

The impact on conflict of 'state-led no-military
reconstruction during war': the case of the protection of
Land Rights for IDPs during conflict
in Colombia
(2007-2010)

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Abstract

This thesis examines, via a single case-study – The Colombian Government's "Land and Property Protection Program" (LPPP) – whether non-military state-led programs developed to help civil populations during conflict impacts on the conflict; and whether the impact is positive or negative. The rationality for this is that studies on activities of reconstruction *after* armed conflicts usually include assessments of the positive and negative impacts of such activities on the conflict itself; and a consensus in academia and field-work practice that peace can be built through proper reconstruction programs. However, a similar level of scholarly interest does not exist regarding reconstruction *during* warfare. Such reconstruction is conflated with notions which regard it as being part of a war effort and commanded by the military and/or a matter of political necessity. This research proposes that both: Post-war reconstruction and During War Reconstruction (DWR), must be studied under the complexity of 'Reconstruction' in general.

This empirical thesis demonstrated the existence of and studied a State-led non-military DWR program which – as defined – is not used for military purposes by the Colombian state and whose final goal must be to repair the political link between citizens and the state. It was found that the LPPP seeks to restore confidence in the state, either by approaching populations that historically have been abandoned by the state and trying to win back their confidence; or returning property rights to those from whom it was unjustly removed. Three main recommendations flowing from the research: the first claims for more academic studies about DWR; the second for the study and design of protective programs reinforcing the role of the state as primary protector of private property in society; the third for more in-depth studies of the LPPP and the dual behaviour of 'violence corridors' and 'illicit crops' problems in Colombia.

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Declaration

I declare that this thesis is entirely my own work. It is being submitted for the degree of PhD in Politics at the University of York in 2011. It has not been submitted at any other institution or published elsewhere.

Introduction

In this empirical thesis I am presenting a single case study – The “Land and Property Protection Program” (LPPP), led by the Colombian Government – as an exemplar case of a successful reconstruction strategy in the middle of war. The single case study is a useful method in social science where data is collected retrospectively (i.e. asystematic, qualitative and anecdotal information [Nock et al, 2008]) in order to identify complexities or singularities that are ‘unique’ in some characteristics but, at the same time, could be useful as a model or generalisation for certain other cases. This thesis collects data through three separate fieldworks over two years, involving 118 interviews and the interrogation of documents in order to analyse how the LPPP is working in two sets of towns in a specific region of Colombia. Based on this information I make inferences regarding the role and interest of the Colombian state in developing reconstruction programs during war, and its potential impact on the Colombian conflict. There are logistical and epistemological advantages associated with the single case study: The logistical advantages are concerned with resources and accessibility to the fieldwork, geared towards maximising the likelihood of completing the research. The epistemological advantages relate directly to the general conditions of studying conflict and reconstruction through the study of the Colombian conflict.

In this introduction I present the research objectives, the structure of the thesis and the rationality for the research design.

Research objectives

The objectives of the research are to understand how During-war reconstruction (DWR) programs operate, and the effect of those programs on conflict. Five objectives are proposed:

Objective 1: Prove that those reconstruction strategies developed during warfare are not neutral in terms of the confrontation.

Objective 2: Determine what kind of Reconstruction during war can help shorten war and have a subsequent positive impact on peace.

Objective 3: Assess the impact of activities of ‘protection of housing, land and property rights’ in preventing escalations of violence and mitigating the effects of war on civil population.

Objective 4: Examine the ‘Land & Property Protection Program’ for Internally Displaced Persons in Valle del Cauca, Colombia.

Objective 5: To use Micro-analysis techniques to assess the impact of DWR activities.

Thesis structure

This thesis presents the particularities and experiences of human beings in the studied area, and it uses Micro-analysis techniques to better understand the information gathered in the fieldwork. Chapter one discuss the relevant academic debates for the case study; Chapter two presents the methodological design and the details of the research strategy used to perform this single case study. Then chapters four and five present the case-study and the micro-analysis. Finally, last chapter summarizes the conclusions and proposes new

areas for further research (Chapter 6). Following, there is a detailed description for each chapter:

Chapter 1, During-war reconstruction, introduces the discussion about what is meant by During War Reconstruction (DWR), and by 'state-led non-military DWR'. It also presents the actual and relevant academic debate about the Colombian conflict.

Chapter 2, Conflict and land protection, establishes the existing lacuna in academic and humanitarian studies about protection of land rights during conflict; and evaluates and compares the protection and restitution strategies of reconstruction.

Chapter 3, Methodology, firstly, presents the qualitative approach: field research and ethnographic work complemented by documentary research. The second section presents how the fieldwork and associated issues were developed. Then, the third section introduces the use of micro-analysis techniques to analyse the data collected during the fieldwork.

Chapter 4, Fieldwork findings, details the ethnographic work of this thesis around the "Land and Property Protection Program" (LPPP) in two sets of towns in Valle del Cauca region. It presents the data collected during the three fieldworks in Colombia: February-March, October-November 2009 and October-December 2010. The findings concerning the operation and guidance of the LPP program from an institutional point of view are contrasted with the findings from the fieldwork interviews with beneficiary and non-beneficiary IDPs; Non-displaced rural population (non-beneficiary); and state officials.

Chapter 5, analysing the impact of DWR on conflict, details the logic of the perceptions and explanations present in the micro-data in a structured way.

Chapter 6, Conclusions, examines the extent to which the purpose and aims of this research were fulfilled. First, the findings about the LPP program and about the Colombian' government's DWR politics are presented; second, the extent of the contribution of the thesis to extant literature on the Colombian conflict and to reconstruction studies is presented. The chapter concludes with three main recommendations flowing from the research: the first argues for more academic studies about DWR; the second for the study and design of protective programs reinforcing the role of the state as primary protector of private property in society; the third for more in-depth studies of the LPPP and the dual behaviour of 'violence corridors' and 'illicit crops' problems in Colombia.

The chapter also reaches conclusions about the violence associated with rural territories and the achievements of the "democratic security" policy used by the state to regain legitimacy. Finally, this chapter presents new research directions and policy recommendations to the Colombian government.

Research design

This qualitative research was designed to study the "effects" of the "Protección de Tierras y Patrimonio de la Población Desplazada" (Protection of Land and Property of the Displaced Population) program in two sets of towns in the Valle del Cauca region to restore normality before the end of the actual conflict. The research design was based on field research and ethnographic work complemented by documentary research. This empirical research presents the data of three separate fieldworks over two years, conducting 118 interviews, and compiling documents in Colombia.

The analysis is performed using micro-analysis techniques contrasting users' perceptions and practices with central politics, also

identifying behavioural practices derived from collective knowledge. The analysis of the experiences and stories collected during the fieldwork is contrasted with a theoretical framework defining DWR and with hard data and studies on the Colombian conflict.

Chapter one: During-war Reconstruction

Introduction

In this chapter, I will discuss the relevant academic debates for the case study. Firstly, I will introduce the discussion about what is meant by During War Reconstruction (DWR), and by ‘state-led non-military DWR’. Secondly, I will introduce the case study and I will present the actual and relevant academic debate about the Colombian conflict – it should be noted that the literature on violence and armed conflict in Colombia is extremely abundant and it is not in

the scope of this thesis to cover it all. Thirdly, I will present how the proposed case study contributes to these debates.

War and reconstruction

Reconstruction refers to two main sets of activities. The first set includes the construction activities being developed in response to destruction activities (for example, repairing or re-building a bridge that has been destroyed). The second set includes construction activities that are not in response to the destruction itself, but activities seeking to prevent, in the future, the same level of destruction caused by a particular event (for example, strengthening a bridge or building a new alternative bridge). In the first case, the reconstruction is 'reactive'; in the second case it is 'proactive'. The reconstruction activities portfolio is extensive and includes, *inter alia*, physical reconstruction, rehabilitation of injured persons and the reconstruction of basic services (including financial and social services). It also includes the reconstruction of the social fabric; government; memories; stories and events. Reconstruction can relate to activities that affect the material and the social relationships of individuals. The same is true for destruction e.g. property damage, damage to social relationships, or the destruction of lives. The loss of lives caused by the destruction cannot be repaired, but the truth(s) and the memories of those who have died can be redeemed. Importantly, both destruction and reconstruction activities can be performed by 'state' or 'non-state' actors.

The kind of destruction referred to in this research is the one derived from or developed in the wake of war. Many other kinds of destruction can occur: caused by natural phenomena, such as tsunamis, earthquakes, and droughts; or, by human failures, such as flaws in the design of buildings, ships and aircraft. Compared to other types, the key characteristic of destruction caused by war is that it is

directed, it is not accidental. War, as used in this thesis, refers to the classical version of the formal acceptance of a state of war by the armies of two or more nations¹ plus the Uppsala Conflict Data Program definition² of “armed conflict”: “An armed conflict is a contested incompatibility which concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths”, again, the expansion of it to a “non-state conflict” where the “use of armed force between two organized armed groups, neither of which is the government of a state, which results in at least 25 battle-related deaths in a year”. I will simplify these statements as: the armed confrontation between two or more groups with the goal of resolving conflict through the subjugation of the other’s will – this to be achieved through the constant destruction and seizure of property and lives of the other groups.

The study of Reconstruction activities during war is controversial.³ This controversy is not limited to a discussion of the dangers of taking sides with any of the parties in conflict, thereby risking the ‘impartiality’ principle; or to the controversial ‘perversion’ of humanitarian principles when they are used for military purposes. Arguably, the main controversy is that the study of Reconstruction activities during war challenges the traditional point of view of war as

¹ In legal terms, the Charter of United Nations in Chapter VII gave to the Security Council the power “to decide” when there exists “any threat to the peace, breach of the peace, or act of aggression” between states, according to Article 39. This sanction of what is war – and the following attribution to the Security Council – gave war the ‘status’ of an international matter, and separated the dirty business of war between states as a ‘breach of peace’ from war as a legitimate use of force when practiced by the international community. Before WWII, the ‘ius bellum’ principle established the legitimate use of force for any state (in attack or defence situations); nowadays, this principle has been replaced by the “maintenance of international peace and security” by the Security Council, as Article 48 says.

² Both definitions (armed conflict and non-state conflict) could be found in the Department of Peace and Conflict Research at the Uppsala University webpage: <http://www.pcr.uu.se/research/ucdp/definitions>

³ Roger Mac Ginty refers to the controversy about the “(...) pre-war planning for the post-war reconstruction of Iraq” because this “(...) may involve the co-option of some sections of the NGO community into military operations.”, melding the “(...) categories of security and development.” (2003:601).

a destructive process.⁴ Nowadays, war is increasingly handled by technicians and administrators⁵ (Clark, 2004; Shaw, 2005) creating a ‘gap’ for academics who do not want to be ‘part’ of any war effort. Some war-workers are directly in the battlefield under contracts providing support for privatized soldiers, intelligence agents, local or international agencies; while other emerging war-workers abroad (Engineers, doctors, mathematicians, physicists, economists, administrators, etc.) feel that although their activities effect changes in the battlefield, they remain unaffected because they are not on the battlefield themselves. In addition, humanists – particularly political scientists and philosophers – usually have been left with no capacity to intervene directly over the conduct of war. With the possible exception of sociologists and historians recreating the “historical discourse” of warfare (Mac Ginty, 2003), the subject of war, generally speaking, and the study of Reconstruction activities during war, have remained out of reach.

On the other hand, there is no doubt that the resurgence of studies related to peace, peace processes, and the maintenance of peace have created new spaces for scholar discussion that allows academia to maintain its distance from the dirty business of war, without losing the opportunity to comment on it. Concepts such as ‘Peace building’⁶ or ‘Peacemaking’⁷ are boarding the interlude at the end of armed resistance and the beginning of political resurgence, whilst studies and theories about the ‘Peace process’⁸ are focused

⁴ As presented by Mac Ginty (2003) who ironically describes the melding of reconstruction and war as a “sanitizing” process of war where “(...) war is not framed as a wholly destructive enterprise” (2003: 613).

⁵ In the same vein as “peace” is currently handled by the military (Williams, M. 1998; Keen, 2001; Barry, 2002, Alliez, 2003; Williams, G. 2005).

⁶ Addressed with extensive literature from authors such as Galtung, 2003; Pugh, Cooper and Turner, 2008; Dayton and Kriesberg, 2009; Borer, 2006 (truth in peace-building); Bryden and Hängsi, 2005 (security in peace-building).

⁷ Addressed, inter alia, by Wimmer and Schetter, 2003; Darby and Mac Ginty, 2003 and Paris, 2004.

⁸ Investigated by von Trotha, 2004; Foblets and Truffin, 2004; Varela and Romero, 2006 and Mac Ginty, 2006.

on the end of conflict. Moreover, studies on 'Peace and conflict'⁹ or 'Peace and international relations'¹⁰, studies on the relationship between peace and 'international aid'¹¹ and the problem of 'international security'¹² are works about peace studying specific aspects of reconstruction activity, allowing authors to comment about the war process directly or indirectly without being centered on the whole subject.¹³ In this thesis, I am not following this path; I will study directly reconstruction during war and inquiring into its relationship with war or peace developments during war. This thesis is not a historical discourse about the Colombian conflict or an academic approach to the peace in Colombia; but it contributes with the narrative of the recent situation and also with understanding the complexity of peace and war in this country. In the next section, I will approach the Post-war reconstruction concept and this study will help me build on the concept of During-war reconstruction.

Post-war reconstruction

In terms of the origin of academia's work about Reconstruction related with war, the literature is centered on the Post-war reconstruction (PWR) theme. Williams in *'Reconstruction' before the Marshall Plan* (2005), argues that Austria is the first and clearest example of international-led reconstruction, pre-dating the Marshall

⁹ Developed by authors such as Keeley, 1996; Doyle, 1997; Fawcett, 2002; Iriye, 2002 and Barash and Webel, 2002.

¹⁰ Investigated in the work of Richmond, 2002; 2005; 2008; Clark, 2004; Costy, 2004; Meltzer and Rojas, 2005; Picciotto and Weaving, 2006 and Durch, 2006.

¹¹ Examined in Boyce, 2001; 2002; Muscat, 2002 and Stockton, 2004.

¹² Addressed in Buzan, 1984; Cha, 2000; Lieber, 2000, Keen, 2001 and Schnabel and Ehrhart, 2005.

¹³ Similarly, other topics include 'Peacekeeping' (Williams, 1998; Wirtz and Larsen, 2009); 'Nationbuilding' (Mandani, 2002; Donini and Wermester, 2004; Roeder and Rothchild, 2005); 'Peace operations' (Looney, 2006; Leckie, 2009) and 'Conflict resolution' (Rupensiengh and Naraghi, 1998).

Plan¹⁴. The reconstruction of Austria in between the First and Second World Wars as an 'Economic protectorate' meant that it avoided paying the costs of 'reparation,' and – assisted by the League of Nations – allowed a restoration of its economy. The same path was followed by Hungary. However, these actions did not stop World War II. The United States blames the failed peace between the wars on the high cost of 'reparations'. Looking for a new foundation for peace, the United States, during the Second World War, commenced post-War Reconstruction preparation leading a British-American alliance opposed to France and based on three conditions. First, after the First World War the ensuing economic recession was a major cause of conflict and suffering – "(...) the liberal establishment was terrified of a renewed wave of isolationism and recession in the United States once the beneficial economic effects of war had receded" (ibid 2005:548). Second, the interests of the United States – in opposition to France's pretensions for 'reparation,' and British pretensions for 'imperial restoration' – led them to establish a new agreement: " 'Reparation' was to be transformed into 'reconstruction'". (ibid 2005:550). Third, the doctrine of relief processes (including civilian programs) worked simultaneously with armies advancing over liberated territories devastated by war; this practice would shorten the war and bring stability after the war because it would help to consolidate the markets in the post-war period. This is a clear path in the relationship between reconstruction and conflict avoidance.

