisation, accords de paix, construction de la paix.

**JEL:** H11, R12, H73, H77

### Restrepo Botero, D. I., & Peña Galeano, C. A. (2019). Dilemas institucionais e desafios na construção territorial da paz. *Cuadernos de Economía*, 38(78), 785-811.

A implementação dos acordos de paz assinados pelo governo colombiano e pelos líderes das FARC-EP terão fortes restrições institucionais. O dilema central da integração dos territórios pós-conflito à nação é o seguinte: levar-se-á o Estado às províncias ou será construído desde baixo, por meio de forte participação social e uma criação institucional local duradoura? Embora os acordos assinados façam parte da tradição centralista de construção de Estado desde acima, também fornecem um espaço para reformas significativas que aprofundariam o processo de descentralização. Para contribuir com o debate público sobre a "construção territorial e diferenciada" da paz, este ensaio reflete como atuar nos 170 municípios priorizados para intervenção e propõe uma série de reformas institucionais não previstas nos acordos que facilitariam a criação territorial do Estado.

Palavras-chave: descentralização, acordos de paz, construção da paz.

JEL: H11, R12, H73, H77

#### INTRODUCTION

The peace negotiations were resolved between representatives of the national government and the delegates of the Revolutionary Armed Forces of Colombia – People's Army (FARC-EP, in its Spanish acronym) command. For both sides, the centrality of the accords was a pledge of commitment between the parties and the coherence of what has been agreed. In the other hand, it was proclaimed that the implementation of the accords would require the support of all levels of the State, of civil society, as well as the active support of international cooperation and the countries guaranteeing the process. In this way, the accords were presented as a first step to open the door to a considerable period of reforms during a score of at least twenty years, with the desire to build a stable and lasting peace.

In the spirit of the accords, it is clear there is a need for institutional coverage and an extension of welfare policies, the public administration, the political system and also opportunities for economic development. Overcoming the "causes" or "factors" that fuelled the internal armed confrontation for more than five decades implies the integration of the war territories into national life. How can this extension and integration be achieved? This question is one of the main dilemmas of public action in the coming decades. Public action can "take the State to the territory" as many affirm; or rather "build the State from the territory", as others defend; or, at long last, seek a right combination between the two ways of State construction, top-down and bottom-top.

The purpose of this text is to present the main vision of the territorial-based and equity-based approach enshrined in the accords signed at the Colón theatre since it answers the question of how to build the State in war territories characterised by its absence or notorious precariousness.<sup>2</sup> The response given at the Colón to the dilemma of the integration of post-conflict regions into the nation must be assessed concerning the Colombian institutional environment. The institutional dimension is critical because although the Colón peace agreements were the result of a purely political exercise, the implementation of what has been signed will also have a strong institutional conditioning factor. That is why the dilemma of how to build the State in post-conflict regions must consider the tradition of programmes, institutions and customary practices within the public administration.

The answer given by the Colón agreements to this predicament is analysed regarding two institutional realities.<sup>3</sup> On the one hand, concerning the main characteristics

<sup>&</sup>lt;sup>1</sup> The negotiators on behalf of the government insisted on naming "factors" and the FARC delegates "causes", to that which led to the beginning of the armed confrontation and fed its continuity, intensity and extension for decades.

<sup>&</sup>lt;sup>2</sup> The difficulty of peacefully integrating all Colombian regions into the development model and political system is an unresolved problem since the birth of the republic, which has attracted the attention of several academics. See, for example, María Teresa Uribe de Hincapié and Jesús María Álvarez (1987) Daniel Pecault (1987), Marco Palacio (1995) and Fernán González (2014).

<sup>&</sup>lt;sup>3</sup> The article analyses what was settle down in the peace agreement and not its implementation, mainly because at the end of the government of Juan Manuel Santos (August 2018), very few commitments had been put to work and during the first semester of Duque's government (2019) the implementation still does not take off due to eventual innovations announced.

of previous national programmes formulated for targeted territories and populations (sections 2 and 3). On the other side, from the perspective of the general features of the decentralisation process and the functioning of the regional administration plan (section 4). In each case, it is examined whether the agreements continue with the 'centralist tradition' of bringing the State into the territory or if they intend to innovate and grant greater protagonism to local forces in order to build a local State, one that integrates better into the nation. The answer is complex.

As a national programme, the peace agreement continues the centralised trend. It seeks to achieve the goal of peace based on the old administrative scaffolding and previous institutional practices. On the other hand, in terms of the local implementation model, the agreement proposes to break several institutional traditions and formulates essential innovations to the decentralisation process. However, several characteristics of spatial planning will be an obstacle to the decentralised implementation of the accords (section 4).

How to facilitate the implementation of the territorial-based and equity-based approach of the accords is the question addressed in section 5. One option may be to group the 170 post-conflict municipalities into sub-intervention groups, based on specific common characteristics. The other option is to formulate strategies for each important post-conflict objective and its programmes, valid for all municipalities. A simple statistical exercise recommends not forming sub-groups of townships because the characteristics of them do not allow significant groupings. Finally, in section 6, a set of institutional challenges that should be subject to reforms are pointed out to smooth the path of the execution of the agreements from a territorial-based and equity-based approach

#### PROGRAMMES, STRUCTURES AND PROCESSES OF A TERRITORIAL-BASED AND EQUITY-BASED APPROACH TO PUBLIC POLICY

The end of the conflict will herald a new Chapter in our nation's history. It will be an opportunity to initiate a phase of transition that will contribute to greater territorial integration, greater social inclusion - especially of those who have existed on the fringes of development and have suffered from the conflict - and to strengthening our democracy, bringing it to all corners of the country and ensuring that social conflicts can be resolved through institutional channels, with full guarantees for those taking part in politics. (Gobierno Nacional & FARC-EP, 2016, pág. 6).

