

dirección: calle 64 no. 38-52 of. 502
teléfono: (57-1) 2353705 fax: (57-1) 3150191
mail: con.cienciapolitica@yahoo.com
Bogotá D.C., Colombia.



SOCIAL AND ARMED CONFLICTS IN COLOMBIA (1948-2016)

Sociopolitical topics and human rights issues. An overview

Conference

José Francisco Puello-Socarrás

Political Scientist, MA Public Administration, PhD Political Science

Felipe Galvis Castro

Lawyer, MA Human Rights, PhD Law

**CORPORACIÓN PARA EL DESARROLLO DE LA INVESTIGACIÓN SOCIAL Y LA FORMACIÓN
POLÍTICA, ConCiencia Política (Colombia) to GLOBAL YOUTH CONNECT**

SOCIAL AND ARMED CONFLICTS IN COLOMBIA (1948-2016)

Sociopolitical topics. An overview

PLAN

1. Methodological issues
2. Mapping Historical and sociopolitical issues in Colombia

METHODOLOGICAL ISSUES

¿How can we know about Colombia, a country that experienced the oldest civil war in the contemporary world (at least in this hemisphere)?

A report on origins, persistence and evolving of Colombian conflict and its victims (2015).

Political reasons: this document is a report produced by a group of colombian academics and intellectuals the so-called **HISTORICAL COMMISSION OF CONFLICT AND ITS VICTIMS** (CHCV in spanish).

Epistemological reasons: the report brings us an analysis with a greater insight into the ambiguities and the difficulties we face in dealing about Colombia warfare.

Pluralistic group of academics from a different disciplines of social science (philosophy, sociology, political scientist, economics, historians)

This reinforced the idea of complexity because multiple approaches and debates ensured diversity of views about conflict.

Among others, conclusions on warfare in Colombia outlined that:

- War in Colombia is complex and hard to define.
- It is determined by several factors, not only economics motivations but political, ideological, social, even cultural ones.
- The armed conflict in Colombia could be define as ***overlapping wars***.
- In summary: **ARMED AND SOCIAL CONFLICT.**

*Ethical reasons: **the*** analysis for the first time as well focused on VICTIMS of conflicts.

This document is the better source when you try to know something about:

*“The origins and the **multiples causes** of Conflict; the **main factors and conditions** have contributed to the persistence of Conflict; and **effects and impacts on population**” (HCCV, 2015)*

Mapping Historical and sociopolitical issues in Colombia

Two key elements:

a) Sharpest social and economic **INEQUALITIES**

This situation has been reinforced by:

b) Sistematic CIVIL, POLITICAL and SOCIAL **EXCLUSIONS**

“LA VIOLENCIA” (1948-1952)

FRENTE NACIONAL Pact (1958-1974)

ANOCRATIC REGIME (1974-2016): “democratization”-and-authoritarian rules in institutionalized political and economic regimes in región.

Mapping Historical and sociopolitical issues in Colombia

EFFECTS of the A&SCC:

- More of 30 millions colombians are living in poverty; 12 millones are *very-very poor*.
- 6 millions of peasant are victims of forced displacement.
- Gini coefficient in rural zones: 0,89: one of the highest worldwide.
- 8 millions de hectares have been taken sistematically through violence by Self-defense death squads (*paramilitares*).
- Political liberties doesnt exist: genocide against left-wing political organizations.

GREATEST LONGEST HUMANITARIAN CRISIS.

Mapping Historical and sociopolitical issues in Colombia

But the most interesting question now is **the PERSISTENCE** of the A&SCC.

Why when the civil war of The Violence and NFP ended, the Armed conflict in Colombia goes on forward?

- Colombia has not been a democracy system, at all.
- The type of economic and political regime is ANOCRACY, so far, in constrast with Latin American *delegative democracies*.