¹⁴ He also argues that the PWR concept was not only a United States policy developed after WWII, but, rather, a British-American policy from the 19th century. For the United States it was based on the American Civil War, which featured two prominent characteristics that determined the ensuing reconstruction process: the intended replacement of a productive social system (slavery) in the South; and the development of new, highly lethal technology and equipment. The result was that at the end of the war the United States possessed unmatched military capabilities and had the fortitude to settle the Southern and the Western territories. For England, the Boer War and European imperialist expansion in Africa meant that in the 19th century reconstruction was seen as the most effective vehicle for commerce and market expansion. According to Liberal thinkers: 'Commerce is opposed to war', not just because war stops commerce but also because it is more effective than war as a means of conquering new territories. Probably, this was in mind at the end of the First World War, but it failed because of French pretensions of 'war reparation'.

Williams states that some military officials were skeptical about 'civilians' doing reconstruction over a 'battlefield'. This reconstruction effort was developed by the United Nations Relief and Rehabilitation Administration (UNRRA) from the United States State Department. Here, the "United Nations" was limited to the United States and Britain.

Following the post-WWII process and, mainly, the Marshall Plan, the issue of Reconstruction became a serious academic topic. This approach is seen as an opportunity to do the 'right thing' in a destruction landscape. In that sense, an immeasurable quantity of discussion, research and analysis led to the development of a body of thought, theorizing and institutionalization – both academic and practical – about what PWR is and how to do it. This discussion did not stop at the European experience or at the new world order emerging from the Second World War, and has spanned the second half of the 20th century to the present time. One way to understand the trends of these discussions is to understand whether they are focused on 'small' reconstruction processes (specifically designed and covering local problems) usually derived from civil led programs of 'peace building,' 'development,' or 'peacemaking,' (Barash, 2002); or are focused on 'long-spectrum' reconstruction operations (both, in subject and in scope) which are military planned, led and conducted – reflecting the idea of 'security governance' (Bryden, 2005) – and comprising: security sector reforms (SSR); disarmament, demobilization and reintegration (DDR); rehabilitation; rule of law and transitional justice.¹⁵ Another aspect of this discussion concerns objectives, distinguishing three big topics: the direct and technical position that conceives PWR as just another disaster where "the primary goal of the recovery process is to reverse these damaging

¹⁵ The new operational theatre of Afghanistan and Iraq is pushing forward the comprehensive idea of "SSTR": Stability, Security, Transition, and Reconstruction (Wirtz, 2009).

effects and, in doing so, restore victims' lives" (Coppola: 300-301).¹⁶ Or the mixed position that combines political and technical prescriptions, as proposed by the Post-war Reconstruction and Development Unit (PRDU) at the University of York, for example. The PRDU accepts the possibility of PWR as part of a conflict's solution,¹⁷ with its seven pillars proposal: *Vision, Participation, Security, Reconciliation and Justice* (which are sections of the peace building part of PWR); *Equity* (which is the base that prevents new violence), *Reconstruction for development* (indicated as the complex task of "returning the whole fabric of society" [Barakat, 2004b:259]), and finally *Capacity* (described as the possibility for successful PWR processes). But it also includes the radical political position of the Network University group's idea that "there are few truly post conflict situations (...) in which open warfare has come to an end" (Junne, 2004:1), and that when this happens PWR is an opportunity to forge a new social contract.

According to the PRDU proposal, PWR is a process developed through activities and discussions about the subject have been mainly shaped by the points of view of the war winners (mainly the United States); and PWR's relation to war is one of basically 'repairing' the (war) mess but also the remains of conflict. The following discussion of this topic is concerned with 'who' leads and develops the reconstruction. Additionally, Barakat (2004) also proposes three different approaches to reconstruction based on how

¹⁶ Works such as those of Kane (1999); Stiefel (1999); Byman (2000); Ikenberry (2001); Adebajo and Lekha (2001); Ankersen (2007); Barakat (2004; 2004a); Coppola (2007) and Özerdem (2008) follow one argument with three basic principles: War is a man-made disaster; from many wars many lessons are learned; those lessons could be shared and finally the disaster could be managed and reduced. However, this idea of war as a disaster diminishes the war to an undesirable manageable activity to be dealt with. Moreover, this same idea allows the design of technical proposals for post-war reconstruction programs and packages designed to 'fix' the disaster.

¹⁷ Recently (2008), this position moved forward to a direct link between reconstruction and development: "It is the experience of the PRDU that an inclusive concept of reconstruction and development, which encompasses the key stages of relief, rehabilitation, and reconstruction leading to sustainability, is the most appropriate" (Barakat, 2008: 261).

deep external actors are involved with the rehabilitation processes and its effects on violence: the traditionalist, the humanitarian and the new humanitarianism. The main lessons that serve our analytical purpose are synthesized in two points that affect how we understand PWR: "... the strong relationship between the concepts and practice of development and of post-war reconstruction" (*ibid* 2004:31); and, "... the changing nature of international and intra-national conflicts themselves and how they have been perceived..." (*ibid* 2004:31). The first point links the definition of PWR to the concept of Development; the second to the concept of Security. So far, historically, all PWR has been developed following "strategic interest". The meaning of strategic interest is, possibly, changing too. Barakat argues that strategic interest after 9/11 refers to "long term security" achievable "by reducing vulnerability to conflict through integrated post-war reconstruction as a corrective measure but... yet to be effectively translated into practice" (*ibid* 2004:32). Nowadays the range of possibilities that presents PWR as man-made disaster relief is manifold. Amongst academia and practitioners, the logic is quite simple: there exists a disaster somewhere that needs to be technically or professionally repaired. In sum, the group at the PRDU has worked around definitions of PWR typified by Barakat (2004: 7):

"... a range of holistic activities in an integrated process designed not only to reactivate economic and social development but at the same time to create a peaceful environment that will prevent a relapse into violence".

As Mac Ginty summarizes, five reasons could be presented for this surge in post-Cold War academic studies: a) During-war the military dominance reduces the options for academic or humanitarian activities "(...) until after violent hostilities had ceased." (2003:602); b) The visibility of conflicts in a mass media globalized culture *plus* the Balkans conflict prompted the curiosity and commitment of more

academics on the subject; c) The contemporary “dysfunctional peace” (2003:602) associated with post-war situations do not address the roots of conflict and sustain only an unsatisfactory (and often violent) recovery; d) The increased technical knowledge of humanitarian agencies, international organizations and governments about the subject; and, e) growing awareness of the dangers of failed post-war processes for the international community.

On the specifics of conflict and reconstruction, one branch of PWR is focused on the study of the problems of violence for people during peace time, which may coexist with: low levels of direct violent engagement between parties; sporadic indirect violence between individuals and groups; violence inside spoiler groups, and personal vendettas. Solving or preventing this situation is one of the main objectives of PWR: “(...) the need for a new legitimacy that will reposition the relationships to power within a society.” (Foblets, 2004:270). This process refers to more than residual violent waves hung-over from war time: it is also a ‘moment’ of opportunity for spoiler groups, warlords, gangs, ex-combatants, traffickers, and many interest groups to re-ignite the war. The violence may be deliberate or accidental, but in the end, this spoiler violence mitigates against any peace process (Mac Ginty, 2006). The only option for security is to fight or appease the emergent violence and strengthen the social fabric that prevents recourse to it. In post-conflict situations internal violence could transform itself, evidencing new forms of ‘soft’ violence – such as gender related and domestic violence, slave labour or street criminality. But armed violence also comes from the outside. Mueller (2004: pp.141-160) proposes the expression ‘policing wars’ to describe the application of military force by developed countries to ‘correct’ conditions in post-war zones, in conjunction with other forms of sanctions and force, including commercial blockades, asset-seizing, and propaganda. This means that after victory (via revolution or seizing power) emerging powers in countries or regions may need to defend their victories from

international intervention. This has been the case since the contrasting Cold War operations of ‘democracy support’ and ‘communist solidarity,’ to recent humanitarian interventions, efforts to reinforce human rights, preventive wars, and the fight against terrorism. As expected, the theme of war during reconstruction (Arévalo, 2002; Darby and Mac Ginty, 2003; Foblets and von Trotha, 2004a; Paris, 2004; Bryden and Hängsi, 2005; Mac Ginty and Richmond, 2009; Muggah, 2009) is at the center of contemporary debates for a reason. However, the specific scope of this thesis does not permit an analysis of ‘war actions during reconstruction’. These studies are commonly made as part of studies of peace building or peace processes, but are not focused on the relation between war and reconstruction that interest me. I am focused on the activities of reconstruction during war time (Looney, 2006) – looking into war’s relationship with reconstruction and construction, not just destruction.

During-war reconstruction

The existence of During-War Reconstruction (DWR) is a fact: in the middle of armed conflicts, institutional governments, partisan armies and ordinary people simultaneously practice recovery and destruction (economically, socially and militarily). Essentially, there is no a single type of reconstruction, or a single scheme of what or how it can be done. However, the common grounds for all reconstruction, in political terms, is based on *how to neutralize the previous and latent risk; the threat*. A conflict is – without a doubt – an attempt to overcome a ruling or emerging power, and this means that the primary objective during or after war is to prevent – to neutralize – any threat. Consequently, the most obvious and imperative solution/necessity for all actors is to develop activities to strengthen their own power and capabilities. It implies, and is based on, the reconstruction of the productive apparatus damaged by the conflict.¹⁸

¹⁸ John Ikenberry (2001) solves the question about “what do states do after

Three kinds of reconstruction activities could be developed. The first kind of activities could be named as *relief of war-destruction*, and involves activities of recovering infrastructure, services and a return to a 'normal life' even under fire. The second set of tasks could be named as *strengthening of war opportunities*, and allows for the army – or group who survived, or emerges victorious from combat – to consolidate their capabilities. The third set is focused on *the containment / fighting of unresolved conflicts and the building of peace*. Historically, the differences between activities of recovery during war that helps the military effort, and those that do not help – or activities led by military necessity or not – have not been a real problem. For people, the necessity of ending the war, winning the war and surviving the war is the same as returning to normality.

Recently, in contrast with the view that the existence of DWR is a fact, a huge debate has emerged around the blurred military-civilian interface in countries such as Afghanistan or Iraq. According to Ankersen (2007), the recent Civil-Military cooperation exhibits an "(...) intentional blurring of lines between civilian and military, humanitarian and intelligence functions" (*ibid:xv*), which is neither practical nor convenient. Or, as Barry (2002) points out, peace operations with "(...) military actions supporting non-military efforts to establish and maintain peace" (p. 3) have nothing in common with humanitarian work. Stockton (2004) argues that in the case of Nation-building the tendency now is no longer "(...) to treat peace and development as apolitical products created from a set of discrete technical tasks (...)" (*ibid:30*) but rather to take sides. On the other

winning war?" in a slightly different way: he said that states keep the power and make it last... finding ways to set limits on their power and make it acceptable to others. I believe that the first part of the idea could be claimed as a rule, but not the second. The study of Ikenberry is based on how super-powers (specifically Britain and the United States) acted after multi-scaled conflicts; and, even if the second part of the idea can be incorporated as a 'motto', I hardly believe that it constitutes an explanation for most of the cases, not only in terms of intra-state conflicts, but also in most international conflicts. Nevertheless, I agree with Ikenberry's explanation that this could be done using the opportunities and incentives that the war has created.

hand, there is an increasing pressure to direct military resources toward reconstruction processes (Wirtz, 2009; Gibson, 2008; Williams, 2005). Clark (2004) exposes how the press, the military and the aid industry are profiting from their activities in war-zones, and Costy (2004) expresses this situation as a “dilemma” when humanitarian and military personnel are involved in “(...) active combat operations, intelligence collection, psychological operations, and the conduct of ‘hearts and minds’ campaigns through the provision of what is termed humanitarian assistance, food distribution, and small infrastructure projects” (*ibid*:157). Orthodoxy now views “aid militarization” as inevitable in order to achieve long-term political and security objectives; and as Schultz (2007) argues, the distinction between war (offensive and defensive), and crisis (stability and support) serves more for illustrative purposes, because the “reality is dynamic between both of them” (*ibid*:124). For some professors and fieldworkers the only options are to retreat, or remain impartial at all cost. In real life, both options, including civil-military involvement, are evident. My research contributes to this debate by analyzing the Colombian case.

During-war reconstruction is connected with war not only because it is developed during war, but also because it could affect the course of the war: prolonging or curtailing the end; and/or, protracting or solving the conflict. DWR could prolong the war because it allows one side to recover military capabilities and helps those in a weak position to fight longer. It could shorten the war in the same way if it helps those in a strong position to gain military advantage. Some activities of reconstruction during war could protract a conflict by generating new conflicts, or could overcome its causes. Accordingly, I can further argue that the main consequence of developing reconstruction activities during wartime is that they directly affect the result of the war itself, and may strengthen one of the parties in conflict. Further, DWR is associated with a blurred situation where it is not clear whether the activities are performed for military or

humanitarian purposes. In terms of the distinction between humanitarian or military activities I propose to differentiate between military outcomes and socio-political outcomes. Unsurprisingly, this distinction is controversial and vulnerable to interpretation.

Military reconstruction during-war is a reconstruction activity developed in the middle of war with the purpose of strengthening military power and defeating the enemy. It implies taking sides in a conflict, and directly helping the military campaign. It has been developed over the years in military academies and as part of military training and advice. In the classic strategy of "Winning hearts and minds" the idea is to get local people to support the military effort through the use of available resources, both material and human, and thus limit the resources available to the enemy. It is also about guiding processes of production and living conditions, to restore and increase local production and increase the supply of resources available for the military effort. Through this strategy, two additional results are sought; the first one is to "pacify" the area, seeking to control the exercise of violence. The second is to "militarize" the area, seeking public support for the provision of resources and information in order to decrease the combat capability of the enemy (either by denying them access to information and resources or deploying such resources against them). My research is not focused on this kind of strategy.

Non-military DWR activities are those developed by the state or the parties in conflict in the midst of a war beyond the military effort. In the case of the modern state (a) the acceptance of the state's legitimacy and *power*¹⁹ must remain even during wartime and (b) the

¹⁹ The modern state must have the capability to exercise legitimate violence; to do it, the state allows the control of large territories through an administrative apparatus, and regulates the economy in that territory through the collection of taxes. In doing so it establishes a different system of government and a social pact than that associated with feudal societies: taxes replace servitude of land to the King, and wages replace the servitude of individuals. This process is possible with the consolidation of four mechanisms for strengthening rule: "bureaucracy,

social contract,²⁰ where rulers and ruled are linked by historically specific principles, must be kept alive; if both go away then the state disappears. The modern state is obliged to manage both peace and war; thus during war time the state must support a war economy, handle the humanitarian crisis and deal with any social challenges. This need to alleviate the miseries of war is achieved through programs of economic and social recovery and, clearly, it is not easy to separate their ends from those of military objectives. But, I can propose that social objectives are more focused on the need to maintain the state's legitimacy, not its power. In the case of non-state parties, the purpose is not to maintain, but to gain legitimacy.

