

Colombia: Ending Impunity

Towards a Culture of Peace

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Colombia has the unenviable ranking as the most violent country in South America. The human rights situation has deteriorated as abuses and violations of basic human rights are inflicted on the civilian population. These violations are carried out with impunity which is one of the reasons why they have continued unabated. Given this context Colombia has been identified as one of Trócaire's priority countries in the region and special attention has been given to supporting efforts of local organisations in defending and promoting human rights.

Patty Abozaglo illustrates that these organisations are a sign of hope that Colombia will move towards a lasting peace and that conflicts will be dealt with in a non-violent way. She highlights a number of NGO initiatives – North and South – in support of peace and development. Yet Abozaglo notes that advocacy and lobbying for peace is only one element in any strategy for change. Land reform and changes in the allocation of wealth are also urgent matters in a society where so many people live in poverty, and where those who assert their legitimate economic rights, particularly trade unionists, are murdered for their actions.

The paper concludes by setting some challenges for Colombian human rights and development organisations, civil society in general, Northern NGOs and the international community. A particular and urgent challenge to end impunity.

Colombia: a facade of democracy

Colombia, like many countries in South America is rich in national resources. In macroeconomic terms it is one of the success stories of the region as over a number of years it has recorded GNP growth. It ranks 53rd in the world in human development terms according to the UNDP human development index. This means that Colombia belongs to those countries classified as having high human development.¹ However, when one takes microeconomic and distributional factors into account the situation is quite different for the majority of the country's population. While real incomes have remained fairly steady for the past 15 years, 50% of the population remain poor.² This is despite the fact that various governments have tried to combat poverty among the poorest sections of the population. Moving from the economic to the political situation, politically motivated violence is a major contributor to instability in Colombia. Its roots lie in the weakness of Colombia's democratic structures, the continued existence of large-scale social inequalities and unequal distribution of wealth including land and natural resources.

So despite the fact that Colombia is the oldest formal democracy in the region, it is considered one of the most violent countries in the world.³ In 1996, there were 30,000 deaths caused by crime, political violence and social cleansing. Between 4,000 and 5,000 of these deaths occurred for political reasons. In 1997, 10 people were killed every day as a consequence of political violence.

The armed conflict has various components including the conflict between military, paramilitary and guerrilla groups and also between these groups and the drug traffickers who operate differently in each region. Paramilitary groups are responsible for 77% of murders and state military forces are responsible for 4% of deaths nationwide. Arbitrary detention and prolonged detention are also routine. Guerrilla groups are responsible for the remaining 19% of deaths and for 30% of disappearances, and routinely carry out kidnappings as a source of income.

Characteristics of Colombia's human rights situation

a) The increasing extent and impact of paramilitary activity

In 1997, there was a serious deterioration in the human rights situation. Up until then paramilitary groups had concentrated their actions mainly in the north of the country but in 1997 these groups had become active on a nationwide basis. Linked to this they were responsible for massacres, disappearances and extra judicial executions throughout the country. The most serious of the massacres was that in Mapiripan where a 200-strong paramilitary squad killed between 20 and 30 people, based on a list they had obtained of alleged members of guerrilla groups and those who had, in 1996, participated in a march of coca cultivators against measures taken by the government to eradicate coca production. Moreover, the group responsible for the killings publicly declared that Mapiripan was just an example of what is to come.

At present, there is no evidence of confrontation between the military and these paramilitary groups. Yet the government has given contradictory messages by on the one hand strongly condemning them and on the other not taking any action against the perpetrators of such activities. Back in 1994 a law was passed which created self-defence co-operatives in an effort to involve civilians in the fight against guerrilla groups. This has led to a further growth in armed groups who have taken to exercising justice through their own means, and in the process have committed atrocities against the civilian population they were supposed to protect. In November 1997, a Constitutional Court declared these groups to be illegal organisations but no action has been taken in order to honour this decision. Human rights practice and the defence of human rights in Colombia continues to lag far behind stated policies.