The preamble of the agreement announces the founding objective of peace: a territorial-based and equity-based approach that integrates the war territories, characterised by institutional abandonment, lacking in economic and social development, and with low political representation. Then, when reviewing the specific programmes agreed upon, the general commitment is they require a regional vocation, that is, to adjust to the characteristics of the population, the economy and the local social fabric.

To evaluate the importance of the territorial-based approach in the peace agreements, this section (2) analyses characteristics of previous national programmes and public administration practices while executing projects that target specific beneficiaries and regions. Three variables are taken into account: the formulation of the programmes, the structure that implements them and the characteristics of the implementation processes, particularly concerning the incidence of local beneficiaries. The subsequent section (3) contrasts these characteristics with what was agreed in the Havana agreements. The purpose of this is to find out whether the implementation is part of the State's tradition of intervention in the regions 'from top to bottom', or whether, on the contrary, for the sake of peace, it tries to build intervention programmes from the regions, or at least with their decisive participation.

#### **Programmes**

Programmes can be elaborated nationally and in a uniform way for all the territories, otherwise characterised as specific and of priority intervention. Programmatic centralism, through which consistent solutions are brought to targeted beneficiaries, is a deep-rooted tradition of almost all national programmes, destined to regions in a situation of economic crisis, severe disturbances of public order or that have suffered some natural catastrophe.

At the other end, there are programmes built locally by any combination of regional governments, social stakeholders, grassroots movements and the general population. There is no precedent for a national programme that, with funding and institutional and central political support, yields local institutions and communities the decision-making on the general orientation of the programmes and investments to be executed. However, some degrees of impact on projects, or at least some influence on priorities and specific characteristics of the goods and services offered by programmes with central guidelines, have not been alien to governmental interventions in selected territories. Since the National Rehabilitation Plan (Plan Nacional de Rehabilitación) in the eighties and some programmes and projects of the Social Solidarity Network (Red de Solidaridad Social) in the nineties,<sup>4</sup> experiments have been done with such partial delegations (Barberena & Barros, 2014). Between normative and standardising centralism on one extreme and, on the other, total flexibility and programmatic autonomy, there is the cumulation of experiences of Colombian public policy, which inclines towards the central standardisation of programmes more than to the particularism of local solutions.

<sup>&</sup>lt;sup>4</sup> For example, the National Rehabilitation Plan allocated 5% of its budget to people's assemblies that decided on the sectoral projects to be prioritised in the municipalities. Subsequently, the Social Solidarity Network set up municipal solidarity councils to select the beneficiary population and the priorities in the implementation of the projects, which were previously standardised in their technical specificities from the central level.

In this regard, the general tone of the Colón agreements, without any doubt, claims to tilt the scale towards greater local interference in the programmes of the Comprehensive Rural Reform (Reforma Rural Integral), the Development Programmes with a Territorial-Based Focus (PDET, in its Spanish acronym), and those for the substitution of crops used for illicit purposes.

#### **Implementation Structure**

The implementation structure is usually set by the highest levels of government, attached to the Office of the President or in the orbit of direct influence of the central executive power. The national programme for the territories is generally lead by an entity created for the occasion or ascribed to a ministry with some degree of autonomy and specialisation. From this occasional institutional and programmatic creation, the central power is deployed over the regions through the construction of a structure and a bureaucracy parallel to the structure of the customary public administration. Most of the time, the national fabric is organised by regions, whose directorates delegated from the centre cover several departments. From the thus created "regions of intervention", the parallel governmental bureaucracies make a roughly permanent presence, which floats intermittently over departments and municipalities.

In other cases, the central structure can also be directly anchored in the departments, and from there it deploys actions of municipal presence. The national programmes and structures for specific regions, although having its landing location at the municipalities, do not have the budgetary and institutional strength to guarantee robust local arrangements. These characteristics are recurrent in centralist programmes and structures with the intention of portraying a territorial-based and equity-based approach.

The alternative to the centralist tradition of the national programmes would be a decentralised structure, in which the regional administrations would have control over the bureaucracy and its processes, and over the state deployment in the territories. In this case, the packages of services offered can be determined in a centralised manner or concerted between levels of government or be part of the autonomous sphere of the local governments. In any case, the local bureaucracy and politicians would have the power to intermediate programmes and resource management between the nation and local beneficiaries. Undoubtedly, the decentralisation process, initiated in the 1980s, strengthened the decentralisation of the regional administrative structure.<sup>5</sup>

At the beginning of the process, many areas and functions for which budgets were assigned were part of a general package. Regional authorities had power to grant

<sup>&</sup>lt;sup>5</sup> An essence with all the norms that regulate a. The organisation and functioning of regional entities, b. The distribution of competencies and resources, c. Spatial planning and d. The budget and fiscal responsibilities can be consulted in https://www.dnp.gov.co/programas/desarrollo-territorial/ Fortalecimiento-Gestion-y-Finanzas-Publicas-Territoriales/marco-normativo-para-la-gestionterritorial/Paginas/marco-normativo-para-la-gestion-territorial.aspx

them degrees of priority and relative freedom in terms of management models for carrying out decentralised policies. However, since the first five years of the nineties, the momentum of decentralisation gradually began to decrease in two ways: a strictly regulated devolution of specific competencies declared as priorities and miriad central conditions on the management models of the local public administration. Thus, the decentralised public administration regained a strong bias from the regional arm of the central government, in terms of purposes, competencies, functions, processes and programmes locally executed (Restrepo, 2015).