Mapping Historical and sociopolitical issues in Colombia

- Since 1950s, political processes in LA&C countries could be characterized by ins and outs from democracy rule to authoritarian ones.
- From 1960s, many countries in region fell into military and civil dictatorships (most of them, I must say all of them, backed by US government; e.gr. “Condor Operation”, for example).
- Then in 1980s, starts what Huntington called the Third Wave of Democratization, to say, transition from authoritarian rule to democratic institutions.
- BUT as G. O’Donnell has demonstrated, the new democracies in AL kept several features from its dictatorship past: democracies with authoritarian practices (e.gr. Hyper-presidencialism where legislative powers are subordinated to executive ones).

COLOMBIA not followed that trend.

- The type of state regime built here is **ANOCRACY**: not a democracy with authoritarian features (as Delegative Democracies) but a regime which perfectly combine democracy AND authoritarian rules, AT THE SAME TIME.
- In Colombia democratic institutions are formalistic meanwhile the political regime works in real life as dictatorship.

During the **last 20 years**, the entire of unionist murdered around the world per year, almost 80% are murdered here in Colombia!

Between 1970-1991 political system was **17 years** (206 months - 82%) in “estado de excepción”

Between 1949-1991 three decades (**30 years**) in “estado de sitio” (García Villegas 2008).

While economic inequalities was exacerbated since 1950s and political exclusion was greater since 1960s, anocracy regime became stronger and allowed the continued persistence of social and armed conflicts (guerrilla warfare), so far.

Peace process and “post”-conflict era in Colombia

This perspective about A&SC has allowed us to get some conclusions

- 1. The need for a negotiated solution to the conflict.** A struggle between a caged lion and bees: *the lion cannot kills bees but the bees cannot kills lion either*. Meanwhile, the humanitarian crisis remains the same. In military terms, it is what is called: Strategic stalemate. *the State cannot defeats guerrillas but the guerrillas cannot defeats State either*.
- 2. The need to overcome the anocratic regime in Colombia.** The conflicts are inherent to the system. But it is possible institutionalizing complex conflicts avoid the dangerous of the overlapping wars.

Colombia: human rights and peace talks

Felipe Galvis Castro

Main goals

- See the Colombian reality through the lenses of human rights.
- Provoke a dialogue about the importance of human rights standards in the midst of the peace talks currently made in Havana.
- Offer an introduction to the complex relationship we Colombians used to have with legality, rule of law and human rights.

Introductory remarks: point of departure

- **Lawyer:** departs from a legal standpoint ... but attempt to see the gap between “law in books and law in action” (R. Pound).
- **Colombian:** might have some biases

We are more optimistic that we should be: “Being Colombian is an act of faith” Borges. “One of the happiest countries on earth”.

... Or we will see things worst than they really are: “our conflict is the bloodiest one in the whole human history” and there is no way out of it (Semana Magazine)

We don't like realistic assessments: this is the land of magic realism (G. Marquez) and we used to exaggerate everything, good or bad (H. Abad).

Introductory remarks: point of departure

- **Human rights:**
 - As a legal concept – norms, judicial opinions, etc.
 - As a discourse – as knowledge that supports some sort of governance.
 - As practices - by actors interested in their political value.

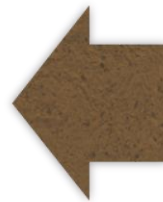
I. The challenge: Human rights as international norms and local realities

*International legal
order*

International
human rights
law



International
criminal law



International
humanitarian
law

UN Human Rights System

- Main organs:
 - General Assembly
 - Security Council
 - Secretary General
 - Human Rights Council (called before 2006, the Commission on Human Rights)
 - Office of the United Nations High Commissioner for Human Rights
 - Treaty Bodies

Inter-American System of Human Rights

- Inter-American Commission on Human Rights: promote and protect human rights in all 35 countries of the region.
- Inter-American Court of Human Rights: only in relation to states that have ratified the American Convention of Human Rights and accepted the jurisdiction of the Court (20 states, not including the U.S., Canada, Venezuela and Cuba).
- Main duty for states: due diligence in the prevention, investigation, prosecution and sanction of human rights abuses.