While examples of progress in tackling violence have been very limited, recent developments indicate that in the Southern area of Caqueta region the military forces have agreed to the demand of guerrilla groups to clear the area of military personnel in order to facilitate peace negotiations which have been started by the country's new President, Andreas Pastrana.

b) Massive internal displacement

Every hour in Colombia, four people become internally displaced. They are mainly small and medium farmers expelled from their land. Others are killed or threatened. More than one million people have been displaced and forced to leave their homes and property. Rather than getting better this process of displacement reached epidemic proportions during 1997.

The displaced mainly have a female face. Over 80% of the internally displaced are women and children with a small number of refugees fleeing to Panama and Venezuela. In the Uraba region, the paramilitary squads operate "cleansing areas", which entails expelling the entire population of small villages who are then forced to migrate to the nearest towns. A similar situation occurred in Bellacruz. A delegation of representatives visited Ireland in December 1996 to highlight the plight of communities who are often murdered if they resist forcible relocation.

According to the Institute of Popular Education in Medellin, one of Trócaire's partners, this process of displacement responds to a non-explicit model of development that uses irrational methods to take control of land and natural resources.

In Colombia, displaced people are seen as a problem and not as victims of political violence. The government has no integrated policy to solve their plight and does not have enough resources to cover their needs or to guarantee a safe return to their homes. The Catholic Church and some NGOs are working to provide emergency aid for them, but this policy is not sufficient on its own.

c) Attacks on human rights defenders and trade union leaders

Abuses and attacks on human rights defenders have continued unabated. They have been verbally threatened, physically attacked, kidnapped and killed. They have also been accused of supporting guerrilla groups and of using NGOs as a façade to carry out guerrilla activities. In the last two years alone more than 20 human rights defenders have been killed and the premises of a number of NGOs have been attacked and destroyed. In other cases, "phoney" judicial investigations have been opened up against them.

The government has again taken an ambiguous stance. On the one hand, it has acknowledged the significant work and role of human rights organisations and has opened up dialogue mechanisms between governmental and non-governmental

bodies. However, on the other hand it has allowed attacks against these organisations to continue unchallenged.

Trade union leaders have been a particular target group whose rights are being violated. Colombia has the notorious distinction of being the country with the highest incidence of murders of trade unionists. More than 1,100 leaders have been killed since 1991 by right wing paramilitary groups based on the assumption that trade union leaders are members or sympathisers of guerrilla groups. In response to this various initiatives have been undertaken by local and international human rights organisations to denounce these abuses, to draw attention to the plight of trade unionists, and to demand action to end these killings.⁴

Achieving coherence between government policy and practice on human rights

As outlined above the Colombian government has lacked a coherent approach towards the defence of human rights. However there have been some important advances which indicate changes in its approach, and these should lead to practical progress.

- Firstly, the establishment in 1997 of a UN Human Rights office in Colombia under the auspices of the UN High Commissioner for Human Rights, Mary Robinson.
- Secondly, new legislation has been passed which covers:
 - the creation of a governmental body, with the financial resources, to improve the situation of the internally displaced, and;
 - the creation of a Commission consisting of government and non-governmental bodies to deal with the human rights plight of trade unions and indigenous communities.
- Thirdly, the establishment of a National Council for Peace with a mandate to deal with peace policies on a more permanent basis. Specifically the Council's workplan includes identifying the necessary steps for the government to undertake in order to successfully begin a negotiations process to end the armed conflict.

- Lastly, the country's recently elected leader, President Pastrana, has taken some initiatives to dialogue with the main actors in the conflict and these have further opened up the space for the peace negotiations.

The central role of civil society in peace-building

In Colombia, human rights organisations, the Church and the NGO sector believe that any peace negotiations must tackle the chronic poverty and inequality levels which are the root causes of the armed conflict. Therefore to be effective any peace proposal must include reforms covering land ownership and the control of natural resources. This of course is where conflicts will arise with certain elite groups. But unless these issues are faced any peace agreed will be doomed. Indeed one of the greatest limitations of previous peace negotiations has been that they did not tackle these causal factors. Instead they focused on the consequences or symptoms of the conflict, the military aspects and on the demands of those engaged in violence. Yet for peace to work the needs and demands of civil society as a whole must be acknowledged and responded to. While civil society has not in the past been considered as a key participant in peace negotiations, there is now a growing recognition that any integrated proposal for peace has to involve all parties to the conflict, especially those who have suffered directly. Innocent civilians caught up in a conflict not of their making must be central parties to the outcomes decided under any peace process.

a) A case study – the REDAPAZ model – networking for peace

One example of the efforts of civil society in working for peace is the network known as Initiatives for Peace or REDEPAZ. This brings together more than 200 organisations nationwide and has been a key player in organising various activities to show the will for peace among different sectors of society including women's groups who have demonstrated their capacity to link with other human rights movements. It also incorporates grassroots organisations, trade union movements, human rights organisations and various NGOs.