The Colón agreements do not have the will to reverse the tendency of the territorial expansion from the Central State outwards, particularly in the early phases and years of institutional and programmatic creation. On the one hand, the peace agreement programmes are national, assigned to state authorities at the central level, where the "Agencies" are multiplied, many of which are attached to the Office of the President. Each agency is deployed over the territories based on a national programmatic and hierarchical command and tries to float<sup>6</sup> over towns, municipalities and rural settlements (veredas),<sup>7</sup> to undertake its specific policies: the protection of victims and the restitution of their rights (Victims Unit), territorial development programmes (Agency for the Renewal of the Territory), the protection and reincorporation of those who had formerly taken up arms (Agency for Reincorporation and Normalization) and land restitution (Land Restitution Unit). Even the coordination of the different agencies, programmes, ministries and entities of the national order in the territories is the responsibility of a central agency that, itself, glides across the departmental and municipal administrative structures (the Agency for the Renewal of the Territory).

#### **Implementation Processes**

The processes to implement the policies are found beyond the definition of the programmes and the leadership over the structures. The execution of public policies may be the power of bureaucracies at any national level. It can also be delegated to the civil society, in the form of the private business sector, or ethnic, peasant community organisations, or social organisations of any kind.<sup>8</sup>

Since the Comprehensive Rural Development programme in the 1970s, the State has invoked the participation of the beneficiaries (back then, the rural population) in the implementation of public policies. Subsequently, in the 1980s, the Plan Nacional de Rehabilitación, the Social Solidarity Network and the health sector, the call for "social participation" has been a central feature of the public policy

<sup>&</sup>lt;sup>6</sup> In the sense, it is a parallel structure to the regional governments, it does not have any local control, and it is smaller than the regional governments.

<sup>&</sup>lt;sup>7</sup> It refers to the minimum territorial division that in most of the cases correspond to rural areas.

<sup>&</sup>lt;sup>8</sup> An excellent compendium of laws, institutions, mechanisms, instances and social and public actors that promote citizen and community participation since the 1990s is found in Ceballos and Martin (2001).

implementation models. In the nineties, the hegemony of the neoliberal ideology enhanced the role of businesspeople and consumers, while criticising the intervention and the monopolies of the State and bureaucracies. The offer for participation did not diminish but spread even more. Social programmes targeting multiple vulnerable groups became the hook to involve beneficiaries in the execution of the programmes. At the same time, the private sector grew more involved in the implementation of anti-poverty policies, making the miserable and vulnerable a large expanding market, from the management of subsidised health insurance, through food policy, up to the education sector (Hurtado Mosquera, Hinestroza Cuesta, 2016).

The Colón agreements invoke the right and goodness of social participation in the many programmes announced, with several characteristics. Apropos of the first, the power of different social sectors to participate in the decision-making of the programmes to be implemented and the execution of works and the monitoring and control of the administration, resources and projects are defended. Concerning the second, the participation of the social sectors is mentioned in a generic way, but the social organisations that represent them are scarcely mentioned. Regarding the third, assistance is invoked in the instances and processes of the different programmes, but any strategy to promote the permanent participation of social organisations in the structures of local powers or in the administrative structures of the programmes and national agencies that implement the policies is omitted.

A fourth characteristic of the offered participation may become relevant to the general trends of recent decades: participatory planning. This one is a right enshrined in the Constitution of 1991, which also contemplates a National Planning System and the creation of Territorial Planning Councils at national, departmental and municipal levels, with the participation of representatives from different sectors of the society, to influence directly in the development plans. These councils suffer from multiple problems. First, as they have a representative nature, they limit the active participation of the population as a whole. Second, they do not always represent all sectors of society. Third, they do not necessarily function during the four-year term of government. And fourth, at the municipal level, they are not always created independently from the local government (Velásquez, 2010), (Velásquez & Gonzales, n.d.), (Fundación Foro Nacional por Colombia, 2016), and their very existence is a rarity, as their impact on public policies is scarce with a tendency to be null. These instances of participation, having a representative nature, have been extended to more and more numerous sectors: education, young people, the elderly, food, etc., bringing with them the same problems as those the Territorial Planning Councils have.

In the Colón agreements, the programmes of the Comprehensive Rural Reform and, particularly, the PDET and the programmes for the substitution of crops used for illicit purposes are based on effective participatory planning exercises. At least as agreed in the peace process, in the section dedicated to the recognition of the regions affected by violence, abandonment and precariousness, these territories are called to be definitive participants in the development agreements for their rural settlements, as well as in the implementation of the national programmes. The way this type of participation occurs, and the impact that it may have on the course of the policies, will be decisive for the success of these programmes.

# THE TERRITORIAL-BASED AND EQUITY-BASED APPROACH IN THE COLÓN AGREEMENTS

In section 2, we analysed the general tendencies of national programmes that focus on territories and people, to contrast with the provisions of the Colón agreements in terms of programme formulation, the administrative structure and the implementation process. In this section (3), we complete the analysis of the Colón agreements as a national programme for peace, to know whether it will "bring the State to the territory", as has generally been done, or it strengthen the local construction of the State.

It is not surprising that different tensions, emphasis and nuances traverse an agreement as complex as that reached by the national government and the leadership of the FARC insurgency. However, a general tonality cuts across the whole of what has been agreed in terms of the territorial-based and equity-based approach of the policies to be carried out in the territories chosen to be intervened. In general terms, the "State will be brought to the territories" through sixteen basic programmes. These are national, as are the administrative and political command structures. Regional governments, especially Departments, are rarely mentioned, the mention of municipalities is slight, and there is no mention of a decentralisation process. Most references to territorial state materiality are made using the words vereda (rural settlement), town, territory or regional entity.

The relevant regional actors invoked are the different social groups, occasionally their organisations and not at all the social and organisational networks grouped by topics, regions or both. This amorphous and dispersed civil society is called to the instances and moments in which the projects are defined, within the mechanisms of the occasional and floating programmes and structures of the central level on the territories. The culminating exercise of an encounter between the State and the society is based on participatory planning, the founding process of the signed agreements that must be able to channel social demands and aspirations. Regional entities, specifically the municipalities more than the departments, are called to participate in the exercises of planning and discussing programmes, as one more actor, as part of the relatively undifferentiated landscape of multiple social sectors with local administrations. A more real call to the municipalities is accepted in the execution of decisions, and it is recognised as an acknowledgement to the ethnic communities and their organisations in the planning and implementation processes. On the other hand, the regional entities are called upon to participate

actively in the co-financing of post-conflict costs. A conflictive situation is, thus, foreseen in which territorial authorities are subordinated parts in the structures and decisions of the post-conflict programmes, but they must contribute a good share of "their resources" to the financing of the programmes.