No doubt, this is a theoretical approach about politics, and reality not only differs, but also features all kinds of multicultural diversity. However, the reality for states or parties *vis-a-vis* conflict during war time does not differ much from the aforementioned principles: the need to survive as a political and representative entity using

monopoly of force, creation of legitimacy and homogenization of the population" (Wallerstein, 1984: t.1, page 191). In this way the state is set in a territory known as "sovereign". In the international system of states, sovereignty equates to the effective capacity of producing (goods), trade, and policing of the interior of a territory within a global trading system. Inside States this sovereignty translates into *Security for individuals through the regulation of violence* in the exercise of its authority and power, or in *defence of property*, providing the means for the productive development of society. In the modern capitalist State this form of property is private property. This means that the state proclaims a social order in a territory under its control, arranged in a capitalist system of production for individuals to achieve the satisfaction of their needs. In this way, the state maintains the economic order of society by controlling production within the territory.

²⁰ The classical analysis of politics by Held in *Political Theory and the Modern State* (1989) refers to Hobbes's assertion of a transfer of self-governing rights from individuals to a single authority as the consolidation of the modern state. But according to Locke, it is not a transfer as such but rather a union around the state. This creates a responsibility from the state for the defence of peoples' natural rights to enjoy the fruits of their work and to hold property. Pointing out the fulfilment of these objectives, Bentham and Mill concluded that "(...) the overriding motivation of human beings is to fulfil their desires, maximize their satisfactions or utilities, and minimize their suffering; society consists of individuals seeking as much utility as they can get from whatever it is they want; (...)" (Held, 1989:24). In addition Rousseau argues that individual's 'surrendering' and equating of their interests to those of the state is an impulse guided by individual's desire for survival against individual misfortune, common miseries and disasters. Even if there is no transfer of sovereignty, this relationship between people and state remains valid on account of necessity.

programs of economic and social reconstruction. This does not mean that states or parties are effectively solving people's problems or adequately tackling the roots of conflict and unambiguously achieving socio-political milestones; probably the parties in the conflict are just expending resources on maintaining popular support during war. In any situation their motives could be altruistic – driven by a need to 'alleviating suffering' – or practical – wishing to avoid internal uprising or enemy sympathizing. Thus, non-military DWR programs are not oriented through a military campaign, and are usually accepted as a special administrative mode of state activity designed to act in accordance with the circumstances of the conflict. For example: programs to help Internal Displaced People (IDP); humanitarian food relief; and temporary laws regarding mobility, settlement, property and production, etc.

To study this kind of reconstruction, I am presenting the Colombian case in order to address the issues identified above. Firstly I will briefly introduce the Colombian conflict; secondly I will present the general context of academic study of Colombian conflict; and thirdly, the specifics of the LPP program in Colombia.

Land and conflict in Colombia

The research subject is a reconstruction program in the middle of war, and to understand this, it is necessary to advance in a contextual explanation of why and how Colombia ended up implementing the Land and property protection program (LPPP). Contemporary history of Colombia started at the end of the so-called "Thousand Days' War", 1902, followed by the loss of the territory of Panama in 1903. After this event, the country entered into a process of reconstruction which lasted almost thirty years. During this time, the country experienced relative "peace"; however, during this process of reconstruction, the foundations were laid for the conflicts

that were to plague the country until the 1990's. The reaction of the elites to the loss of Panama was to curb any political discussion, any manifestation of ideological, social, or cultural openness, and in a deliberate manner direct the country toward international ostracism. The further eruption of violence is explained by the shift lived in the 30's from a Conservative party hegemony to a Liberal government and followed by the economic openness of Colombian economy in the period between World Wars which revealed the scarcity of rural life in contrast with that in industrialized areas. For the next sixty years, between 1930 and 1990, the armed conflict that waged in Colombia was one of the most deadly, bloody and fratricidal events of 20th century. The original social conflict sought political reform (labor rights, women's emancipation, access to land, right of association, cultural openness, and industrialization) was met, by the most conservative of the national elite, not only with political opposition – these elites feared a loss of political control, and due to the absence or weakness of the State and the rule of law, were also able to use violence to limit reforms. In the mid-1940's, *La Violencia* became the symbol of the country. Today's guerrillas emerged in the sixties after a perverse peace agreed by the elite with the National Front, and are a continuation of this conflict. In the nineties, a new ingredient was added and shifted the conflict: the drug trade. Colombia's recent history has made its stamp, and the country's violence is now defined by and for the business of illicit drugs.

Following the historical recount, after the assassination of Jorge Eliecer Gaitán on April 9th 1948, which ignited *El Bogotazo*, the country was unable to stop the violence, discover the motives, the people and the interests behind the crime, or advance a protective system for political life. As a result, the militaries were charged with restoring order through the Military government of General Gustavo Rojas Pinilla between 1953 and 1957, and the Military Junta in 1957. During Rojas Pinilla's presidency two peace processes (1953 and 1954) – including demobilization and social restoration – were

developed. However, these ended with the killing of the Liberal guerrilla leader Guadalupe Salcedo (González, 2007). Paradoxically, at the same time that the civil war started its worst period, it is clear that Colombia's recent history of political, social and economic restoration also started. The government of Rojas Pinilla is remembered as the "openness" of the Conservative ostracism as mentioned before (Murgueitio, 2005).

In general terms, between 1958 and 1994 the country experienced constant processes of pardon, reintegration, treason and uprising; during this period although Rojas Pinilla and the National Front policies evidenced a new emphasis on reconstruction, the evils of recent times were also present in embryonic form. As professor Alejo Vargas says: "(...) while the National Front was an adequate therapy for inter-party violence, it also created the foundation – along with other structural and economic factors – for the emergence of a new kind of violence: violence against the political regime and against the State, usually known as the 'revolutionary violence' featuring the National Front" (Vargas, 2008:322).²¹ Not only because of the absence of real democracy, but by legitimating a perverse system of regular Pardons without punishment, which allowed the private use of violence. After the Military Junta period, when the government was restored to civilians, the result was the Frente Nacional. This unique bi-factional system of government was practiced between 1958 and 1974, and is at the root of the re-birth of violence in Colombia after Rojas Pinilla "pacification". This new spiral of violence reached its peak with the bloodiest armed assault on the Palacio de Justicia (Justice Court) by the M-19 guerrilla on November 6, 1985; and a subsequent armed assault by the army on November the 7th. This armed assault was the last act of a dramatic war between the

²¹ "(...) si bien el Frente Nacional fue una terapia adecuada para la violencia interpartidista, creó las bases, junto con otros factores estructurales y coyunturales, para el surgimiento de un nuevo tipo de violencia: la violencia contra el régimen político y contra el Estado, que generalmente se conoce como la 'violencia revolucionaria' característica del Frente Nacional" (Vargas, 2008:322).

traditional parties in the government and the armed guerrillas, fuelled by and masking the emerging prosperous illicit drug business. As a result, the country woke-up from its dreams and decided to face the reality: in rural areas, it was a country at war. This drama ignited the war against the drug cartels and the desire for a peace agreement with guerrillas; but both objectives only deepened the violence. Between 1986 and 1990, the country experienced its darkest days. The peace agreement with the FARC guerrillas in 1985 was followed with the assassination of over 3,000 members of the Union Patriótica party by paramilitary groups; in complicity with sections of the State itself. In the following years, five presidential candidates or prominent national politicians were killed: Jaime Pardo Leal (1987); Luis Carlos Galán (1989); José Antequera (1989); Bernardo Jaramillo (1990); Carlos Pizarro (1990). The list added with the assassination in 1994 of Manuel Cepeda Vargas, and in 1995 of Alvaro Gómez Hurtado, the sixth and seventh prominent political leaders killed by this violence wage.

One consequence of the coca business and the surrounding violence is the penetration of the traditional social, economic and political elites by the ‘capos (drug leaders)’, the ‘new wealthy class’. This allowed the dismantling of the traditional repressive system of the state by the corruption of money and power. This disassembly penetrates so deep inside the country that the elites and conservative society allowed a new foundational process (not a new reconstruction as before, after the “Thousand Days’ War”). As a result, in 1991, the country saw the promulgation of a new Constitution as a panacea. Under Cesar Gaviria’s Presidency the country achieved the biggest demobilization of guerrilla groups and their integration into political life: “ ‘Movimiento 19 de Abril de 1970’ – M-19; a faction of the ‘Ejército de Liberación Nacional’ (ELN) known as ‘Corriente de Renovación Socialista’ – CRS; the ‘Partido Revolucionario de los Trabajadores’ – PRT; the ‘Movimiento Armado Manuel Quintín Lame’ – MAMQL; and a faction of the ‘Ejército

Popular de Liberación’ – EPL” (Benavides, 2011:9).²² This ‘re-birth of the State, and compromise in the fight against crime, drugs and political corruption was broken in the next presidential round in 1994 with the scandal of drug money attached to the presidential and parliamentary elections of President Ernesto Samper. The following uncertainty allowed the rise of paramilitary and guerrilla forces with the associated risk of a state failure. During this period the political life of the country was dominated by party fragmentation and political opportunism. The peak of this situation was the promulgation of the ‘Zona de Despeje’ in the Caguan region in 1999 by recently elected President Andrés Pastrana. This act symbolized the resignation by the state that it was not the only authority in the territory. The dramatic end of this FARC-land in 2002, and the United States support through the Plan Colombia changed the political life of the country again. The leadership of President Alvaro Uribe allowed the dismantling and reintegration of paramilitary armed groups (30,000 fighters); also, the final condemnation of guerrilla groups as criminals and the recovery of the State’s presence in all Colombian territories. But, again, the political system was at risk ‘idolizing’ this leader and the attempts to reinstate him as a permanent president – changing the Constitution to enable a second term and attempting to change it again to enable a third period in office.

²² “Movimiento 19 de Abril de 1970 M-19, una facción del Ejército de Liberación Nacional conocida como Corriente de Renovación Socialista CRS, el Partido Revolucionario de los Trabajadores PRT, el Movimiento Armado Manuel Quintín Lame MAMQL y una facción del Ejército Popular de Liberación EPL” (Benavides, 2011:9).

Studies about Colombia's conflict²³

In terms of theories about how to “describe” the Colombian conflict, the range is limited. According to Huma Haider, an armed conflict is a conflict of incompatible interest between groups who do not trust each other and “resort to the use of force to secure their goals” (2012:2).²⁴ In the armed conflict in Colombia the parties are clearly defined but we do not find consensus about which are the “incompatible interest” or the disputed “goals”. Following Dan Smith

²³ The literature about Colombian conflict is vast, but mainly focused on historical reviews. Most authors are exposing the history of the armed actors in Colombian conflict, the peace processes and interviews with relevant figures of the violence. Some of the ‘classics’ to follow the academic studies of the Colombian conflict are Guzmán, Fals Borda and Umaña (1962) whose compilation of testimonies on the violence since its inception in the mid-twentieth century is considered the origin of the academic debate in Colombia about the violence. As claimed by Carlos Miguel Ortiz (1994), before the book of Guzman, Fals & Umaña (1962) in Colombia we found what is so-called “factional” literature (written by the two historical parties: Liberales and Conservadores) where a) leaders of both parties are compiling ‘memories’; b) factions are ‘denouncing’ crimes; c) books are reporting or compiling documents about tragedies (i.e. Jorge Eliécer Gaitán assassination); d) journalist of both parties are exonerating or incriminating the other faction; e) fighters are remembering their battles; or f) writers are producing fictional or semi-fictional novels (Ortiz, 1994:383-387). Following this academic line we found the work by Oquist (1978), who was the first who used quantitative methods to study the violence and identified a regional dimension of the conflict (in his English version of 1975) (Ortiz, 1994:399). Sánchez and Peñaranda (1986) where the history and study of violence in Colombia is revisited; Medina Gallego’s (1990) analysis of paramilitary groups; Pizarro’s (1991) history of FARC; García-Durán’s (1992) history of peace processes; Camacho and Leal, F. (1999) who focused on importance of the political agenda to the achievement of peace; Bejarano’s, (1995) and Leal’s, (1999) launching of the study of peace in Colombia as a specific field of study; Archila’s (2003) presentation of how the background of social unrest feeds the armed conflict and Pecaut’s (2006) retrospective of how the conflict has been handled by all the previous Colombian governments. Equally, we must point out the seminal works on the interrelationships between paramilitaries and guerrillas by Duncan (2006) and by Gutiérrez (2008).

²⁴ Talking in general about the causes of war, few factors have been identified as a cause of war: the existence of bad neighbours who tend to do evil things; revenge on said neighbours; bad times that affect crops, homes, and livelihoods; and bad leaders (Keeley, 1996). When a society believes in ‘the leadership and capability of their government’, and believes in ‘real reasons behind political decisions’, the possibility of war increases. There exists a social tendency to “follow the leader” until the final consequences (Galtung, 2003). More recently, Paul Collier’s thesis about “Greed and Grievance” – where greed is the main motive of war – has been weakened. Nowadays greed is no longer accepted as a strong motive for war, but a weak opportunity for it (Ballentine, 2003). The motivation for this is that “greed” is not always profitable. It means that war cannot be sustained *only* by the motive of greed (Berdal, 2000). But the opposite is also true: sometimes war is highly profitable, and this can protract the conflict (Pugh, 2008).

and the Berghof Center the “causes” – the incompatible interests in dispute – could be divided into three main groups: “environmental, political and economic factors” (2004:5). This dismisses the ethnic factor and the *psyche* of the individual or the group as an explanation of conflict²⁵. According to Smith, in the first group we found the “Environmental degradation” theory of Thomas Homer-Dixon (1999); in the second group – the political regime factor – theories such as the “Not quite democratic, not quite autocratic regimes” (Hegre, Gates and Gleditsch, 1999) or the risk of conflict in “Transition towards democracy” (Jagers and Gurr, 1995); in the economic conditions factor the “Low level of economic development” theory (Hauge and Ellingsen, 1998). Haider (2012:6) summarizes the factors proposed by Smith as follows:

“Political and institutional factors: weak state institutions, elite power struggles and political exclusion, breakdown in social contract and corruption, identity politics.

Socioeconomic factors: inequality, exclusion and marginalization, absence or weakening of social cohesion, poverty.

Resource and environmental factors: greed, scarcity of national resources often due to population growth leading to environmental insecurity, unjust resource exploitation”.