REDEPAZ organises meetings and workshops, local, regional and national assemblies and town council meetings in order to

publicly debate issues related to peace, human rights and development, and to propose alternative long term approaches in which civil society would participate. This network seeks a peaceful solution to the armed conflict and asserts the need to respect human rights and international humanitarian law. It has been a key actor in the establishment of peace zones wherein entire communities express their wish neither to participate nor collaborate with the those engaged in violent conflict. This experience has had some success, but has also resulted in more killings due to reprisals against those advocating zones of peace.

REDEPAZ's work is also founded on the belief that peace requires moving to a sustainable development model which is based on equity and social justice and centres on the values of social economy and solidarity. Other key policy objectives are the strengthening of democratic institutions and the establishment of an effective judicial system to end impunity. Rural and urban land reform and the regulation of transnational corporations are also part of REDAPAZ's proposals, as well as a reduction in the level of military expenditure which is one of the highest in the region.⁵

b) A classification of peace-building activities

There are a number strategies for peace-building and the defence of human rights which are currently supported by national NGOs in Colombia and by Northern NGOs. The typology developed by the Catholic Institute for International Relations (CIIR)⁶ highlights their activities by dividing these into strategies and specific areas of intervention.

Strategy	Description
Peace education	<ul style="list-style-type: none"> • Human rights education • Political formation • Awareness-raising • Training in non-violence/ conflict resolution techniques • Formal education for peace in educational establishments
Assistance for victims of human rights abuses	<ul style="list-style-type: none"> • Denouncing perpetrators • Provision of shelter/safe havens

Strategy	Description
Assistance for victims of human rights abuses	<ul style="list-style-type: none"> • Long term post-trauma work
Maintenance of space or participation	<ul style="list-style-type: none"> • Promotion of collective ownership rights • Accompanying those at risk of human rights abuse
Promotion of sustainable development	<ul style="list-style-type: none"> • Support for co-ops, collectives, communal shops • Diversification of economic production • Recognition of the need to include cultural development
Mediation – conciliation services	<ul style="list-style-type: none"> • Provision of conciliation centres • Long term reconciliation work in post-conflict communities

Building an international agenda and alliance in support of peace

In the case of Colombia lobbying and advocacy work has been a key strategy of the international community in supporting peace and human rights. The International Office for Human Rights-Action for Colombia (OIDHACO) is an example of the co-ordinated actions being carried out by local NGOs and their counterpart Northern NGOs. OIDHACO comprises a number of Colombian human rights NGOs, European development agencies and solidarity groups and has set up an office in Brussels that is responsible for lobbying and advocacy work at European level. OIDHACO takes as its starting point the fact that as legal standards, human rights have an ethical base that puts the human being or the individual at the centre of policy, and also give rise to a set of standards and minimum principles that can be demanded from governments in order to stop violence and abuses. From OIDHACO's experience, human rights can be used to strengthen the democratic process and its

institutions and to uphold the rule of law. Consequently, human rights offer a universally accepted framework and guidelines for a code of conduct for both governments and all actors in society. In this sense, effective lobbying and advocacy activities are central to the defence of human rights at national and international levels, to building democracy, to replacing an authoritarian culture with a participatory one, and to achieving lasting peace. Moreover, the prioritisation of peace and human rights programmes in Colombia by donors (NGO and official) can have a major impact in creating the conditions for sustainable development.

a) Key areas for international lobbying and advocacy

Effective advocacy and lobbying work entails:

- Creating *awareness* about what is happening in the country. In particular letting people know the truth about the scale of human rights abuses. By having such information the international community can act more effectively towards developing concrete actions for the defence of those rights.
- Promoting *change* through ending systematic violations of human rights.
- Exerting *pressure* on governments or other key actors operating within a context of violence. This is done through demanding action for peace, inquiring and questioning about what various actors are doing and in so doing creating some level of *tension*.
- Achieving *consensus* among those involved in lobbying and advocacy work in order to formulate a common strategy and plan of action, and carrying it out in a co-ordinated way. In the complex reality that is Colombia, this would be no small achievement as to date it has been particularly difficult to agree on a common analysis of the situation and even more difficult to decide on a common plan of action.
- Building the *capacity to propose* coherent strategies and activities for peace and development, and *to identify* a time-frame and to allocate responsibilities for carrying out these activities.
- Building *capacity to interact with* and to *speak out* in international fora (e.g. UN, International Financial Institutions, the EU) and to engage with bilateral actors on issues of peace and human rights.

b) Identifying some achievements of advocacy and lobbying work

OIDHACO has identified a number of key achievements from its experiences to date.

- Colombian human rights organisations have gained *credibility* among the international community and in the political structures where they have intervened.
- Advocacy actions have placed *constraints* on the Colombian government. To some extent the pressure exerted by the international community has led to official responses to protect human rights on the part of the Colombian government. Unfortunately these are still at the level of pronouncements or declarations and in some cases legislation, but have not necessarily meant any change in practical terms.
- Pressure exerted through UN structures led to the setting up of an office of the UN High Commissioner for Human Rights in Bogota.
- There is an increased and growing level of awareness among the international community (particularly the US and Europe) and the public of the serious violation of human rights in Colombia.
- In the Bellacruz case, international lobbying led to the passing of a resolution by the European Parliament; the resignation of Antonio Marulanda, the Colombian Ambassador to Belgium and the EU, because of his links with paramilitary squads; the collection of petitions from five European countries⁷ in support of the campaign and the purchase of new land for the displaced families.
- The European Parliament has passed five resolutions in the last three years in relation to key human rights issues in Colombia which:
 - express its concern about the human rights situation;
 - demand that the Colombian government take action in order to reduce these violations and abuses;
 - state that Colombia is one of ten priority countries for the EU in terms of their human rights situation;
 - condemn the assassination of human rights workers; and
 - propose/encourage a peaceful solution to the armed conflict.

- In 1997, the UN High Commissioner for Human rights in her annual report highlighted various concerns raised by the Colombian human rights organisations. Mrs Robinson followed this up with a visit to Colombia in 1998 when she met representatives of human rights organisations as well government. Both actions highlight the priority which is being given by the UN to the human rights situation in Colombia.

Confronting difficulties and meeting future challenges

In Colombia difficulties encountered in ending the conflict have been compounded by its complexity which manifests itself in a variety of factors both economic and political. Lobbying and advocacy for peace are necessary but not sufficient strategies in solving the conflict. The solution will require concerted and multi-dimensional strategies.

Despite a number of joint peace initiatives, the human rights movement is still divided in parts. Thus while there is a variety of groups and networks at regional and national level working for peace there are only a few initiatives which join these groups under a shared agenda in order to achieve mass-based civil society action.

On the other hand, Colombia's economic growth process is a fragile one as the country is dependent on a number of key exports and its attractiveness as an investment location is linked to its perceived political stability. An example of this fragility is the financial difficulties facing the government as a result of price falls for its principal exports i.e coffee and oil. At the same time, the US which is the most important market for Colombia, is also exerting pressure on the government to eradicate drugs production on which a significant portion of the country's (illicit) economy is currently based. Given these pressures and dependencies the Colombian government is trying to diversify the country's exports market and the EU is a prime destination in this regard.

The EU is interested in the economic and natural resources which Colombia offers, and is also keen to gain further access to Latin American markets before other countries in the region join its Free Trade Agreement (ALCA). Given these trends it is vitally important that EU member states are aware of the human

rights situation and continue to monitor it closely and press for positive changes in this regard. The EU should particularly act where it has leverage in economic and political terms.