#### CHARACTERISTICS OF THE INSTITUTIONAL TERRITORIAL INTERWEAVING

The implementation of the peace agreement will also be conditioned by three characteristics of the architecture of the territorial structure: 1- Decentralisation, 2- Separation of the departmental and municipal level as regional self-contained areas, 3- Precariousness of the intermediate level (departments) and its inability to coordinate the policy sectors in its territory.

#### **Decentralisation**

The processes of political, fiscal and administrative decentralisation generated a significant inflexion in the centralist architecture of the political system, the intergovernmental finances and the regional architecture of public administration since 1986. On the positive side, the creation of a more pluralistic political system, <sup>10</sup> a greater territorial extension of public expenditure and a recognised increase in the socio-territorial coverage of fundamental social policy, especially on health and education (both with 95% of coverage in 2016) and basic sanitation and drinking water (which coverage have grown to 90% and 77% respectively) (Velásquez, 1995; Bonnet, Pérez, Ayala, 2014). Also, noteworthy are the limitations of the scope of decentralisation, which acquire particular relevance in the face of the challenges posed by the implementation of the peace agreements. In different ways, what has been settled exceeds the limits of decentralisation, as well as poses challenges that are announced as necessary to face.

The thematic limit of the decentralisation is the social policy; however, the programmes announced in the Colón theatre intervene in the regions through decentralisation of economic development opportunities. In particular, the Comprehensive Rural Reform and the alternative programmes for the substitution of crops used for illicit purposes emphasise on communication and connectivity infrastructures, land allocation, credit, food production and marketing, farmers'

<sup>9</sup> CONPES 3867 of 2016, Strategy for Institutional Preparation for Peace and Post-Conflict, points to the General System of Participations and the General System of Participations (main financing instruments of municipalities and departments), as possible sources of the Colombia in Peace Fund, conceived as a "fund of funds" and as the main financier of post-conflict projects.

<sup>&</sup>lt;sup>10</sup>By virtue of political decentralisation, mayors (1988) and governors (2002) began to be elected in departments and municipalities, while before the President appointed governors, who in turn appointed mayors. Because of the election of territorial authorities, Colombia went from bipartisanship to a multi-party system.

markets, rural and urban progress, as well as on incentives to the associativity of the producers.

The second limit of decentralisation that is to be exceeded is the predominantly urban bias of the spatial reforms undertaken so far. Indeed, transfers, services coverage and social policies are concentrated in the town centres and their immediate surrounding areas (López and Núñez, 2007). While *decentralisation has an anti-peasant bias*, the peace agreement programmes are primarily oriented towards the countryside and its dispersed population, which was agreed to be supported through improved food production, commercialisation, credit, access to land, agricultural equipment procuracy, as well as in physical and electronic connectivity.

The third expected innovation of the peace accords to decentralisation is about the *long-term participatory socio-territorial planning processes*. Both the PDET's and the programmes for the substitution of crops used for illicit purposes would be agreed through popular assemblies with the inhabitants and the organisations of rural producers.

In contrast, until now, the decentralisation of social policy has been mainly present in the health and education sectors, each of which is subject to an abundant and strict central sectoral regulation. Even though mayors and governors must formulate development plans, which should be subject to participatory territorial planning, the rigidity of the primary sectoral conditions makes plans to become a list of specific executions of the General Transfer System (Sistema General de Participaciones). Thus, participatory planning in decentralised social sectors is practically non-existent. The second resource pool that finances the territorial policy comes from taxes levied on the exploitation of natural resources that feed a General System of Royalties. These funds are assigned to specific projects, presented by regional entities, in such a way that they have no obligation whatsoever to be part of a development plan, nor are they obliged to go through a participatory planning process, in which policies, programmes and projects are decided to be subject to citizen vigilance and control.

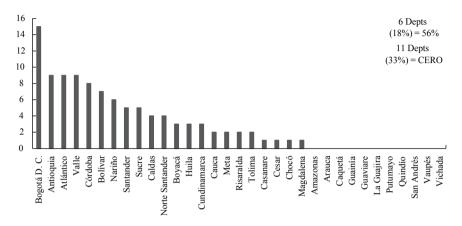
The fourth innovation of the peace agreements to decentralisation is the multiscale dynamics of planning to establish with citizen participation the priorities of development. The planning takes place first in 11.000 rural settlements (not recognised as an administrative entity by the time) going through a cluster of 170 municipalities, and finished in 16 subregions across 19 departments. These subregions, characterised by common and dynamic problems that relate territories, their people and their administrations, are not part of the current political and administrative structure.

The fifth innovation is political, the representation of sixteen particular electoral constituencies from 167 municipalities would allow the inhabitants of the areas most affected by the armed confrontation to access the Congress of the Republic for two consecutive periods. In this way, an enormous limitation of political decentralisation, *the under-representation of vast territories in the nation*, <sup>11</sup> is

<sup>&</sup>lt;sup>11</sup>On this subject see Rodríguez (2017)

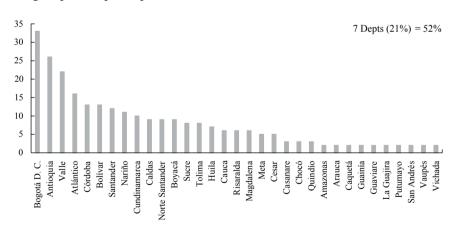
partially overcome. For example, on average, 11 departments lack senators, and six departments concentrate more than half of the country's congresspeople.