Local order



The challenge is to improve the situation on the ground

So it seems that we should approach
human rights in their oscillation between
this ...



NACIONES UNIDAS



THE UNIVERSAL DECLARATION
OF **Human Rights**

THE
OF H

in Rights

[illegible][illegible][illegible]

And this ...







It's a comparison between two different and distant worlds ...





The international machinery of the UN and regional organizations v. the realities of individuals and peoples on the ground

II. The Colombian case

HH.RR. Treaties ratified by the Colombian state

- Colombia has ratified the main U.N. treaties: ICCPR, ICESCR, CEDAW, etc.
- Main treaties of the Inter-American system (OEA) – Acceptance of the jurisdiction of the Inter-American Court of Human Rights.
- Colombian reports to Universal Periodic Review and periodic reports to U.N. treaty bodies: highlight institutional achievements but few improvements on the ground.
- Use the case-law of the Colombian Constitutional Court to show progress.

Constitutional protection

- Constitutional block: inclusion of international norms in the Colombian constitutional framework
- Binding force of human rights treaties properly ratified by the Colombian state
- Binding force of international humanitarian law treaties.
- Constitution of 1991: strong human rights catalog; writ of protection to make them effective; creation of the Constitutional Court.
- Landmark decisions about human rights: T-760/2008 (Right to health) & T-025/2004 (rights of displaced population) - Court's social activism using international human rights norms.

Some figures about the Colombian conflict

- 7.5. Million victims – 6 Million require reparation (12% of the population)
- 220.000 people dead (four out of five were civilians, 80%).
- 6.8 Million persons internally displaced.
- 50 years of civil conflict between security forces, guerrillas, paramilitary groups, drug cartels and criminal gangs.
- National registry of the disappeared: 23.000 persons (105 in 2015) - OHCHR, 2016.
- Extrajudicial executions: 4.392 victims. 838 army members convicted in 210 cases - OHCHR, 2016. The Council of State declared it a systematic practice in 2015.

Some of the latest human rights abuses

- Homicides committed by former paramilitary groups (post-demobilization groups): 26 in 2016 (as to April/2016 – NGOs figures).
- 63 human rights defenders were murdered in 2015.
- 179 politically-related violent incidents during 2015, including 20 killings (MOE)
- More than 70.000 displaced persons in 2015.
- “Between August and November (2015), the country experienced the least intense offensive actions in 50 years, due to confidence-building measures such as FARC-EP’s unilateral ceasefire and the Government’s de-escalation of offensive operations” (OHCHR, 2016).
- They agreed on bilateral ceasefire last June.

Peace talks: steps forward

- General outline of the Special jurisdiction for peace: amnesty and pardon mechanisms / responsibility for serious crimes.
- Ongoing mine deactivation process (U.N. – FARC – Military).
- Announcement on the end of child recruitment.
- Draft accords on rural reforms, political participation by FARC members and illegal drugs.
- Agreement on bilateral ceasefire.

Challenges ahead

- Lack of confidence from the Colombian population regarding the peace talks – Referendum to legitimate the whole process.
- Territorial spaces that “new” armed groups can use to control illegal activities and to conduct violence: drug trafficking, mining, prostitution, extortion, attacks against former guerilla members, etc.
- Centrality of ESCR based on “Peace Accords”.
- Other illegal armed groups: ELN, criminal gangs, drug cartels and post-demobilization paramilitary groups.

Colombian paradoxes

- Civil conflict and Human rights abuses for more than 50 years v. Strong and active human rights movement.
- Proliferation of legal norms and standards v. reckless attitudes regarding law compliance by citizenry (poor rule of law and peace culture).
- Court's commitment to human rights v. lack of interest from other institutional actors in the enforcement of human rights norms.

- VIDEO: Hard talk on the road: Colombia,
<https://www.youtube.com/watch?v=MqIRbP-l3rw>