In terms of the Colombian conflict, it is clear that all three factors are present, and the explanations could be divided according to the emphasis on each one. In terms of theories about Colombian conflict

²⁵ “It is not ethnic diversity as such that is a cause of armed conflict, but rather ethnic politics. It is the injection of ethnic difference into political loyalties, and the politicisation of ethnic identities, that is so dangerous”. (Smith, 2004:11). “While the theoretical conclusions in this literature so far are necessarily limited, they are also important, because they direct our attention towards the key issues of poor economic conditions, lack of political openings, and environmental damage, while at the same time warning us not to regard ethnic diversity as such as a cause of armed conflict.” (Smith 2004:13). This objection is referred to in the theories as the “Relative deprivation theory” (Gurr, 1970) or the “Group entitlement theory” (Horowitz, 1985).

where ‘Political and institutional’ factors are preeminent, we found the explanation based on Durkheim’s theory about the ‘social anomie’ (Lipman and Havens, 1965; Parales, 2004; Waldmann, 2007); the ‘weak or fragmented state’ theory (Oquist, 1978; Pecaut, 1987) or explanations based on Galtung’s theory of ‘structural violence’ (Gonzalez, 1999; Pérez, 2011). Another theory was developed from 1987, when the government of President Betancourt established the so-called “Comisión de estudios sobre la violencia” (Committee for the studies on violence). This academic group concluded that the violence in Colombia is derived from a ‘violent culture’ and that armed conflict is sustained in time by this social behavior (Comisión, 1995). Theorists who give priority to the socioeconomic factor are Gilhodes (1974), LeGrand (1984), Reyes (1987; 2009), Reyes and A.M. Bejarano (1988), Forero (2008), Moncayo et al (2008); all pointing to the long-standing agrarian problem in Colombia. Theories with emphasis on the third factor, the ‘greed and grievance’ theory (Collier and Hoeffler, 2004), are often dismissed (Richani, 2004; Nasi, 2009) as ‘reductionist’. However, in the analysis of Gorbaneff and Jacome (2000) it is clear that the economic factor is *key* in terms of the insurgents’ recruitment and the government offensive/defensive position, and the economics of war is directly related to natural resources – in Colombian conflict, the source of resources for war is narcotics (Cocaine, cannabis) and minerals (Oil, Coltan, Gold, Emeralds).

The majority of the literature explaining the Colombian conflict uses ‘mixed’ positions, without making specific emphasis on any of the aforementioned factors. Academic debate is based on two positions that could be identified: 1) Authors who accept the “incompatible interest” of the actors in conflict; 2) Authors who do not accept the existence of “incompatible interest”. In the first group Socorro Ramirez and Luis Alberto Restrepo (1989) and William Ramírez Tobón (1990) are strongly in favor of the existence of ‘antagonistic interest’ between the actors in the armed conflict; Nasi, Ramírez and

Lair (2003) explain this antagonistic interest *via* armed confrontation as the existence of a ‘civil war’ in Colombia; Alexandra Guaquetá (2003) investigates the ‘rational’ demands of the actors in conflict. In a recent book (IEPRI, 2006) the position of the academics at IEPRI, about the “interest” of the armed factions, moves one step to the side, explaining the convergence of criminal and political interests in the conflict. In the second group Rubio (1998a) and Rangel (1998) differentiate between the groups and the political goals, explaining the motivation of individuals to use political flags for their own rational interests. Pécaut (2001) promotes the idea of a ‘war against the society’, exposing armed actors as criminals attacking unarmed civilians. Recently, Gustavo Duncan (2006) underpinned the idea of a new period in Colombian conflict (since 1991) when the armed conflict was transformed into a ‘war of lords’ with regional armies under the command of drug enterprises (mixing members of the guerrilla, the paramilitary groups, the national army or police, the local and national politician, judges, academics, businessmen, etc.).

In this thesis, we are following the idea that actors in conflict do not have “incompatible interest” but accepting the convergence of criminal and political interest which is, by definition, “incompatible”. In terms of criminal confrontation, I strongly agree with the idea of “incompatible interest”, but in the political conflict I believe that actors are “moving” positions in a long-lasting conflict. In this sense, the idea of Duncan (2006) of a “war of lords” is just explaining the criminal confrontation, but not the political one. In fact, facing this range of options to explain the Colombian conflict, some authors – including myself – prefer to write about the “violence(s)” and the “conflict(s)” in plural (Marcella and Schulz, 1999) as a way to understand that the long-lasting presence of armed gangs is transforming the conflict (Salamanca, 2007), allowing the debate to remain open.

In the analytical field we have studies on the “causes” of the conflict, theories about the persistence and resilience of the conflict, and some works proposing solutions. In this direction, Pizarro (1996) explains the guerrillas as a social and political phenomenon, analyzes their roots and exposes the objectives of the subversion; Becker (1968) and Posada (1995) later attempt to discover and analyze the causes of the conflict from the point of view of economic inequality. Also – following this direction –, is the work of Nazih (1997), who argues that the violence is the result of a combination of land distribution inequities with the stronghold of guerrilla groups and mishandling by military institutions. Differently, Sanin (2006) shows how the violence associated with criminal activities is the real problem as opposed to the violence resulting from the armed conflict. Another branch of studies is focused on the “state security” problem (Leal, F, 1994; 2002) or the human security approach (Mason and Tickner, 2002; Mason, 2004); the “correlations” between the Colombian conflict and regional issues (Pizarro, 1996; Rangel, 2001; Nasi, 2002); or the international impact of this conflict (Tickner, 2003; Mason and Tickner, 2003; Ramirez, 2004; Londoño and Carvajal 2004; Kurtenbach, 2005).

Another direction of analytical studies is focused on the “effects” and the reconfiguration of the conflict. Some works identify the direct and indirect costs of the armed conflict, including: Granada and Rojas (1995), Bejarano and Echandía (1997), Badel and Trujillo (1998), Rubio (1997) and Pinto et al. (2004). Some case studies have shown that the guerrillas became ‘hotbeds’ of corruption and inefficiency for local governments (Rangel, 1997) or that both the guerrillas and paramilitary groups have sought to influence local decision areas, and have, in some areas, become figures of authority, power and order in local life (González, Bolívar and Vásquez, 2002 and Duncan, 2006). González, Bolívar and Vásquez (2002) also examine – from a theoretical perspective – the effects of conflict on the legitimacy of government, particularly the alternative orders emerging side-by-side

with the state. Similarly, some concepts have emerged such as “the capture of the state” (*captura del Estado*) and the “co-opted state reconfiguration” (*reconfiguración cooptada del Estado*) proposed by Garay et al. (2008), or “armed clientelism” (*clientelismo armado*) defined as the private appropriation of public goods through the threat of weapons (Rangel, Borrero and Ramírez, 2004). In the same vein, in the first decade of the 21st century, the interest on studying the effects of violence on variables that can influence economic and social development, such as school enrolment, access to social security, child mortality and political participation grew up (Sánchez and Díaz, 2007). Some studies have also looked at life expectancy, education, human security and personal income (Pnud, 2003). Engel et al (2007) used statistical analysis to establish the vulnerabilities of specific populations to displacement; and Echeverry (2002) focused his work on economic variables exploring the negative impact of the conflict on economic growth, investment, consumption, fiscal deficits and macroeconomic aspects of public expenditure. Querubín (2003) analyzes the impact of conflict, at a regional level (counties), on long term economic growth; Sánchez and Chacón (2005) and Rubio (2002) are focused on fiscal indicators and how decentralization has influenced the armed conflict²⁶. Holmes et al (2007) examines the conflict using econometric and cartographic analyses; and Rocha (2003) shows the economic impact of drug trafficking. Recently, Rettberg (2008) specified the analysis of the direct and indirect costs for the private business sector trying to grow in a country in conflict.

The present thesis contributes to this sub-group of analytical works by analysing the functioning of some state institutions at local, regional and national levels and its impact on the conflict. Working with local communities allowed the presentation of data about the local violence associated with drug trafficking enabling a balance between Nazih (1997) and Sanin (2006) positions reading the conflict

²⁶ One of the few works about the effects of political decisions on the conflict.

in Colombia, and in-line with González, Bolívar and Vásquez (2002) and Duncan (2006) studies on governance of land by non-state groups.

In terms of studies about peace in Colombia, we found studies on the national peace processes (such as: Bejarano, A.M. 1990; García-Durán, 1992; Bejarano, J. 1995; Villamizar, 1997; Chernick, 1999; Palacios, 1999; Medina and Sánchez, 2003; Pardo, 2004)²⁷, or studies on the regional peace processes (Consejería Presidencial para la Política Social, 2002), but few studies are focused on the “peace” aspects of the conflict, i.e. the possibilities and obstacles for peace in the country from the perspective of conflict theories or peace building studies (Bejarano, 1995). This thesis is following the path of writing such as that of Alape (1998a) who argues for the bottom-up construction of peace processes; Leal, F (1999) compiling voices on the past, present and future of peace; Chernick (2000) analyzing the position of the actors in the conflict toward peace; Bejarano, A.M. (2003) who presents the complexity of advancing any peace agreement in Colombia; Departamento Nacional de Planeación (1998), Nieto (2001), Corredor (2001), or Llorente et al. (2005) worked on the cost of peace; or recently Rettberk’s (2002 and 2004) analysis of the involvement of the private sector in promoting the peace in Colombia.²⁸ So far, the literature about peace and conflict in Colombia does not cover the study performed in this thesis about reconstruction processes during war driven by the necessity of peace.

²⁷ We also found studies on specific successful peace processes, but most of them are ‘anecdotal’: with M-19 (Zuluaga, 1999), EPL (Villarraga and Plazas, 1994) – and his reintegration into civilian life (Alape, 1996) – and Quintín Lame (Peñaranda, 1999). Studies on the failure of peace negotiations include: Caracas and Tlaxcala (Bejarano, 1995; Kline, 2001); Caguán (Valencia, 2002; Pastrana, 2004).

²⁸ Equally, in the past few years some authors such as García-Durán (2006) or Bouvier (2009) have started to study the local and national peace movement from the CINEP database, moving away from the more common focus of national peace negotiations.

Specifically, this thesis is part of the sub-group of work on the Colombian conflict focused on the understanding of the correlation between land and conflict in Colombia; such as Moncayo (2008), Forero (2008), Patridge (2006), Vidal (2006), Gallón (2006), Fajardo (2005), and many others who have argued that the solution to the Colombian conflict and to displacement must address the land problem in Colombia. Through interviews during the fieldwork, this thesis will help construct a “narrative” of the violence and conflict in Colombia²⁹; the compilation of testimonies and the direct observation from the researcher will contribute to an understanding of what happened in this region during this specific period. Also, its analytical approach to the fieldwork findings will promote the study of the “effects” of government activities to restore normalcy before the end of the actual conflict – this approach is in line with the limited studies of the effects of political decisions on the Colombian conflict (such as Dudley and Murillo [1998] on the relationship between the oil industry and the conflict; Sánchez and Chacón [2005] and Rubio [2002] analysing how decentralization has influenced the armed conflict; or Pecaat [2006] describing how the conflict was handled by previous

²⁹ Many works about the Colombian conflict are predominantly historical studies, and we can label most of this work as *narrative*, without diminishing their contributions to an understanding of the Colombian conflict. Some of the trending topics by the most significant authors of historical studies are on the bipartisan violence or the origins of the conflicts in the 19th century including: Oquist, 1978; Sánchez and Meertens, 1983; Gilhodes, 1985; Sánchez, 1985; Comisión de Estudios sobre la Violencia, 1995; Palacios, 1995; Pardo, 2004) or studies focused on the present violence (Pecaat, 1997; Rangel, 1998; Rubio, 1998). Historical recounts of the actors in the conflict include: FARC (Pizarro, 1991; Alape, 1998; Ferro and Uribe, 2002; Ortiz, 2005); ELN (Medina Gallego, 1996; Corporación Observatorio para la Paz, 2001), and paramilitary groups (Romero, 2003; International Crisis Group, 2003; Rangel, 2005; Duncan, 2005). There are also studies on the Colombian armed forces such as those of Dávila (1998) and Vargas (2002). Many others authors are working on a diversity of topics in the study of Colombian conflict: Kirk (1998a), highlighting the problem of refugees; Leal, C. (2003) showing the geographical distribution of the conflict; Murillo (2006) who discusses tensions between the Colombian government and indigenous communities; Youngers (1998) on the relationship between the USA and the Colombian conflict; Sánchez (1990) focused on the relationship between politics, society and narcotics in the conflict and López and Camacho (2003) exposing the growing power of drug dealers in the conflict. Some other authors (such as LeGrand, 2003) are rooting the violence in nineteenth and twentieth-century events; Chernick (1988), Vargas (1998), Dishman (2001) and Ortiz (2002) examine changes in the FARC; Watson (1990), Kirk (1998) and Chernick (1998) study the paramilitary groups; and Dudley and Murillo (1998) explore the relationship between the oil industry and the Colombian conflict.

governments). In terms of the study of “peace aspects” of the conflict, this study is seminal. To date, researchers have barely focused their work on the reconstruction processes advanced by the Colombian government; even less on the non-military protection programs

The “Land and Property Protection Program” (LPPP)

In Colombia during the forties and fifties, and in parallel with bipartisan violence spreading across the country, the government started what is known as the ‘modernization’ of administrative, military and economical apparatus in Colombia. This process is the origin of a state-led big-scale strategy of social policies to mitigate or to stop violence problems. Its frontline program, in terms of reconstruction, was proposed and led, in 1962, by General Alberto Ruíz Novoa. The “Plan Lazo”³⁰ was designed to restore order in the country, and it was typically focused on addressing armed gangs and the so-called “communist threat”, which was described as the attempt by foreign countries to destabilize the Colombian government through armed revolution based on the discomfort of rural peasants with the violence, lived at the time. This plan was mainly a military one, but it also established the need to develop civic-military actions to improve living conditions in rural areas and to infiltrate and gather information about armed groups. This interpretation of the Plan Lazo is “(...) not shared by many analysts (...)” (Vargas, 2008:326), however it is supported by several well-respected professors such as Francisco Leal Buitrago and Armando Borrero. Opposition to this interpretation is founded in the mixed developmental and anti-communist vision of those days: “The developmental vision of

³⁰ The discussion concerning the truth of this operation stems from the name itself: often referred to as “Lazo” or “Lasso”, it evokes a U.S. plan called “Latin American Security Operation” which was the main program of U.S. intervention in Latin American countries. This program is often compared with recent military strategies such as Plan Patriota or Plan Colombia, even if in nature they are totally different. The real name is “Lazo (loop)” because, as the name suggests, it was a strategy of encircling, uniting and binding (together), and involved various actors and objectives not just military ones.

General Ruiz was not contrary to his anti-communist ideas, heritage of his participation in the Korean War. The General said that Communist influence was possible because of the backwardness of the society and the problems that this entailed. So the 'Structural reform' was required to eradicate subversion and that is why he was critical of the lack of reforms by the State” (Leal, 2002:22).³¹ In 1965, General Ruíz was sacked from command of this strategy because his success gave him ascendancy in the political life of the country (Leal, 2002:23), and allowed him to be a strong critic of political elites.

This strategy was based on the experiences of the French in the Indochina war, the 'Peace by development' vision of General Rojas Pinilla and the rehabilitation program of President Alberto Lleras, but added a key element: the idea of peace through the control of violence and the solving of peoples' needs. It was a huge success, as Leal Buitrago observes: “(...) it ended the gangs” (Leal, 2002:47).³² Later this successful strategy was badly-led by the propaganda spread by Congressman Álvaro Gómez Hurtado about the “repúblicas independientes”.³³ This anti-crime strategy was modified to be used against the popular peasant movement, with the consequence in 1964 of the creation of the FARC organization after the Marquetalia combats. This criminalization of peasants, organized in self-defense groups led to a new guerrilla war that continues

³¹ “La visión desarrollista del General Ruíz no era contraria a sus ideas anticomunistas, herencia de su participación en la Guerra de Corea. El General afirmaba que la influencia comunista era posible por causa del atraso de la sociedad y los problemas que conllevaba. Por eso la 'Reforma de las estructuras' era requisito para erradicar la subversión y por eso mismo fue crítico de la ausencia de reformas por parte del Estado” (Leal, 2002:22).