**Figure 1.** Senators per Department 2014-2018



Source: Restrepo (2016)

**Figure 2.** Congresspersons per Department 2014 - 2018



Source: Restrepo (2016)

These five innovations of the Colón agreements complete the limitations of the decentralisation process and pose two significant difficulties. On the one hand, the whole of the conventional territorial structure (administrative, fiscal and political) remains intact, making it easy to foreshadow clashes of competencies between

authorities and the typical processes customarily functioning within the State, including the specific programmes, instances and mechanisms set by the peace agreement. Secondly, while the regular structure of the State is maintained, the programmes and their parallel structures are highly dependent on future and uncertain regulations, the attainment of resources and a painful institutional construction.

On the other hand, it is to be expected that, in the eventuality that the implementation of the programmes advances positively, there will be increased pressure from many rural settlements and municipalities *to be part of the post-conflict territories*. After all, the four characteristics of the 170 towns are shared by an immense number of other places: poverty, violence, institutional precariousness and illegal economies. In this case, it can happen as it happened with the municipalities part of the National Rehabilitation Plan, whose list grew considerably with the passing of months and years.

Enormous parallel structures of intervention that extend into space and time end up creating mechanisms for transferring learnt lessons and models of public management from one side to the other. Since the nineties, special programmes to combat poverty, vulnerability, natural disasters and public order disturbances have been the seedbeds for innovation in general management. It is advisable to be attentive to the changes achieved by the PDET's and to the management models, structures and exceptional mechanisms that could be transferred to the regular administrative structure.

The peace agreements bring several more general enquiries about the decentralisation process. First, why not complete the decentralisation of the social policy with the devolution of economic development opportunities benefiting all the regions in the country? Second, why not reinforce effective citizen participation and assembly democracy, in terms of decentralised public spending? Third, why not condition transfers and royalties to real exercises of participatory planning? Fourth, why not consider the supra-municipal (rural settlements, veredas, provinces), sub-departmental (sub-regions) and supra-departmental (regions) scales as appropriate spheres for development planning? And, finally, why not extend the political representation of peasants in their municipalities and provinces; as well as improve the representation of the municipalities in the departments and latter in Congress? The deficit of political representation is not confined to the 16 selected sub-regions, but it is a general phenomenon of the electoral political system at the municipal, departmental and national levels.

#### **Territorial Self-Contained Areas**

A characteristic so generally criticised refers to laws that establish standard rights and duties for all territorial entities despite the different capacities, characteristics, needs and potentials of each municipality (Maldonado, 2018). The process of decentralisation of resources, competencies and political power has not managed to overcome this ancestral normative and institutional rigidity. Institutional

uniformity is accompanied by the rigidity in the interaction of the State with its entities, and that is why we frequently resort to exceptional intervention mechanisms. Exceptionality becomes the rule to address the territory particularities creating a crisis, due to the incapacity of the administrative system to incorporate flexibility in its regular functioning<sup>12</sup>.

Departments and municipalities which are undifferentiated, in terms of rights and duties, end up being treated as self-contained and isolated areas, that is, as abstract entities. Concerning them, the mechanisms of coordination between national levels and the concurrence in processes and competitions are complicated to achieve. Each level is separated from the other, in such a way that it hardly concurs with the superior or inferior degree in constructive systemic relations. Paradoxically, the combination of institutional, programmatic and normative inflexibility with undifferentiated models of territorial intervention ends up isolating each territorial entity from its relationships with its peers and with the other levels.

There is nothing in the Colón accords that allows us to reflect on the importance of this difficulty and to innovate in this matter. The agreements do not deem permanent and systemic relations between the three levels of the State to be necessary for the design, administration and execution of the programmes. Rather, coordination is invoked so that the departments and municipalities do not come into conflict with the implementation of national post-conflict programmes.

The transfer of lessons learned from parallel and exceptional peace programmes to conventional territorial structures will find a more significant obstacle in this void: How to achieve a permanent strengthening of the capacities of local institutions and bureaucracies in this manifest absence of consideration for the specific reality of territorial entities in the post-conflict? The difficulty of strengthening local institutional capacities is greater since these entities are not called to participate organically in the programmes but are evoked as potential causes of conflict against the national peace programmes in their regions.

#### The Precariousness of the Intermediate Level and the Absence of Horizontal Interventions

The weakness of the departmental level in the decentralisation process has been widely studied (Estupiñán, 2012; Moreno Ospina, 2014). Departmental leaders have been claiming for tax reform for decades, denouncing the tax system is outdated since the end of the colonial period and the nineteenth century. The decentralisation process has privileged the municipalities and abandoned the pretension of building provinces and regions as full territorial entities, that is, with elected representatives, subjects of receiving funds from the national budget,

<sup>&</sup>lt;sup>12</sup>For a compendium of Colombia's institutional tangle, see González (1997). The Colombian institutional labyrinth 1974 - 1994.

with their resources and administrative autonomy.<sup>13</sup> As a result of the above, there is a *mainly municipal decentralisation*, in which each municipality assumes its rights and duties in isolation, and accounts in different ways for national information and evaluation systems. In this institutional panorama, national decentralisation initiatives are scarce, although meritorious, in the quest for joining efforts among municipalities, between departments, or both to undertake multi-level public policies (Bustamante, 2014).

The Colón agreements do not address the issue of horizontal cooperation between territorial entities, nor do they consider the departmental level to be of any importance, although they mention the municipalities a little more. What is announced are programmes directed towards primary rural-level communities, over which the municipalities could exert some accompaniment, but the departments will not. To the extent that a good part of the programmes has an economic vocation, it is foreseen that the scope of eventual systems of territorial, economic development will be reached at a micro-territorial scale.

