



An Overview of Conflict in Colombia

Colombia has endured the longest-running armed conflict in the Western Hemisphere. Successive waves of confrontation among guerrilla, government and paramilitary forces have caused enormous loss of life and weakened the rule of law. The shifting boundaries between drug trafficking and political crimes, and the increased official emphasis on counterterrorism, pose difficult challenges for people seeking accountability for past abuses and respect for human rights.

A PROTRACTED CONFLICT

Colombians have endured more than 40 years of conflict as a result of civil war and the evolving organized criminal activity surrounding the drug market. Murders, forced displacement, torture, rape, “disappearances,” kidnapping and extortion are part of the social fabric. Paradoxically, Colombia stands out in Latin America for its relatively stable constitutional system and its sophisticated legal and institutional framework. One explanation for this contradiction is the marginal nature that political and social elites have attributed to the conflict.

Guerrilla groups evolved during the 1960s from peasant and communist uprisings. The two main remaining groups are the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN). Right-wing paramilitary groups countered them with the complicity of public officials. By the late 1990s, these paramilitary groups asserted independent military and political power, and proclaimed the creation of an umbrella right-wing organization, the Colombian United Self-Defense Groups (AUC).

The drug economy helped drive the expansion of all of the armed groups, which work as security services for the drug trafficking operations or are directly involved in the business. Starting in 1998, the government increased the size and budget of the armed forces and often asserted that a military victory was near.

THE DISPLACED, VISIBLE AND INVISIBLE

Over the past two decades, hundreds of thousands of people abandoned their homes and possessions because of the violence and were forced from the countryside into urban slums. Of Colombia’s 44 million people, more than 3 million are internally displaced persons.

One effect of forced displacement is a shift in land tenancy and use. Small farms are replaced by large-scale agribusiness developments; corporate farming replaces peasants. Some 3 to 7 million hectares of land have been illegally appropriated as a result of displacement. At the same time, the armed conflict and its effects remain virtually invisible in middle- and upper-class neighborhoods of the major cities.

THE GUERRILLAS: EVASIVE PEACE PARTNERS

In 1989 the government signed a peace agreement with the guerrilla group M-19, a step that led to the adoption of a new constitution in 1991 and the incorporation of M-19 into the country’s political life. In the late 1990s the government held peace talks with FARC and ELN, but did not reach lasting agreements. Several peace deals have been struck with small or splinter guerrilla groups.

Both FARC and ELN remain elusive targets, in part because they have lost control of territory they once dominated. FARC lost four of its directorate members in 2008, and military operations freed many of the most notable hostages. However, the groups remain resilient, and the guerrilla leaders refuse to engage politically in a peace process.

NATIONAL SECURITY REVISITED

In 2002 Alvaro Uribe was elected president and instituted a policy of “Democratic Security” that mobilized resources for war. With strong U.S. support, he successfully used the Colombian Army and regained state control over key areas of the country, forcing FARC into defensive positions. The president’s popularity surged. After Colombia’s Congress amended the constitution to allow Uribe to run for a second successive four-year term, he successfully ran for reelection in 2006.

During the 2002 campaign, Uribe had announced that he would reach a peace settlement with paramilitary groups. His administration conducted negotiations and announced that the groups had agreed to disarm. From 2003 to 2006, more than 30,000 fighters

demobilized, motivated in part by the promise of a general pardon of fighters, and reduced prison sentences for mid- and high-level commanders with criminal responsibility for grave crimes.

The demobilization process, however, proved faulty, and several paramilitary groups reemerged. The special criminal procedure established under the Justice and Peace Law documented atrocities committed by paramilitaries and the groups' links to government officials and institutions. But the partial confessions of only about 150 paramilitary members have been processed, and none of the criminal cases that began in 2006 is near an end.

In May 2008 the government took a step back from truth-seeking and justice by extraditing 15 demobilized paramilitary members to the United States on drug charges, including seven top military commanders. In October 2008 judges in U.S. federal courts sentenced two of the extradited men to prison terms of more than 20 years. After receiving the sentence, one of the commanders announced that he would no longer collaborate with the Colombian process.

RULE OF LAW

Despite the armed conflict, Colombia maintains a strong array of rule-of-law institutions. The 1991 constitution includes a comprehensive bill of rights, provisions securing the independence of the judiciary, and other checks and balances on executive power. Since 1991 the Constitutional Court has developed a progressive jurisprudence that affirms the rights of victims of human rights violations and protects individual liberties.

Criminal legislation generally incorporates international obligations. Moreover, several laws exist that address victims' rights generally, protect internally displaced persons and seek to combat forced disappearances. But there is a vast gap between the law and its enforcement in many areas of the country.

The judiciary's standards for adjudicating conflicts over complex social issues—from abortion and the rights of sexual minorities to war atrocities—are far more progressive than most others in the hemisphere. Some cases involving human rights violations that go through the criminal justice system and judicial reparations process do in fact bring justice. Judicial authorities successfully bring to trial corrupt officials, crime rings, mob bosses, military

officials and members of illegal armed groups. For example, the Supreme Court initiated prosecutions of more than 60 members of Congress with close ties to President Uribe on charges of concerting with paramilitary bosses and, in some cases, murder and kidnapping; several members pled guilty, and others were convicted. Nevertheless, the successful cases are outweighed by ongoing public corruption, generalized impunity for other offenses and persistent violent attacks against the rule of law.

CIVIL SOCIETY

Colombia has strong, sophisticated civil society organizations, including human rights organizations, peace building entities, community-strengthening initiatives, women's rights groups, and academic and research centers. As in many Latin American nations, religious organizations play an important role in peace and human rights issues.

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