³² A detailed account of Plan Lazo can be found in James Henderson's book: *La modernización en Colombia: los años de Laureano Gómez, 1889-1965*, published by Universidad de Antioquia in 2006. The parallel with the infiltration process, human and technical intelligence that is currently developed by the Colombian government – and which also has been very successful – is evident.

³³ “Independent republics” was a clear and malicious reference to the loss / separation of Panama as a result of the 'Thousand Days War'. Álvaro Gómez sought to revive the fear of territorial disintegration resulting from the political wars experienced by Colombia at the time.

today. From this time until early eighties, this mixture of social policy with military action was driven by United States foreign policies in the region, particularly with the “Alliance for Progress” strategy. This work hand-in-hand of counterinsurgency policies (Gilbert, 2008:6), economic policies and state’s presence in the regions was not successful in terms of addressing or solving the problems of the country. Particularly, the National Front agreement in charge of the government decided to separate between rural pacification – with the weight of this strategy in charge of the military and without political or economic support –, and urban development – handled by political elites.

In terms of social programs, from 1982 to 1986, the so-called ‘Secretaría de integración popular’ and, from 1986 to 1994, the “Plan Nacional de Rehabilitación (National Reconstruction Plan)” were designed as mitigation programs for collateral damages of war, but not as a developmental strategy. From 1994 the government launched the “Red de solidaridad social (Solidarity network)” which is the direct antecedent of Acción Social.

As mentioned before, during decades, the country charged the Armed forces with the duty of stopping violence but they lacked the necessary support and resources – this situation led to paramilitary horror in the last two decades of the XXth century, many times with the consent or the impotence of state officials (Pizarro, 2004). Politically, the country sought peace through dialogue from 1982 until today. The last step in this dream was the “Zona de distensión del Caguán”, from 1999 to 2002, when the country gambled on the peace dialogues with the FARC guerrilla, which, finally, proved being futile. Since 2002, the government has focused on the military strategy with the “Plan Colombia” (supported by the USA), the local “Impuesto de Guerra (War fare)”, and the re-installed military strategy of territorial control proposed in the sixties by ‘Plan Lazo’. Under the leadership of the CCAI – Centro de Coordinación de la Acción

Integral – the government and society follow the idea that no military action (concentrated in space or sustained in time) will change the internal conflict without the whole support of the Colombian state.³⁴ The logic behind this is quite simple: a main characteristic of the Colombian conflict is the so-called ‘state absence’, so, a change in the dynamics of the conflict depends on ‘state presence’. The strategy has three phases. In the first phase a military strategy of territorial control and destruction of drug labs and illicit crops is developed. In the second phase the military and police groups take control of urban areas and establish defensive positions which in turn allow the presence of other state agencies offering educational and basic services; the state also provides a budget for economic and social rehabilitation of those areas. The last phase is the permanent presence of the state in the area, normalizing daily life (www.accionsocial.gov.co). In terms of the social programs specially designed to help inhabitants of recovered territories, the Colombian government has programs such as: ‘Familias Guardabosques (Forest-guards families)’, ‘Sustitución de cultivos (illicit crops exchange)’, ‘Familias en Acción (Families in Action)’ and ‘Erradicadores Manuales (Manual illicit crops eradication)’. The Acción Social agency leads these programs.

Through this brief summary, we have now arrived to the actual context wherein the Colombian government is developing the LPP program to solve just one small part of this complex puzzle. Some other interesting parts of this strategy are the “Peace and Justice Law” (Law 795 of 2005), which is proclaimed as the ‘last’ Pardon process in the country; the creation of the CNRR – Comisión

³⁴ CCAI is composed of permanent members: Ministry of Government and Justice, of Defense, of Social affairs, of Agriculture with Acción social, ICBF (Child Protection agency), Sena (Labour training agency), Fiscalía (Prosecutor office), Coldeportes (Competitive and recreational sports agency), and Registraduría (Registry office), and sporadic invitation to other Ministry or state agencies such as: Planeación nacional (National planning office), DAS (Intelligence agency), Banco agrario (Agrarian bank), Consejo Superior de la Judicatura (Justice administration agency), Defensoría del pueblo (Civil rights protection office), and any other public or private institution as needed.

Nacional de Reparación y Reconciliación – by the same law; the co-governance of the Constitutional Court (facing the displacement problem via jurisprudences); and the recent “Victims and Land restitution Law” (Law 1448 of 2011)³⁵ which creates the “Unidad Administrativa Especial de Gestión de Restitución de Tierras Despojadas” (Agency in charge of Land Restitution). To understand the importance of the LPPP, it is important to remember that the inequity in land distribution in Colombia, fuelled by drug money and the unequal distribution of resources, has involved vast environmental damage related to the expansion of the agricultural frontier and also because of the agricultural practices associated with legal crops dedicated only to exportation products or the well-known illicit crops. Moreover, this inequity in land distribution has caused or has been achieved by the forced displacement of peasant and indigenous populations. This process has gone hand-in-hand with an urban economic development model which ignored rural issues. This situation has fuelled social and armed conflicts in Colombia, leading to a systematic use of violence that has prevented – paradoxically, as professor Alejandro Reyes points out (2009) – the success of any policy trying to solve the problem of land or the social problems of the rural population in Colombia. Undeniably, as Moncayo (2008), Forero (2008), Patridge (2006), Vidal (2006), Gallón (2006), Fajardo (2005), and many others have argued, the solution to the Colombian conflict and to displacement must address the land problem in Colombia.

The specific program studied in this thesis, and presented as case exemplifying During-war reconstruction, is the “Protección de Tierras y Patrimonio de la Población Desplazada” (Protection of Land and Property of the Displaced Population) program advanced by the

³⁵ In June 2011 the Colombian government approved the Law 1448 of 2011. This law is *not* about ‘protection of lands’ but ‘restitution’, that is why I am not boarding it in full; however it is important to highlight that it is partially the result and the necessary step forward of the DWR strategy (in terms of reparation to victims and of land restitution) and the LPP program analyzed in this thesis.

Colombian government through Acción Social³⁶ – Agencia presidencial para la acción social y la cooperación internacional (Social Action – Presidential Agency for Social Action and International Cooperation).³⁷ The program is operating with a project manager, seven national work-teams,³⁸ and nine local work-teams,³⁹ financed through the modality of International Cooperation. Under this modality, resources from the Colombian government are supplemented with resources from the World Bank PCF – Post-Conflict Fund – and various other Cooperation sources, such as: USAID, IOM, UNHCR, SIDA, the European Commission, and the Canadian Government. The coverage of the program is nationwide. The program is focused on the need: "To support the implementation of legal, institutional and community property protection of the

³⁶ The "Presidential Agency for Social Action and International Cooperation" was created by Decree 2467 in 2005 for the implementation of all social programs attached to the Presidency of the Republic, and it also coordinates the development of international cooperation policy with The Ministry of Foreign Affairs. In its role as executor of the social policy of the Colombian state it is responsible for coordinating inter-agency assistance to vulnerable populations in Colombia that are affected by poverty, drug trafficking and violence. In its coordinating role for international cooperation it promotes technical and financial non-refundable national and international co-operation. The institution was formed from the merger of two previous institutions: Red de Solidaridad Social – RSS (the Social Solidarity Network) (which was responsible for the Care of Victims of Violence, Support for the Displaced Population and Food Security Network programs) and Agencia Colombiana de Cooperación Internacional – ACCI (the Colombian Agency of International Cooperation). Similarly, Acción Social assimilated the Fondo de Inversión para la Paz, FIP (Investment Fund for Peace), which funded the social component of Plan Colombia (Families in Action, Ranger Families, Productive Projects, Social Infrastructure and Socio-Labour Retraining); and the Fondo para la Reconstrucción y el Desarrollo del Eje Cafetero, FOREC (created after the 1999 earthquake). This institution is also responsible for coordinating the National System for Integral Attention to the Displaced Population (Sistema Nacional de Atención Integral a la Población Desplazada – SNAIPD), and the system of care for victims of violence. As well as a Director General, Acción Social has a Board of Directors. It comprises: the Director of the Administrative Department of the Presidency of the Republic, who acts as the chairperson (or his deputy); the Minister of Foreign Affairs or the Deputy Minister for Multilateral Affairs; and three delegates appointed by the President of the Republic.

³⁷ From 2011 the government of President Juan Manuel Santos is proposing to change the program to the Ministry of Agriculture.

³⁸ Teams: Protection (dealing with the essence of the program); Legal and supportive team in reparation and restoration processes; Monitoring and evaluation; Ethnic groups; Regional and local evaluation; Administrative; and, Communications.

³⁹ Teams by regions: Antioquia, Caribe, Centro, Santander and Magdalena medio; Chocó; Nariño; Norte de Santander; Tolima-Huila; Valle and Cauca.

displaced population, or at risk of displacement, in priority areas of the country in order to mitigate the effects of displacement and facilitate their socio-economic stabilization" (www.accionsocial.gov.co). The beneficiaries are: "Peasants, settlers, indigenous and Afro-Colombians who exercise rights to land as owners, possessors, holders or occupiers, in a situation of imminent risk of displacement or affected by this phenomenon". Activities conducted by the program are:

- "Support for the implementation of protective measures (individually and collectively) arising from the implementation of Law 387 of 1997, Decrees 2007 of 2001, 250 of 2005, and other rules.
- Institutional Strengthening: support, outreach, awareness, training and advisory services to institutions and bodies of SNAIPD with competence in the protection of land rights and territory.
- Community Strengthening: outreach, awareness and training to communities, leaders and social organizations about land rights and their protection mechanisms". (www.accionsocial.gov.co)

The impact of the program is expressed as: "The development of the project will help prevent the occurrence of displacement, generates roots in the territory, triggers expedited procedures for the adjudication, alienation and certification of lands from INCODER, strengthens the institutional capacities of response to this phenomenon, facilitates the recognition of rights over land that holds the displaced population, and guides the community about the mechanisms to protect them". (www.accionsocial.gov.co). By July 2010, the program had already protected 3,799,386 Ha, covering 115,494 properties and 142,931 rights of 107,088 people.

The particularities of this program for this thesis are summarized as: it is a government program that involves a mobilization of resources via international cooperation; the agency in charge of the program – Acción Social – is responsible for social policy of the Colombian State; their actions fall into a state policy that explicitly combines security components with development, and there is a legal and public policy *milieu* that can be used to discuss the perceived realities acquired 'in the field'. The combination of these components ensures that the thesis is not an 'assessment' of the program or policy, but, rather, is researching a case implicated in a policy that clearly combines development and security and is done in a conflict scenario. Although, it is therefore unnecessary to 'invent' a connection between the program and the Colombian conflict it remains necessary to investigate how this connection works and establish its impacts. To understand the importance of the LPPP, it is important to remember that the inequity in land distribution in Colombia, fuelled by drug money and the unequal distribution of resources, has involved vast environmental damage related to the expansion of the agricultural frontier and also because of the agricultural practices associated with legal crops for export products and, of course, illicit crops. Moreover, this inequity in land distribution has caused or has been achieved by the forced displacement of peasant and indigenous populations. This process has gone hand-in-hand with an urban economic development model which ignored rural issues. This situation has fuelled social and armed conflicts in Colombia, leading to a systematic use of violence that has prevented – paradoxically, as professor Alejandro Reyes points out (2009) – the success of any policy trying to solve the problem of land or the social problems of the rural population in Colombia.

In the present study, the specific case of analysis is the situation of the LPP program in the Valle del Cauca region, Colombia; specifically in two locations. It is clear that the conflict in the study area varies geographically and over time. The capital city of Valle del

Cauca is Cali. This was the home of the "Cali Cartel" led by the Rodriguez Orejuela brothers. Considered the second largest drug trafficker in the country, the group distinguishes itself by maintaining a business profile and – unlike Pablo Escobar's "Medellin Cartel" – keeping violence to a minimum during their clashes with the state. With the capture, conviction and subsequent extradition to the United States of the Rodriguez Orejuela brothers, a second phase began in the drug trade in the region. The "Norte del Valle Cartel" is now dominant and they are well known for their brutality and violence including the use of hired assassins, massacres, kidnappings, extortion, arming of paramilitary groups, and the use of terror and forced displacement. The violence of these groups of drug traffickers is often directed towards Afro-Colombian communities in the North of Valle and in Chocó. To the south of the Departamento, FARC are in control of drug trafficking and constitute the main source of violence. This guerrilla outfit was not historically associated with this area, but other guerrillas used to operate from the Cauca to the south of Valle and to Cali. Two demobilized groups – Quintin Lame (indigenous guerrillas) and M-19 (urban warfare) – fought against the state in this region for decades. The arrival of the FARC continues the process of expansion of illicit crops from the south-east of the country.

FARC currently concentrates its activity in the port of Buenaventura and the south of the country. Currently two hot zones of combat are in the area (during the whole period of this research 2008-2011). The first one is the entrance point in the so-called Cañón de las Hermosas (Las Hermosas Canyon) and the indigenous region of Caloto and Caldono towns in Cauca (where heavy combat is currently underway); where FARC are trying to connect their operations via the central mountains between the center and south of the country (Departamentos of Tolima and Huila); and with the Farallones de Cali to the west and south of the country (Departamentos of Chocó and Cauca). The second one is the exit point in the sea coast from the port of Buenaventura to the port of

Tumaco. The guerrilla group is responsible for displacements, kidnappings and terrorist activities at the center and south of Valle del Cauca. The activities of paramilitaries in this region are concentrated around the drug trade. Typically this involves groups of “sicarios” (hired killers) committing robberies, murders, kidnappings and massacres throughout the department following instructions from business groups, politicians and the armed forces linked to drug cartels. They are responsible for selective displacement (affecting individuals more so than communities). Nowadays (2010-2011), heavy fighting is occurring in the so-called Cañón de las Garrapatas (Las Garrapatas Canyon), where they are hiding the illicit production of drugs and the traffic of arms, connecting the central part of the Valle del Cauca with Panama and the Urabá Gulf. There is also a strong presence of small criminal gangs specialized in committing robberies, murders, abductions, threats, counterfeiting, money laundering, or providing security to other interest groups. These illegal activities are performed as part of their own agenda, or for a third-party (for a fee). These operations are conducted from the city of Cali, but have links extending abroad (to cities in the U.S. and Europe), and northward to the Departamentos of the so-called Eje Cafetero.

Historically civil society in the Valle del Cauca is recognized as one of the most active, cohesive and progressive in the country. It has a strong business sector driven by agro-industry, and is characterized by progressive worker-boss relationships (by Colombian standards). However, the penetration of the mafia culture from the sixties was widespread throughout the Departamento and in all sectors of society. This weakness of civil society allows the coexistence of violence, as elsewhere in the country. Even more, as Francisco Thoumi (2005) argues, the weakness of civil society is *causing* the violence. Colombia is a country of regions, with different control centers in each region as well as different geographies and histories. It is true that there is a nation called Colombia, which broadly shares

general historical lines, some values and symbols, but it is also true that in reality there are many "Colombia(s)" within the nation.

The Land and Property Protection Program (LPPP) in Valle del Cauca is a program designed by the Colombian government to stop the use of small farmers land as a weapon and bounty of war. As it will be exposed below, it is a form of during war reconstruction which "fits" the proposed definition.

In the next section, I will establish the existing *lacuna* in academic and humanitarian studies about protection of land rights during conflict. This kind of reconstruction is the framework of the specific state program addressed in my case study.