Thus, the beginning of the peace process has as its horizon an integration of small communities in micro territories into the State, in which they would be the beneficiaries and participants of social and economic programmes. The inclusion of large regions to the nation, to its political system, infrastructures and markets, would have to have other economic and institutional development programmes with greater coverage than those foreseen in the peace agreements. If this were to be considered, the provincial, departmental and regional levels would be required to have a predominant place in the planning and execution of projects, absent in the Colón agreements.

#### **POST-CONFLICT TERRITORIES**

The concern addressed in this section has to do with the nature of the implementation of the Colón agreements in the prioritised territories, in such a way that we wonder whether the post-conflict programmes should be implemented in the same way across the 170 municipalities prioritised for intervention on the peace agreement. There are two options: the first, 3 or 4 municipal categories could be established that would guide the specific integration of the sixteen programmes agreed upon in the territories thus differentiated. The second option is to recognise specific essential features that distinguish, in each case, clusters of municipalities. For this second option, it is not a matter of identifying single municipal subgroups of intervention, but of establishing intervention strategies with enough flexibility to be

<sup>&</sup>lt;sup>13</sup>The 1991 Constitution announced an Organic Law of Territorial Ordinance that would establish the requirements for the creation of provinces (between municipalities) and regions (between departments), as well as indigenous territorial entities. The Law 1454 of 2011 was finally adopted later, but it did not do what was expected, it only regulated a compendium of parameters to the association between territorial entities.

adapted to the territorial specificities. The exercise explained below concludes in favour of the second option.

#### The Selected Municipalities

"The peace agreements contemplate the creation of Development Plans with a Territorial Approach with the objective of achieving "the structural transformation of the countryside and the rural environment and to promote an equitable relationship between rural and urban areas" (Gobierno Nacional & FARC-EP, 2016, page 22). The agreement defines four criteria for prioritising post-conflict territories: poverty levels, the degree of affectation derived from the conflict, institutional weakness and management capacity, and the presence of illegal economies.

Development Programmes with a Territorial-Based Focus are one of the most ambitious bets of the peace agreements, as they seek the economic and social transformation of those areas that have been most affected by violence and abandoned by the State. It is expected that they will become instruments for long-term planning, that they will be built based on local and municipal visions, with the aim of generating sub-regional development visions. In addition to the PDETs, post-conflict municipalities will be the centre of many programmes created by national authorities and international cooperation organisations, aimed at the strengthening of municipal institutions and their social and producer organisations.

Following the Decree 893 of 2017, which creates the PDET, a series of variables that represent the dimensions described by the agreement were defined. First, to measure poverty, the multidimensional poverty index was used. In the case of violence, two components were used: the first considers the variables of armed confrontation (actions of criminal groups and Military Forces), while the second refers to the variables of victimisation (homicide, kidnapping, massacres, dispossessions, displacement, anti-personnel landmine victims, forced disappearance and assassinations of trade unionists, local authorities, journalists and land claimants). For the variable of illegal economies, there were used the hectares of coca crops, a vulnerability index and the illicit exploitation of minerals, as well as smuggling. The fourth variable is the institutional weakness, for which the gap methodology of the National Planning Department -DNP- was used.

By crisscrossing the four previous variables, it was possible to identify the municipalities most affected by the armed conflict. Then, to create the 16 sub-regions, some municipalities contiguous to the previous ones were included, thus creating geographically continuous sub-regions. In total, 170 municipalities were chosen and distributed in 16 sub-regions, where the PDETs will be implemented.

#### Possible Variables to Distinguish Differentiated Strategies

The municipalities most affected by the conflict share a series of characteristics and complexities relevant to the implementation of the peace agreement policies

and programmes. In this section, we are going to examine the aspects of the 170 PDET municipalities to identify the best way to implement in them the post conflict policies.

As explained in section 2.a, the implementation of the Peace Agreement can follow the Programmatic centralism, i.e. it can be designed from the centre to be applied to a set of territories that are presumed to be similar. Or, programmes can be built locally by any combination of regional governments, institutions and territorial entities, social stakeholders, grassroots movements and the general population. The analysis of the characterisation of the 170 municipalities will allow us to respond to this dilemma<sup>14</sup>.

To achieve this objective, six variables that are key to determining the homogeneity, or not, of such territories will be analysed. These variables were chosen based on the availability of information (it is difficult to obtain statistics at the municipal level) and because of their relationship with the public policies that will be implemented in the post-agreement and that will be aimed at strengthening municipalities, boosting local economies, especially the rural sector, and improving the provision of public services.

In the first place, we review the tax categories that classify municipalities in Colombia according to their population and tax revenues. In general terms, this category is not very useful insofar as 89% of the country's municipalities are in class 6; that is, they have a tiny population or very few resources, or both. In the case of PDETs, it should be noted that most of the municipalities (146 in total) belong to the sixth category, according to the traditional division. Thus, the conventional classification of municipalities is not very useful for reviewing the characteristics of PDET's municipalities.

In the second place, we are going to review the average tax income per capita of post-conflict municipalities, this variable is an indicator of institutional development of every single town, to the extent that municipal tax collection depends on the capacity of municipalities to collect them (taxes and their rates are the same in all municipalities). The per capita tax income of post-conflict municipalities is 76 Colombian pesos, which is much lower than the national municipal average of 129.4. However, according to Annex 1, a few municipalities, 25 in total, have a high tax collection, above the national average, while the majority, in total 97, have a meagre tax collection, equivalent to 63 Colombian pesos or less, and 45 municipalities have a low tax collection, lower than the national average. Thus, in general terms, post-conflict municipalities are characterised by low per capita income. However, about 15% of them will not require help to improve their tax collection.

In third place, spatial planning is revised by the variable of the same name provided by the new Municipal Performance Measurement from the DNP, which

<sup>&</sup>lt;sup>14</sup>The analysis presented is based on 166 municipalities, given the scarcity of information for the municipalities in the department of Guaviare.

includes the efficiency of property tax collection (effective collection rate) and the number of instruments used in it (DNP, 2017). This variable gives us an idea of the Development of the municipalities in issues of spatial and land-use planning.