A number of challenges can be identified in building a lasting peace in Colombia and these are shared among a variety of actors. The UN High Commissioner for Human Rights faces some key tasks. These include monitoring and following up on the human rights situation in Colombia, especially in relation to impunity, the dismantling of paramilitary groups, the protection of human rights defenders, and the presentation of the annual activities report of the Human Rights Office in Bogota as well as putting into practice recommendations to extend its mandate.

Human rights movements and NGOs in Colombia must also work to achieve peace and must be constantly prepared to seize any opportunities for progress that may arise from the peace-building efforts of President Pastrana. The divisions between groups working on human rights need to be eliminated in order to strengthen the mass movement for peace and democracy. At an international level Northern NGOs, governments and global institutions can play a key role in supporting peace through the provision of resources for peace-building and through working to end the impunity provided to those responsible for gross violations of human rights.

As stated at the outset peace will require socio-economic transition which requires reforming the economic programmes of the government and international financial institutions so that human development and well-being become the main criteria for decisions. Ending the conflict would free up military spending for social investment purposes but this is not enough. Reforming property rights over land and other resources as well as creating transparent mechanisms to monitor and influence government spending will be required. While the challenges set out show that the road to peace may be a long one, if these challenges are ignored there is every chance that, once again, the perceived path to peace will be a transient one.

Ending impunity and realising the dividends of peace

Colombia is a clear example where economic growth does not equal development. As in other countries with high levels of

political violence, the lack of fulfilment of social and economic rights for a significant number of people is a major contributory factor to political violence and instability. For the human rights movement in Colombia the issue of development and peace are integrally linked and each needs the other. There is a consensus that any future development strategy must include policies to tackle the root causes of poverty and inequality which have contributed to political violence.

Civil society has been quite dynamic in expressing through various actions its desire to peacefully end the armed conflict. Moreover, those groups in civil society who have been most directly affected by the violence in Colombia are also demanding that they be involved in any peace process, e.g. women, peasants, the Church, the NGO sector and others. Indeed their participation is a prerequisite in building a lasting peace.

Despite the complexity of the Colombian situation, the human rights movement in the country has made progress in taking a number of joint initiatives. In many cases, it has been able to make clear demands which have brought about slight advances in the protection of human rights and has pressed the government to make a commitment to improve the human rights situation. However, these initiatives come from various sectors of civil society rather than being the unified efforts of a mass movement in civil society. Thus the extent of their impact throughout Colombian society has been limited.

Despite numerous attacks and state-led investigations against them, human rights organisations in Colombia have gained credibility and have succeeded in developing effective strategies of lobbying and advocacy at national and international levels. For those involved this has been a very painful process where individuals, most of them innocent, have lost their lives, family members and all their property. For this reason, any peace process should include measures to ensure that the conflict's victims have a right to both truth and justice. Those responsible for abuses must be identified and depending on this process brought to justice, whether in terms of a judicial process or at least acknowledging and apologising for their actions. Peace with justice will require reconciliation, reconstruction and right relationships being built. The challenge is immense but so too are the rewards for a people caught in the crossfire of a conflict not of their making.

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Footnotes

- 1 The human development index measures the average achievements of a country in three basic dimensions: longevity, knowledge and standard of living. It contains three variables: life expectancy, educational attainment (adult literacy and combined secondary/tertiary enrolment) and real GDP per capita. See UNDP, *Human Development Report 1997*, Oxford University Press, New York, p.14.
- 2 According to the 1998 *Human Development Report* of the UNDP over the period 1980-94 real GDP per capita (at \$ purchasing power parity) for the richest 20% of the population was \$16,154 compared \$1,042 for the poorest 20%. 42% of children did not reach grade 5 in their schooling. So despite significant economic resources human deprivation is a widespread problem.
- 3 See EU Parliament Resolution of January 1997.
- 4 Amnesty International has highlighted the plight of trade unionists in its global campaigns.
- 5 According to the 1997 *Human Development Report* Colombia's military expenditure is 57 % of combined education and health expenditure.
- 6 See Geraldine McDonald, *Peacebuilding from Below*, CIIR, London, 1997, p.16.
- 7 Belgium, Switzerland, Germany, the UK and Ireland