Chapter two: Conflict and land protection

Introduction

Academic studies are usually focused on *Restitution* of Land Rights in post-conflict situations (Estrada, 2002; Leckie, 2003; Davies, 2004; Foblets and von Trotha, 2004a; Povrzenic, 2005; Brun, 2005; Aursnes and Foley, 2005; Williams, 2005; Leckie, 2006; Leckie, 2007; Houte, Delmartino and Yi, 2008; Leckie, 2009; Bowden, 2009; Ballard, 2010)⁴⁰ and the reconstruction strategy of *Protection* of Land

⁴⁰ *Post-war restoration of Property rights under international Law* by Hans Van Houtte, Bart Delmartino and Iason Yi is the 'manual' on this topic. They cover the 'tributes' and 'indemnities' of ancient history and the middle ages right up to the 'legal responsibility and reparation' in modern wars. Also, it deals with all kind of

Rights during warfare has been understudied (Deng, 2003; United Nations, 2005). My interest in this particular type of reconstruction is linked to its growing importance. From an extensive review of the literature and my own personal experience working in this field, I argue two highly-significant possible consequences of protecting land rights during conflict:

a) One possible consequence is to avoid a type of war, consisting in just looting, through the protection of the rights of citizens and communities in conflict areas. No-one will be in position to initiate a conflict with the single or the main purpose of dispossessing other people of their properties. The control over the right of property will reduce the 'opportunistic' side of conflict. Similarly, the war will likely adhere to the field of politics due to the impossibility of using force to deprive citizens and communities of their property. Military action would be limited to obtaining the decisive advantage needed to crush the enemy's military potential, thus minimizing genocidal or retaliatory campaigns – if populations are convinced that governments support their property rights they can also flee without hesitation at the risk of attack.

b) Reduce the post-conflict costs in terms of restitution processes, time, money and resources, and suffering for the people affected by war. It is important to initiate early proceedings for protection because are much more manageable than restitutions

cases, from domestic settlements to international mass claims programmes, and a detailed study of international rules protecting all kinds of property. Compensation and restitution are the options in the aftermath of war. When restitution is not possible, the other option is compensation. This is a completely different approach, because it implies a detachment from the place, the memories and the life-plan. "After a war, restitution of property will often be materially, politically, economically or legally impossible. Compensation, i.e. the transfer of cash or of goods dissimilar to the affected property, is then the appropriate remedy. In fact most contemporary international claims programmes have awarded compensation rather than restitution to 'cover any financially assessable damage'" (Houtte, 2008:271). In many cases, the compensation is seen as a victory for the perpetrators and should not be allowed (as in Bosnia, where restitution was mandatory under the peace agreements); but it is always a last chance for the dispossessed.

and, definitely, will reduce the consequences of violence over people. Protection during war will allow an early ending of the war for dispossessed people; and may also avoid an interminable bureaucratic process of claiming rights that typically lasts several years after the conclusion of any peace process.

However, I also propose that these consequences are linked to two circumstantial situations:

- i) Today, a large number of conflicts are already under way before proceedings for protection commence. This means that the only option is to start during-war protection, or wait for the end of the conflict and initiate the restitution of land rights.
- ii) The legal and practical distinctions between those processes of reconstruction during-war which are exclusively devoted to military purposes, and those which are not, is unclear. This also poses a challenge in terms of identifying the effects that both have on the populations affected by conflict, and on the conflict itself.

In the following, I will present the specifics of Restitution and Protection topics in order to evaluate and compare these two kinds of reconstruction strategies.

The reconstruction strategy of Restitution of Land Rights

The experience of restitution programs is varied. Commensurate with the circumstances of the nation where it develops, the stages of the conflict, and available resources, each restitution program may achieve its goals, or not. But it is clear that any action must be in accordance with the interests and needs of the dispossessed, particularly refugees and IDPs. As Cathrine Brun (2005:2) points out: “Inappropriate planning can unnecessarily prolong relief stages of

humanitarian operations and affect subsequent recovery. Deeper understanding is needed of how war, disasters and displacement lead to social, political and economic changes that affect people's preferences as to where and how they live. A home becomes a home when people have a choice. After a war or disaster people must be given the space to express their wishes for the future and to build their homes". The task is to rebuild societies, communities, families and personal projects of life. As Povrzenic (2005: 7) observes commenting on the Balkans war: "Developing synergy with non-housing projects is vital. Housing reconstruction is not just a physical project but must be a community-driven initiative linked to rehabilitation of infrastructure, support of livelihoods, de-mining and construction of health facilities, schools, mosques and churches". The task of a restitution program cannot be reduced to the return of property or the rebuilding of housing – It is always something more, as I am to explain later.

In practice, restitution programs are focused on 'houses or land restitution or compensation'; however, some specific programs on restitution of 'special goods' are in practice; particularly items such as 'art', 'religious symbols', 'rare or historical goods'. This process includes several archaeological or artistic items returned from museums, art dealers or seized goods usually from United States and Europe in general to countries or individuals. At an international level, the 'Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation' led by The United Nations Educational, Scientific and Cultural Organization (UNESCO), seeks to establish a convention on 'return, restitution of cultural property'. According to the Committee, diplomatic advances in this field include Italy's restitution to Ecuador of 12.000 pre-Columbian objects and to Ethiopia the restitution of the Axum Obelisk; or the talks between Greece and the UK about the Parthenon marbles; or Turkey and Germany on the Bogusköy objects and the sphinx. On specific war-

related situations, the recent return by Dutch authorities, the Syrian Government and the USA customs' office of many stolen items from Iraq during the 2003 war in Iraq; and the continuing efforts of Jewish and Russian communities to recover art, jewelry and money stolen by Nazi troops during WWII show us that restitution programs always do involve the protection of culture and heritage. However, the attempt to recover all losses of domestic or personal items is far from possible, for three simple reasons: First, they are usually utilized by the aggressor in order to solve immediate needs and are just 'consumed'. Second, in the case of other long-lasting items the owner may not savor their return because the sensation of dispossession and the presence of the perpetrator are felt in the item itself (as happens in common robbery). Third, the money spent on attempting restitution will be higher than the money available for compensation.

For the purposes of this thesis, I will focus our analysis of restitution programs in practice only to 'land restitution programs'. Based on a survey of the literature I could classify this kind of programs as: a) an Agrarian reform; b) a Humanitarian effort; c) a Shelter or Productive solution; d) a case of Political will. It is clear that throughout history all restitution programs have had mixed elements. For example, after the Mexican revolution –1915-1941 – the land restitution program was an Agrarian reform guided by a Political will aimed to solve Shelter and Productive programs (Estrada, 1992:105-106). As Isabel Estrada explains, two simultaneous procedures were in practice after the Mexican revolution: restitution and re-distribution (*cession / dotación*) of lands. Although the first was under the political flag of revolutionary government, in reality the latter was the main program in practice. This amalgam of "compensation", "land reform" and "restitution" helped to minimize some political tensions and the social tensions which survived in the post-conflict period. Bosnia after the Balkans war is another example. Here, the restitution (both restitution and compensation) was developed following the Political will as part

of a cease-fire agreement (Leckie, 2007a)⁴¹ and as a Humanitarian effort to rebuild communities and address human suffering (Williams, 2005). Consequently it can be suggested that restitution programs evidence three possible strands of restitution practices: a) Return of land rights to legitimate owners; b) Relocation or compensation⁴² for displaced people; and c) Shelter and productive solutions to dispossessed people. In terms of who can benefit from the programs, it is interesting to observe the present idea of what is ‘just’ or ‘unjust’ for people during a reconstruction period is based on IHL’s separation of who is part of the war and who is not and, in that sense, who has and who must waive the right to claim compensation or restitution based on losses during war. But, at the same time, in humanitarian terms, it is not only refugees, IDPs, or not-combatants who lose their assets: combatants may do so as well. This challenge must be also addressed by governments during post-conflict reconstruction if they want to achieve peace. In this sense, the Colombian case is paradigmatic because it is working on ‘demobilization’ and ‘reintegration’ programs for guerrilla and paramilitary groups, and the Law 1448 of 2011, law of “Victims and land restitution”, discusses compensation programs for all kind of

⁴¹ Not only in Bosnia, but also Sierra Leone, Liberia, Guatemala, and several others, according to specialized agencies: “Illustrating the growing realisation that addressing housing and property restitution rights and justly resolving any related housing or property disputes are crucial to long-term peace, a range of peace agreements have explicitly included provisions on housing, land and property restitution rights for refugees and displaced persons. Though Annex 7 of the 1995 Dayton Accords ending the conflict in Bosnia-Herzegovina is the most widely known peace agreement enshrining restitution rights, additional agreements ending conflict in Sierra Leone, Liberia, Guatemala and others incorporate, to varying degrees, the housing, land and property restitution rights of refugees and displaced persons” (Leckie, 2007:16).

⁴² It is important to point out that: “(...) compensation is only viewed as an acceptable substitute for the physical recovery of original homes and lands when three key conditions are met: 1. When the restoration of housing, land or property rights is factually impossible; 2. When those possessing restitution rights voluntarily prefer compensation-based solutions; and even then, and; 3. Only following a determination to this effect by an independent and impartial tribunal or some legitimate and competent body without vested interests in the matters concerned” (Leckie, 2007a:25).

victims including combatants of all groups (even government troops) and their relatives⁴³.

According with the review of literature about restitution programs, I could highlight the specifics that must be addressed to evaluate them:

- Access to, diffusion and generation of information about land losses and about restitution options.
- Security during any claims process, during compensation or restitution, and during return processes.
- Definition of land property rights, land use rights or dominium.
- Access to and fulfillment of proper administrative paperwork and procedures for restitution processes.
- Participation and definition of restitution policies and programs.

One general and highly important issue is timing. I will not analyze it case by case. Instead, I will present a general rule: timing for claiming restitution rights *could not* be used to target specific sectors of IDPs. It is true that each process is different and could establish temporal frameworks, but, these could not be used as an excuse for religious, ethnic, racial, cultural or national discrimination. No discrimination, including discrimination on the grounds of residency, citizenship, language, gender, education or mobility. And, without doubt, discriminatory practices on right's access should not be permitted. Another important issue is that of 'inheritance rights', because many of the IDPs are not the original owners. However, as

⁴³ This "Law of victims and Land Restitution" (Law 1448 of 2011) was originally presented as two different laws but later became one single proposition. It was first presented in 2008 as a project by ex-president Alvaro Uribe, but was blocked in Congress. Later, the new President Juan Manuel Santos presented a reformed project which was discussed during the latter part of 2010, and was approved in June of 2011. The exceptions introduced by the law to the victims' conditions are: close relatives of guerrilla or paramilitary groups killed in combat can not claim compensation except in those cases where they were direct victims; the law is designed to stop double compensation (administrative and by the law); and the law will establish limits to retrospective action –providing compensation for cases going back only to 1985 and restitutions of land back only to 1991.

noted before, these topics are not studied in detail; instead, I present a general rule for the presentation of these particularities when approaching cases i.e. that practices should be 'blind' to all of these potential sources of discrimination. In real life of course, several processes of restitution have been implemented leaving thousands of victims behind.

Again, I can establish the actors that must be taken into account in the case studies:

- a) IDPs (whether owners or not)
- b) The State (political leaderships, government staff, and program staff)
- c) International Organizations (IO) (observing the process, financing the process, helping with the process)
- d) Civil Society (NGOs, victims' organizations, communitarian organizations, communication media)
- e) Perpetrators (spoilers, members of a peace process)
- f) New owners (legal or illegal) – or secondary occupants

As a result I can propose the classification of restitution practices into four types based on who leads the process:

1. When the restitution effort is guided by the affected person

In this first case, I establish that the search for the refund is made by the person who has lost the property subject to restitution. This situation is progressed through traditional legal mechanisms and the initiation of a legal proceeding of restitution of lost property. This mechanism exists permanently in societies where private property is legal and in line with the governments' need to protect that right. An example of this type of process after a conflict includes Cambodia, where Ballard (2010:463) reports that, in 1995, at least one family tried to recover an ancestral land abandoned during the Khmer

Rouge regime through legal proceedings. Other cases before the UN Human Rights Committee, include “Simunek v. Czech Republic (1995) and Adam v. Czech Republic (1996)” (Leckie, 2007a:34). Another example is the thousand cases presented by Romanians before the European Court of Justice claiming restitution of properties nationalized under communism. It should be noted that the Romanian case itself is part of a post-war process: in this case part of the action of the Soviet Union over the Eastern Europe republics during the Cold War.

Turning to specifics, it appears that responsibility for the diffusion and generation of information – and access to it – rests solely on the owner (or their heirs) who wants to recover the property. They must gather information and muster the necessary legal resources. The safety of the people involved in these processes must be guaranteed by the state as part of its normal duties, as if the process were performed by an intermediary (e.g. a lawyer or a collective), thus helping to avoid violence because of the claim. What is important in this situation is to clarify ‘who is being sued?’ and ‘who must carry out or pay the restitution or the compensation?’ In the Cambodian case the claim concerned a field of collective use by a community. Here, it was important that the community recognized and accepted the claimants and incorporated them into the village, and this was achieved via the agency of a community elder. In the Romanian case it is intended that the government recognizes the rights of those who were dispossessed by the former communist regime. The definition of property rights, domain or use is the privilege of the judge or the courts, which ordered the parties to present arguments and documentation to support its decision making.

All proceedings dependent upon the individuals; and the role of government in these cases could be extended to establish some kind of ‘Full Stop Law’, or compensation or restitution programs to unlock

the judicial system;⁴⁴ this decision could establish benchmarks for compliance. In the absence of state policies or programs, it is then up to judicial officers – who handle complaints – and government officials – who provide information on registration of land dispossession or institutional processes – to provide the information necessary to restore the property. However, a key obstacle to this type of process is the presence of officials who act on behalf of third parties or were part of the process of dispossession under previous regimes. The persistence of bureaucracies, related to periods in which arbitrary or unlawful⁴⁵ processes were made against the property, any who may control access to documentation that may assist in land restitution processes, is a major obstacle to restitution. The role of international organizations (IO) could be serving as observers on specific cases (if – of course – those cases are presented to them) but also, as in the case presented to the European Court of Justice, IOs can themselves become impartial courts for claims – permanent or *ad-hoc*. The monitoring and support of the media and community organizations serves as a mechanism of communication of the existing possibilities for those who have been dispossessed, also, as supporters and guarantors of the process. Regarding the actions of new owners or of secondary occupants, I can say that they will probably become a civil party to the process and seek compensation if they lose the case and the property; or will try to prove their status as *bona fide* holders and, therefore, also victims in the process (in order to avoid being dispossessed). Such cases are likely to only lead to compensation and not restitution.

⁴⁴ It could be covered by ‘one single rule’ laws, specialized agencies or programs, or a ‘cocktail’ of both: “Creating new mechanisms – both judicial and quasi-judicial in nature – to find ways of resolving such disputes is increasingly commonplace, as the experiences in Afghanistan, Bosnia and Herzegovina, Kosovo, Tajikistan, Iraq and elsewhere attest. These mechanisms can be purely local, as is the case for example in Iraq, international, as for example in Bosnia and Herzegovina, or a mixture of both.” (Leckie, 2007a:64).

⁴⁵ “An arbitrary act is one with no legal (or lawful) basis and is without normative justification. An unlawful act is one which is clearly contrary to the relevant law concerned, which can include both national and international legal standards” (Leckie, 2007a:19).

Offenders usually are not present in these types of cases and their activities are limited to disruption, denial or hiding from the processes through administrative officials who were party to the crimes.