On average, the municipalities of the country have a spatial planning indicator of 31.1 points, while post-conflict municipalities obtain a score of 25 points, so that, in general terms, these municipalities have low cadastral management in contrast to the rest of the country. In this indicator, it is possible to differentiate three groups within post-conflict municipalities: 55 territories have a low spatial planning indicator (from 23 to 31 points), 63 have a shallow index (from 0 to 23 points), and 48 have an average rating (more than 31 points). Which shows a great diversity in terms of municipal territorial ordering (see Annexe 1).

In fourth place, we consider the population density. This variable gives us an idea of the structure of the municipality and its needs since those municipalities with the most dispersed population will require more significant financial and institutional efforts to cover their entire community in post-conflict programmes. Post-conflict municipalities have a (low) concentration of 39 people per square kilometre on average, while the national average is 149 (Annex 1). Only one group, mainly small cities, do not present limitations in terms of population density. So, in general terms, the postconflict municipalities have a low population density.

In fifth place, we examined rurality, approximated by the percentage of the population that does not live in the town centres. In general terms, the behaviour is similar for the post-conflict territories and the national aggregate. However, in post-conflict municipalities, the distribution of this variable allows the formation of three groups: 1- Urban, which corresponds to 25% of the towns where 43% of the population or less does not live in the town centre. 2- Intermediate, equivalent to 42% of the municipalities, where between 43% and 70% of the population does not live in the town centre. 3- Rural, which represent 33% of the municipalities, where more than 70% of its population does not live in the town centre. In this case, the second and third groups should have programmes and structures for rural development, especially in agriculture.

Finally, we consider the natural forest like a proxy to environmental conditions, a variable that is key to sustainable development. The diversity of post-conflict municipalities is also evident in this variable, as 44% of municipalities have a natural forest cover lower than 34% of their territory; while 28% have a layer that covers between 34% and 66% of their areas. In 28% of the remaining municipalities, the natural forest cover represents more than 66% of their territory.

In the five variables considered (tax revenues, territorial ordering, population density, rurality and natural forests), the distribution of the municipalities does not allow them to be treated as a homogeneous group<sup>15</sup>, i.e., despite the fact that

<sup>&</sup>lt;sup>15</sup>To assume that post-conflict municipalities have homogeneous characteristics is equivalent to understanding that their distribution function presents a normal distribution. As can be seen in

post-conflict municipalities share the same definition (violence, poverty, illicit economies and institutional weakness), the main characteristic of these regions is their internal diversity.

The five variables presented do not have a strong correlation with each other (the correlation coefficients are less than 0.5, see Annex 2), so it is not possible to generate groups of municipalities that share the same characteristics. What is suggested to do, on the contrary, is to respect the heterogeneity of the post-conflict territories, with the generation of particular policies with enough flexibility to adapt them to these specificities. This exercise is an example of the need to break with the *traditional territorial self-contained areas* and the necessity to legislate on heterogeneity.

For example, in the case of natural forests, those municipalities that have higher coverage and greater biological diversity could be identified with the objective of prioritising those strategies that will not destroy nature (ecological tourism or sustainable agriculture), in an attempt to close the agricultural frontier.

In terms of per capita tax revenue and spatial planning, priority should be given to strengthening the institutional tax framework of the municipalities that have shown the worst results in these variables, which would allow improving their institutionality by providing them with greater free income.

Finally, rurality and the dispersion of the population are critical factors for the elaboration of the visions and objectives of the PDET. The possibility of generating divisions within more extensive, more rural and more dispersed municipalities could be considered.

#### **CONCLUSIONS**

This document has reviewed the territorial content of the Colón Accords in search of the innovations they entail for decentralisation and relations between government levels. The characteristics of the Colombian State were reviewed in territorial terms, in such a way that the type of programmes, their structure and their implementation processes were investigated. The construction of programmes from the national level and executed from national governmental structures, but with citizen participation for their design, is the main character that has exhibited the intervention in the territories so far. The Colón Accords mostly follow this characteristic.

However, the Peace Accords contain five innovations related to decentralisation: economic decentralisation, pro-rural bias, *long-term participatory socio-territorial planning processes*, multi-scale dynamics, political devolution (with the allocation of seats in the Congress to post-conflict territories). The concerns generated by the agreement given the precariousness of the middle level of government and the coordination between levels of government are highlighted.

Annex 1, most variables do not share this characteristic.

To conclude, an exercise on the 170 PDETs municipalities, which will be the primary recipients of the implementation of the Agreement, shows their heterogeneity that contrast with the traditional forms of territorial intervention of the State.

#### POLICY IMPLICATIONS

The to-do list in public policy for the implementation of the peace agreements is enormous and contains many fronts, of which here we have privileged some critical aspects referred to the territorial construction of peace. The analysis of the trends detected in the Colón agreements and at the beginning of the implementation was complemented with considerations on the practices of large programmes for territories, populations and specific problems, in addition to evaluating the state of the decentralisation in the face of what was agreed.

In politics, everything cannot be done at the same time, nor must it be done at the same time. In peacebuilding, the first thing to do was agree on disarmament and political rights to ex-combatants, transitional justice, programmes for the regions most affected by violence and establish principles for the substitution of illegal crops. What follows, among other priority issues, is the construction of strategies for the implementation of special programmes for priority intervention territories. Here, we point out six reform challenges that would support the implementation of the peace agreements and are not foreseen in the signed peace accord.

#### **Strengthening Local Institutional Capacities**

The strengthening of local institutional capacities is an irreplaceable possibility for the construction of a "stable and lasting" peace. If territorial governments and their institutions are marginalised from the calls, the direction of the processes, participatory planning and the execution of projects, the desired strengthening of local capacities will not materialize. Who is responsible for this decision? Without a doubt, the best option would be a general orientation in this regard from the sources of financing and the formulation of the programmes. Later, much will be defined in the design of the structures and processes of execution of programmes and projects, which will blur the responsibility in the different policy sectors that will intervene.