The cases of Georgia's, Azerbaijan's and Sri Lanka's IDPs illustrate some other complexities of this kind of restitution. In Georgia, where up to 340,000 IDPs from the breakaway regions of Abkhazia and South Ossetia (supported by Russia) are trying to recover their rights to own property and return to their lands their expectations are very low, because the separatism was developed in order to 'separate' not only lands but peoples (DisplacementSolutions, 2008:9). However, "Efforts to support property restitution should be pursued independently of the preferred durable solution (return or integration)" (Aursnes & Foley, 2005:15), because property is a right that should not be forgotten. According to the Internal Displacement Monitoring Centre – IDMC – the same situation pertains in Azerbaijan where IDPs from the Nagorno-Karabakh enclave and neighboring provinces under Armenian control are unable to return to their properties. As in Georgia, the Azerbaijan Government seeks the return of its citizens to the area in dispute, and prevents the integration of its citizens in other parts of the nation, because they do not want to admit the loss of territories. In Sri Lanka a double displacement (war and natural disaster) pushed people to try to recover their lands; however, the lack of legal guarantees and lack of security and basic services has delayed the process. In both cases, the limited effort by the state to support or encourage IDPs to claim their rights was an obstacle to successful restitution processes; the role of IOs is limited to humanitarian assistance or to enlighten people regarding their available options. These cases illustrate some added complexities to individual restitution practices: the ethnic component of some conflicts and the possibility of mixed natural and human disasters.

In general, I can summarize the problems with this type of process in three fundamentals: a) it takes excessive time to achieve a result

through the courts; b) the costs must be incurred by the applicant; and, c) the lack of impartiality of the bureaucratic apparatus that retains control of the courts and information and has previously taken part in the dispossession process. However, in general, these types of processes occur after long periods of time and not immediately after the dispossession. They do not usually imply a humanitarian crisis and are seen as cases enrolled in civil and administrative courts. The academic study of this type of case has been generally limited to lawyers. Their findings should be disseminated to other researchers on reconstruction and property restitution topics.

2. When the restitution effort is guided by Community groups

I have identified three types of community groups that usually lead processes of restitution: groups of victims, political organizations, and organizations of direct community action. Groups of victims can apply political pressure or present direct claims as a group before national or international courts. Political organizations usually pay attention to restitution processes because of the potential political dividends (they can campaign around it during elections and they lobby and generate institutional pressure to secure approval of state programs, etc.). Organizations of direct community action develop restitution processes of property by using physical force through denouncement campaigns and land occupation. Depending on the conflict, each of these organizations has different options *vis-à-vis* any action repertoires.

For example, in political conflicts both victims organizations and political organizations are present, as in the case of Guatemala (Williams, 2007:43) where URNG – Unidad Revolucionaria Nacional Guatemalteca (a guerrilla confederation) – signed for peace in 1996 with the Government and agreed to programs of land restitution supported by indigenous and peasant organizations, which allowed them to develop a capacity for political organization. In this case the

restitution process was not effective because it was part of a series of agreements that were fundamentally about seeking political advantage (the political party of the URNG became, in 1999, Guatemala's third political party, before splitting and eventually losing significance) and they only benefitted a limited number of victims. As the NGO, Displacement Solutions, observes, in practice the peace accords were ineffective "with the result that while many repatriating refugee communities were able to negotiate the return to their homes or allocation of suitable alternative land, IDPs were left to their own devices in peri-urban shantytowns" (DisplacementSolutions, 2008:9).

In another example, it appears that in conflicts with social origins both victims' organizations and those involved in direct community action are prepared to use force and seize property. This is common amongst Colombia's indigenous afro-descendant and peasant organizations, which take lands from landowners and/or expand agricultural frontiers via processes of colonization. In this situation IDPs, victims and minority groups are forced to obtain land by force in order to solve humanitarian crises and meet their productive needs. Significantly, these types of processes have been identified as a key to understand social conflict in Colombia (Marulanda, 1991). Limited productive land compels the peasants to take land by force, but these unlawful 'occupations' forces peasants to organize themselves into armed groups to protect their gains (Varela, 2006). Thus, in these cases, the benefits are often short-term and generate continuing acts of violence. Further, information about the on-going process of occupation is treated as confidential between members of the organizations, and its dissemination creates security problems. There are no government guarantees in the process of restitution, or occupation, and instead groups tend to be victims of state action. Only a position of strength (the support of armed groups) or State weaknesses allow them to retain the lands they have acquired by force. Consequently, occupants are unlikely to keep the lands for very long or develop long term community restitutions, except in

cases featuring state supported peace or social agreements (where the state is usually obliged to compensate the owners who originally owned the property). Similarly, where occupation or negotiation processes are supported by political organizations, these tend to be organizations that arose from a profound change in the conditions of the country rather than traditional political parties.

The case of Sudan adds an extra layer of complexity. IDPs in Sudan are 'pawns', used by the Sudan People's Liberation Army in the south and by the Government of Sudan in the north, to claim territories. According to IDMC, the government is either forcing them into a non-voluntary settlement in new lands or implementing a policy of forced return. Both the SPLA and the government are applying different Property Rights: "(...) formal land legislation is firmly in place in the Northern part of the country (including Darfur), while customary land arrangements are in place in South of Sudan" (Leckie, 2007a:29). Similarly, but far more radically, in the case of Colombia armed groups use IDPs not only to claim territories but as a labour source for the production of illicit crops and drugs. Originally, in Colombia, the process of colonization or expansion of the agricultural frontier depended on social factors such as displacement, poverty or marginalization (Giraldo, 1981). However, since the late 70's, this dynamic began to change and in the 1980's, the process was promoted by armed actors leading to an escalation of violence in the 1990's (Leal, 1995) as guerrillas and paramilitaries contested territory and grassroots support using peasants to occupy uncultivated lands or relinquish lands from established landowners. This strategy naturally generated social conflicts which allowed guerrillas and paramilitaries to justify their presence in the regions and, ultimately, the use of violence. Eventually, this strategy ended in the most detrimental restitution process imaginable: promoting the occupation of land for the planting of illicit crops (cannabis, coca, poppy), in which peasants were seen as 'cannon fodder' for the armed groups.

The role of IOs in these situations must be to act as the guarantor of the physical integrity of the dispossessed who have access to these social and political processes, as well as verification of compliance with any agreement reached. Perpetrators act as spoilers of these processes deploying tactics such as group intimidation and the assassination of community and political leaders. There are two problems with this type of process: a) they are often short-term measures, unsustainable and offering highly unsatisfactory temporary solutions; b) they generate more violence, benefit a minority only and fail to meet the needs of the dispossessed. Generally, these types of processes are like ‘waves’ of a deep rooted problem in which just the tip of the underlying social crisis is evident. Usually they are a manifestation of a humanitarian crisis and are treated and studied as social conflicts. Academically this study is multidisciplinary, but limited to the social factors behind the occupation and to study the stability of the peace process.

3. When the restitution effort is guided by the State

This third scenario is the one properly known as ‘Land restitution programs’. These programs are designed as a state plan to solve a problem. This type of situation is often studied by scholars interested in the issue of Reconstruction. The process consists of defining a policy and an implementation program for the Restitution of land by the State which includes:

- ✓ Registration or census of victims;
- ✓ Gathering information and evidence;
- ✓ Assessment of living conditions and commencing the removal process of new occupants (or the restitution of property if it is not occupied);
- ✓ Property restitution and voluntary return.

This scheme is very basic and depends on many complex variables according to the nature of the conflict, the quality and quantity of

information available and the straightforwardness of the legal and bureaucratic requirements of the restorative process. As mentioned, these programs can be a mix of policies to develop land reforms, be part of a humanitarian effort, a partisan proposal or a shelter or productive solution. Similarly, they can establish returnees' rights to property, relocate or compensate those who have lost it, or be a temporary or permanent shelter or productive solution. In either case the approach is top-down: victims are passive beneficiaries rather than actors in the process. To illustrate this, I present an analysis of the typologies or scenarios that often occur in Colombia, which is based on a review of official information and the working experience of the researcher:

1. In the simplest scenario the Government encouraged the displaced to return to their places of origin. The Government provided appropriate security provisions and victims were invited to rebuild their everyday lives. In Colombia, this simple scheme is often used when the displacements are of short duration. Strictly speaking, victims of displacement have not really lost their property and therefore, no restitution is accomplished above and beyond people being able to return home.
2. The next level of complexity occurs when an armed group has provoked the displacement and has taken physical possession of the property by strength, either occupying it for their benefit or to recruit support. In this case, the state must make an armed intervention to oust the armed actor unlawfully occupying the property. Usually, civilians who support the occupation also leave the area, but may sometimes stay and ask for government protection. When order is restored the government invites the displaced people to return, but not all of them do so for fear of being caught in any consequential crossfire. Similarly, when they return they find serious damage and losses caused by the combat, which in most cases is not compensated. In this scenario, there is a temporary loss of property and restitution and

return occurs. Possible compensation is given "administratively", meaning that a judge should declare the State responsible and guilty for damages and losses attributable to any combat.

3. When armed or illegal groups in general not only takes physical possession but property through a legal instrument, we can encounter two situations: there is no previous record of ownership of the asset or which does exist. In the first case, armed, political or business group register under their name some lands that are not recorded, but which have been inhabited and of which people have had continuous possession and use during a legally valid period of time. In the second situation, an armed actor coerces people to relinquish ownership of the land. Victims are usually forced to sign documents transferring ownership to a third party, typically a dummy owner, with either minimal or no compensation. The armed group may also allow rightful owners to stay or force them go, depending on the interests that drive them. In both cases, the State must return any infringed property rights to a state of legality. The unlawful act must be demonstrated and the administrative act reversed. Then the state should seek to deliver both title and possession to the legitimate owners. However, because here the possession and ownership of the land has been completely lost it is the most difficult problem to address and is associated with most violence. Several problems arise from this situation of legal and actual loss of property, involving the new owners or the secondary occupants and whether they are arbitrary or unlawful owners, dummy owners or *bona fide* owners. The change of ownership of the same property through legal documents makes it difficult for the state to establish responsibility and good faith of competing claimants and of the public officials who presided over the legal transactions etc. The complexity and violence of such scenarios make this exactly the

kind of restitution that a program of property protection during conflict should seek to avoid.⁴⁶

In general, problems associated with information can lead to policy success or failure and should be addressed in four main ways:

- a) Information regarding who are the victims.
- b) Information regarding ownership of the property.
- c) Information about the program, the conditions and how to access it.
- d) Information about the perpetrators and the propriety of public officials.

This means that access to, and promotion and generation of information on loss and restitution, and the definition of property, use and possession rights may be seriously compromised by the absence of reliable information systems and the power that offenders still have (e.g. over biased or corrupt institutions). Violence against victims (during the claims, compensation, restitution and return processes) may also exert pressure on claimants to withdraw from the process. In Colombia, such violence has even taken the form of targeted killings. In some cases, such as Bosnia, only the intervention of the international community in providing security allowed large-scale returns (DisplacementSolutions, 2008:9).

One common difficulty has to do with the paperwork requested from the victims; generally, this situation requires the support of social organizations, the state or the international community to solve it.

⁴⁶ One specific reference is addressed about “the loss and/or destruction of housing and property records and documentation” (Leckie, 2007a:76), identified as a “crucial link in the restitution chain” (Leckie, 2007a:76). If is possible to avoid, to stop or to protect this destruction of public information the restitution process is made easier. Without such protection, the work during the post-conflict period is centred on recovery and protection of data. A protection program on this specific topic during-war could save money and solve quickly many problems for people in the aftermath. This is recommended and promoted by Principle 15 of the *Pinheiro Principles*.

Because these proceedings are not individual or collective claims, but state programs, procedures for return are focused on covering the largest number of the population. However, victims are not necessarily organized or motivated to claim their rights. Similarly, in many cases victims distrust processes asking for information and self-identification because they know this can be used by perpetrators against them; there is a huge barrier of mistrust in these programs.

In long-lasting conflicts it is common to find situations where a property has changed hands several times, as seen in Afghanistan and Colombia. In the case of Afghan refugees seeking to return from Pakistan after the fall of the Taliban regime, the International Legal Aid Centers (ILACs)⁴⁷ established by the Norwegian Refugee Council faced three major problems: given the absence in Afghanistan of formal cadastral systems, the task of ILAC was focused on mediating or acting as guarantors between the communities and returning families. The second major difficulty concerned cases of multiple owners of the same land. In a nation that, over the last five decades, has experienced a protracted war, many changes of regimes, corruption, looting and neglect, many lands have passed through multiple hands, resulting in cases in which several people can argue rightful ownership (based on the historic moment that gave them

⁴⁷ ILACs is a response created as an institutional framework inside a post-conflict operation. As is explained, UN peace operations could not incorporate into their mandate the issue of property restitution: "Operations such as the UN Mission in Kosovo (UNMIK) established, administered and managed the Kosovo Housing and Property Directorate (HPD) and Housing and Property Claims Commission, while a Land and Property Unit within the UN Transitional Authority in East Timor (UNTAET) developed detailed proposals for institutionally addressing restitution questions. By contrast, peace operations such as the UN Transitional Administration in Cambodia (UNTAC) and the UN Assistance Mission in Afghanistan (UNAMA) consciously choose not to address restitution issues within their mandates" (Handbook, 2007:17). But, instead, IO and NGOs could directly develop this topic, as in Afghanistan: "When peace operations do not engage in these activities, this does not necessarily mean that restitution issues go unanswered in the countries concerned. In Afghanistan, for instance, UNHCR and NGOs such as the Norwegian Refugee Council (NRC) engaged in a variety of restitution efforts, including the provision of free legal aid to thousands of returnees seeking to return to their original homes and lands and to those seeking to resolve ongoing land" (Leckie, 2007a:17).

ownership): “Over the last 30 years, for example, a piece of private land could have been compulsorily purchased, expropriated or re-designated as belonging to the Government; granted to another individual through a statutory decree; privately transacted between different individuals, using official or customary documents; forcibly seized or abandoned by its owner and then arbitrarily or unlawfully occupied by another party; or sold, leased, exchanged, gifted, inherited, or otherwise transferred on to others” (Aursnes & Foley, 2005:12). The third problem concerns the mix of legal courts, religious or tribal courts, and customary law. The lessons learned here are those related to the need to incorporate the habits and processes of resolving local conflicts within restitution programs. It is noted that the current intention of the Afghan government is to create a national land registry, but it will be developed in a corrupt environment where current tenure of land and property tends not to be legitimate; this would equate to a formal system of impunity.

From the IDMC’s perspective, the Colombian case presents two situations that hinders their work with IDP’s. The first is the difference between the official numbers of displaced – the number of registered displaced persons – and the magnitude of the tragedy. The second is that “(...) many communities, although not displaced, are effectively living under siege and denied the right to freedom of movement, which is having an adverse economic impact and makes their current position unsustainable” (Aursnes & Foley, 2005:18). Colombia has the legal tools to protect IDPs, but has so far failed to do it: “(...) the main problems appear to be a lack of resources and political will to implement the law, together with a failure to disseminate its provisions to State officials” (Aursnes & Foley, 2005:19). The government’s main interest is in the return of the displaced, but it has been criticised over the safety and welfare provisions for returning IDPs – and whether their return has been completely voluntary. The main problem in the future concerns the land-reforms that have been carried out alongside the displacement, which have created even

more profound inequities over who owns what. As in the Afghan case, without proper control of the proceedings and policies, and without proper mechanisms of support for IDPs, this anomaly could become permanent.