In this regard, the Territorial Renewal Agency (ART, in Spanish) will have primary responsibility in promoting or omitting a strategy to strengthen local institutional capacities. The ART is the agency designated to coordinate the different national sectors in the territories and to accompany the PDETs. The agency can deliberately incorporate the institutional strengthening of municipalities into its objectives and processes, which would require financial resources and a precise and concrete political mandate. It would be convenient if each sector that intervenes in the execution of programmes and projects is legally compelled to submit to the ART management model, in the sense of promoting regional coordination and participatory

planning. In practical terms, and as an example, the obligation could be created by conditioning the funds received by national sectoral entities to their engagement in spatial planning processes. To the same end, the ART management model could indicate the components of local institutional strengthening that correspond to each sector and programme that is executed.

## **Creation of Community Institutions**

The characteristics of the municipalities prioritised in the post-conflict are poverty, violence, institutional precariousness, illegal economies, illegal mining, coca production and smuggling, low population density and dispersion, the devastation of nature, lower incomes for people and municipalities, and the primacy of rurality. *None of these factors can be overcome in a "stable and lasting" manner with foreign interventions that do not build approachable institutions.* The rural settlement (vereda) figure must be exalted and strengthened from the legal, economic and political point of view. On the other hand, grassroots social organisations must be recognised to agree on projects and guidelines for territorial planning. Besides, administrative and political functions could be assigned to the social spokespersons, thus, building a local administration from the grassroots social fabric.

## The Strengthening of Local Bureaucracies

There are no strong institutions without enough officials, subjects of continuous training in skills and competencies, who enjoy stability. Job flexibility and instability in public administration is a permanent source of wasted skills and know-ledge. It is the responsibility of the Ministry of Labour to move towards greater stability of public employees and the Public Function, in association with the School of Public Administration, to implement a long-term programme in the training of civil officers and social leaders of prioritised municipalities. Needless to say, human rights training for civil officers is imperative in these regions, but also in the entire national public administration, as well as in social organisations and foundations implementing public policies on behalf of the State.

# **Building a Web of Intergovernmental Relations**

Intergovernmental relations are very weakly stated in the Colón agreements to the point that it is not an exaggeration to highlight the total lack of foresight about how the ties between the nation, the departments and the municipalities will work during the implementation of the programmes. Every void tends to be filled in some way or another, and this will be done based on the practices that each sector is accustomed to implementing, that is to say, centralised, dispersed and discontinuous practices without a regional approach.

It is therefore urgent in the post-conflict to build a strategic and normative framework to encourage and regulate intergovernmental relations. Also, national

programmes should be implemented with the participation of local administrations; in such a way that their capacities for policy execution are strengthened. The responsibility of such an initiative lies, as long as it exists, in the Presidential High Advisory for the Post-Conflict, which should agree on the strengthening of intergovernmental relations for the coming years with the territorial guilds, as well as with governors and mayors from those regions.

## Relationships between rural and Municipal Participatory Planning

In post-conflict territories, rural and municipal planning, special sectoral programmes with a territorial vocation and customary sectorial interventions will coincide. Coordination among sectors and agreement among all levels of government will then be an unavoidable necessity that will bring frictions and contradictions requiring great leadership and processing mechanisms to be solved. Until now, the Territorial Renewal Agency has the "technical" responsibility in this matter, but as strong as the agency will become, it will require the political protagonism of territorial leaders. A Round-table for Territorial Articulation is planned as an instance of articulation between regional entities and elected representatives. It will have to formulate policies, follow up and recommend adjustments for the territorial articulation between rural and municipal processes and of these with the departmental ones.

### **Definition of the Intermediate Level Functions**

The departments are the 'missing link' of the articulation between the nation and the municipalities, so that, in the absence of a strategic departmental function, the initiative that each public sector performs on its own in the territories, without coordinating with other areas in each department, prevails. The Colón agreements do not surpass this situation at all. The National Federation of Departments should take the initiative to gather agencies, entities and think tanks to formulate policies that define the functions of the departments during the post-conflict times.

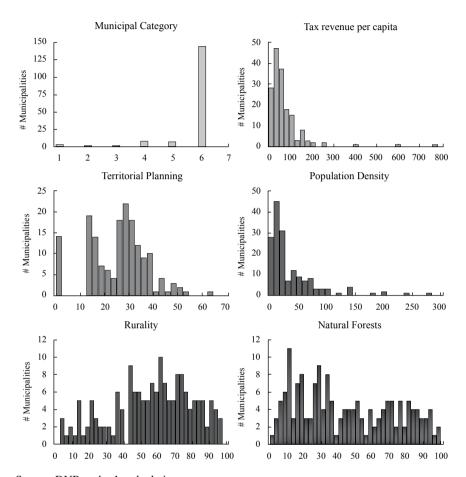
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# ANNEXE A. DISTRIBUTION OF CHARACTERISTIC OF POST CONFLICT MUNICIPALITIES



Source: DNP, author's calculations.

# ANNEXE B. CORRELATION MATRIX

	Municipal Category	Tax revenue Per capita	Spatial Planning	Population Density	Rurality	Natural Forests
Municipal Category	1,00	-0,32	-0,29	-0,33	0,44	0,03
Tax revenue Per Capita	-0,32	1,00	0,28	0,06	-0,29	-0,08
Territorial Planning	-0,29	0,28	1,00	0,31	-0,36	-0,29
Population Density	-0,33	0,06	0,31	1,00	-0,36	-0,35
Rurality	0,44	-0,29	-0,36	-0,36	1,00	0,13
Natural Forests	0,03	-0,08	-0,29	-0,35	0,13	1,00

Note: author's calculations.

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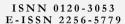






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