The problem with cadastral systems is repeated in Uganda, where the IDMC reports that for a large number of IDP's cases there is no documentation to verify the ownership of the land. Much of the land tenure system is based on the right to exploit and profit from it, rather than legal ownership. This customary tenure should, by law, have been extended to legal tenure; however in practice this has not been done.

These programs should, according to their focus (land reform, humanitarian aid, a government program, or shelter and Productive solutions), define the limits of the population that they serve both for the restitution and the compensation. The role of IO in these situations must be technical adviser and financier of the state on the restitution programs, to provide assistance to IDPs regarding the procedures, and as a guarantor between parties. Civil society must act, also as guarantor, companion and promoter of programs, and serve as spokespersons for the communities of victims. Perpetrators are very active as spoilers of these policies and commit selective murders of victims and also try to control information through their contacts inside the government. New owners tend to be, generally, part of the process of dispossession and must be sanctioned legally, except in those cases where they could demonstrate their good faith or the fact that they are also victims. I identify six main problems:

- a) Victims are mainly beneficiaries and not actors in the process;
- b) It is necessary to construct a comprehensive program that not only restitutes but provides productive support and community work for re-integration;

- c) Lack of reliable information systems on both land registry and victims' registry is the biggest administrative obstacle, even without the armed conflict. Precarious cadastral systems do not allow the identification of ownership or the right to use or to domain lands, this is a constant source of local conflicts;
- d) In addition to the previous point, the presence in the public service agencies of insiders who have participated in any crimes and/or supported the perpetrators reduces the transparency of the process;
- e) Selective violence against victims and their leaders fuels a climate of mistrust and reduce the chances of success;
- f) The mistrust of state agencies by victims slows down the process – they are reluctant to provide information and to self-identify as a victim.

Because this is a top-down process, victims are not necessarily motivated to claim rights. These processes are, in general, ones that require strong support from the international community; slow and very expensive. As already mentioned, these programs are the focus of academic research on the subject of restitution.

4. When the restitution effort is part of an internationally endorsed peace agreement and/or results from international pressure

This is a variation of the state restitution programs. The main difference is that victims are not only beneficiaries but are part of the process itself because IO directly supports their claims as part of any agreements. The process is led by IO through local organizations combining victims, activist and IO functionaries. The Balkans is an exemplar. IDMC recounts the Civil Rights Project – CRP experience including aid for refugees and IDPs, and people who are at risk of displacement. “The CRP was implemented in the context of a huge displacement crisis. The issues of integration, return and compensation were highly politicized. Legal procedures were bureaucratic, repetitive, and hard to understand. The authorities

lacked accountability and often acted in an arbitrary fashion. National systems of legal aid were almost non-existent. It was in this context that the CRP's service of providing refugees and IDPs with advice on issues of access to place of origin, property and tenancy claims, and matters hampering the re-establishment of life in place of temporary residence, proved to be so vital" (Aursnes & Foley, 2005:6-7). The key lesson here was the need to emphasize two points: "(...) help in obtaining documents and asserting housing and property rights" (Aursnes & Foley, 2005:7).

One particular case involves refugees and expatriates willing to return. In those cases it is possible that government to government agreements are signed, or agreements between IO running refugee programs in the borders, as in Vietnam, Guatemala, DR Congo, Mozambique, Rwanda, Cambodia, Angola, Georgia and Burundi where specific agreements including property rights restitution were reached (Leckie, 2007a:17). The complexity of these situations is that not all IDPs or victims are willing to do the same thing, and it is hard to develop a program that suits everybody. In general, these situations and difficulties are identical to those presented before. The difference is in the beneficiary's level of participation and the fact that international intervention helps in terms of building trust between parties and improving protection for victims.

The following table summarizes what has been presented in this section about property restitution practices:

Table 1: Restitution in practice

	Restitution guided by the affected person	Restitution guided by Community groups	Restitution guided by the State
<i>Who leads?</i>	–The victim	–Political	–The State

		parties –Victim's organizations –Direct action organizations	–In IO endorsed processes, also the IO and the victims.
<i>What happens with information?</i>	–Restricted –Depends on financial capabilities	–Restricted –Manipulated	–Open –Complex –Subject to spoilers
<i>What happens with security?</i>	–Low problems	–Highly problematic –Not assured by the State	–Very violent with selective assassination –Usually international intervention is needed
<i>What are the administrative processes?</i>	–Administrative through courts	–Usually not effective	–Complex –Bureaucratic
<i>Who else intervenes?</i>	–Judicial system –International courts	–Original owners	–Perpetrators –Civil society
<i>What are the problems?</i>	–Time consuming – Expensive –Internal spoilers	–Short-term measures –Unsustainable –Generates more violence	–Victims are passive, except in international endorsed programs –Problems with cadastral and victims information systems –Internal spoilers –High and Selective violence –Distrust

Source: Own elaboration.

The reconstruction strategy of Protection of Land Rights during Warfare

To date, there has been little in-depth study of protection programs. However, the importance of these programs is evident, as United Nations' Secretary-General Ban Ki-moon demonstrated when he called for a report on the protection of civilians in armed conflict. This report was presented to the Security Council on the November 21, 2007 (SC/9174). John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, introduced the Secretary-General's report. He reported on "(...) the critical need to address more consistently the impact of conflict on housing, land and property" and stated "There was also a critical need to address housing, land and property issues much earlier in a conflict to prevent violence arising from disputes over them." Overall, there was "the critical need to address more effectively, and much earlier, issues of housing, land and property, the resolution of which was inevitably linked to the achievement and consolidation of lasting peace and the prevention of future violence. Recording losses of land, homes or property, upholding rights and entitlements, reinforcing the right to return and mediating disputes should become standard measures, even while conflict continued." Consequently: "The Secretary-General further recommends addressing the issue of housing, and land and property rights by including language in all relevant resolutions on the right of displaced persons and refugees to return to their homes and places of origin. He also recommends addressing non-acceptance of the results of ethnic cleansing or sectarian violence; promoting the establishment of effective mechanisms at the national level for addressing housing, land and property issues; and mandating United Nations peacekeeping and other relevant missions to prevent the arbitrary or unlawful appropriation or confiscation of land and property, to identify and

register land and property abandoned by refugees and displaced persons, and to issue ownership documentation where this has been lost or destroyed.”

Since there is little in-depth literature on protection programs, the possibilities and challenges in advancing such protection presented ahead is based on my own research. In order to do this, we depart from the model of the International Humanitarian Law (IHL)⁴⁸, which is a set of norms designed to protect non-combatants in the midst of war, and to make distinctions between military and non-military actions. Even if these norms are part of a humanitarian effort to ‘humanize’ the war, they are also part of the legal and operational framework for recovery efforts in wartime. Analysing its content, I established that the strategy of *protection* in the event of possible destruction caused or motivated by a violent armed conflict seeks to a) improve security conditions to avoid or mitigate the destruction caused by the potential conflict; b) establish, strengthen or update the legal mechanisms for registration and control over the property right; c) dismantle, store or transport goods with high material, spiritual or cultural value that may be vulnerable to looting or destruction (this also extends to essential goods within the productive system); d) in the event of not being able to dismantle, store or transport goods with high material, spiritual or cultural value, a protection strategy would seek to strengthen the mechanisms for

⁴⁸ The International Humanitarian Law (or International Law of Armed Conflicts) is constituted by a set of rules that seek to restrict the damage caused by armed conflicts. These restrictions stipulate the types of people who should not be affected by the war, the places that should not be subject to armed attacks, and the types of weapons that can not be used. Its modern origins date back to the 1863 Lieber Code, which sets out the laws and customs of war, and the Geneva Convention of 1864. In 1899 and 1907 The Hague Peace Conferences further sought to regulate the methods and means of conducting war. In 1949 these were reviewed, updated and constitute a supplement of the Geneva Conventions; being converted into four documents that define humanitarian law in the wake of the experience of the Second World War. This gave rise to two forms of law: that of The Hague, which deals with the conduct of military operations, and Geneva, that deals with the protection of war victims. Both branches are combined in a single-law of Geneva, with the signing of the two Additional Protocols in Geneva in 1977 so that it now incorporates and updates the previous text of the law of The Hague. See: Bowden 2009; Fleck, 2008; Leckie, 2007.

disclosure of their existence and emphasize the need for their protection and exclusion from destruction; e) introduce specific agreements between the parties in contention to exclude, if possible, non-military targets from the armed conflict, and requiring combatants to abide by international agreements in this regard; f) strengthen security measures for ethnic minorities and community leaders. In this sense, we define *protection* as the right that assists individuals and populations not only to be protected by the fighter, but also that maintains that any prejudice is the direct responsibility of the armed group, who has an obligation to protect populations and individuals.

International and national laws exist as a frontline defence to limit excesses during war; however armed conflict rules tend to deviate from the norm. On many occasions special regulations – such as emergency powers for local or national authorities – are applied, extensive areas of social life are submitted to military control and almost every governmental unit is devoted to the war effort and relief. Even when these measures are implemented – seeking to control the mobility of the population – the reality of war is that, actually, irregularities increase. Governments need to shift resources to the war effort, the production of goods and services is disrupted, and people's needs for, *inter alia*, social services may not be met. These events increase pressure on manifold social fronts: increases in illegal and dangerous construction projects; the flouting of labour laws; professions practiced without adequate 'governance' and regulation; medical procedures conducted without proper consent; goods are rationed; smuggling and speculation increases; gender and familial violence increases and peoples' mental health deteriorates etc. In this context international treaties and laws only acquire meaning if the nations and armed groups comply with the rules therein. In many cases, their validity depends on whether or not there is a formal declaration of war. However, the reality for people living in war does not depend on the existence or otherwise of

treaties (which, may help), but rather on themselves: their ability as a society, community, family or individuals to survive. In the case of protracted wars, people learn to survive, produce, maintain, lose and restart.

It is clear that Protection programs will have undergone a conceptual change by the start of armed conflict: from programs aimed at “preventing the destruction” to programs of “reconstruction”. This qualitative jump implies that, from once seeking to reduce the possibility of destruction, the actions are now aimed at mitigating its effects. It is clear that there remains enough room to continue with actions in defence of rights to avoid some further destruction. But once armed conflict has commenced a change of approach is necessary: a) to rebuild the productive capacity affected by the fighting and b) to initiate a protection program for those actually affected by the destruction. This means that a situation which originally was with indeterminate conditions (in the eve of a catastrophic event for everyone) has given way to a specific one where the populations affected are clearly identifiable.

As there is little in-depth literature on protection programs, the possibilities and challenges in advancing such protection presented ahead is based on my own research. I propose the following parameters:

1. *Individual Protection based on private resources.*

In the case of individuals who have sufficient resources it is possible to protect the property by private security. The protection could be implemented by the formation of defensive militias’ or the hiring of armed groups in order to resist displacement or even after they are displaced (in order to oust the new occupiers). This is a common and accepted practice for the protection of property rights. In many nations in conflict it is even promoted by the state, who may finance

or deliver the weapons, communications equipment, and training for them. To a large extent the success of this strategy depends on the maintenance of these groups as defensive and not engaging in offensive actions. This option is embodied in laws relating to civil defence groups, private security contractors, and bodyguards. In Latin-America the guerrilla groups from Mexico to Peru originated in many cases as self-organized defence groups, as the indigenous guerrillas from Chiapas and Guatemala, or the peasant or indigenous guerrillas in Colombia, Ecuador and Peru. The same happened with many paramilitary groups such as farmers' paramilitary groups in Colombia or the Rondas campesinas in Peru. The problem lies with gun-wielding civilians acting as state troops, where the legitimacy and legality of their actions is not controlled. Three major problems are associated with this strategy. The first is the participation of so-called "mercenaries" – professional armed groups performing offensive actions for payment. The second refers to "paramilitarism", where organized groups of citizens and soldiers perform joint offensive and defensive military actions, a kind of "dirty war", and where power is concentrated in the hands of one or a small number of individuals. The third is the "privatization of security" where business groups of contractors concentrate defence activity in areas of conflict and replace the presence of troops, thus avoiding financial, employment and/or legal restrictions.

2. Individual Protection based on community resources.

It is possible to find support organizations targeting specific populations, in accordance with specific membership requirements. In many cases these organizations are the result of experiences of communities in long-standing conflicts; e.g. aid groups with religious or ethnic affiliation, such as the Jewish community, or the Hezbollah' social-service branch; and communities in exile, such as the Cubans, Chinese and Nepalese groups. These basically act as international lobbyists, but can also serve as support networks for the protection of

financial assets and property of great material, cultural or spiritual value. Or, as in the case of Hezbollah, the organization paid for the reconstruction of houses directly affected by the fighting. The actions of these kinds of organizations are restricted to a specific group of the population, and often have more impact on refugee populations than on IDPs – as in Hezbollah, for example, where Lebanon's refugees were the main beneficiaries of the program.

3. Individual or communitarian Protection based on national/international – private/public resources.

This covers other possible actions to protect IDPs and is, in a strict-sense, the focus of attention of possible during-war protection. It includes actions to prevent displacement and destruction of property: human shields (e.g. Iraq, Palestine, Colombia); humanitarian air corridors (e.g. Spain-Chad, Cyprus-Lebanon, NATO-Albania/Macedonia); militarised zones (e.g. Georgia, Korea, Cyprus) and demilitarised zones (e.g. Colombia, Israel). In these cases it provides help to people who are in the midst of a conflict, but exposes those involved in protection operations to the rigors of war. Other international measures include detecting and banning trade in looted goods (such as the Interpol task force on art and cultural objects) and agreements to restrict trade in products that fuel conflict (such as diamonds and illicit drugs). It also encompasses national measures, such as the diffusion of information about and training in rights (as well as empowerment) and other legal matters for communities and public officials.

Numerous other rules or measures are part of the regulatory order in war times. These rules are usually identified as "transitional" but can become serious problems in the lives of individuals. Sometimes foreign citizens are advised to leave the territories in conflict, sometimes "individual" or "mass expulsions" are carried out. These measures are presented as protective measures (from potential

retaliation or outbreaks of violence). Depending on the laws and circumstances they may be allowed to leave with some of their property, but in others they are given minimum compensation after the conflict if unable or unwilling to return. It is also usual to establish rules that restrict the mobility,⁴⁹ visibility and activities of groups of individuals (schedules, clothing, access to services and products, locations, etc.) seeking to reduce their exposure to possible violence because of the impossibility of providing protection. Such measures apply to a range of categories, including religion, nationality, ethnicity, gender, age and political beliefs/affiliation. In general, these actions are contrary to the rights of individuals, even if they are presented as protection. They are often part of an exercise in discrimination and segregation.⁵⁰ However, given the conditions of conflict, they are preferable to the alternative – women and children in conflict areas for example may be at risk of sexual violence or forced recruitment, and be forced to live in hiding.⁵¹

⁴⁹ Stepputat (2002:32) goes further and establishes that “During armed conflict, mobility and control of mobility are of primary strategic importance for everybody involved. The changing patterns of mobility during and after conflict should be seen in this context. Displacement of large parts of the population is a common feature of armed conflict. Sometimes parties to the conflict use displacement as a military strategy for territorial or population control; at other times displacement is an outcome of widespread conditions of insecurity and impoverishment”.

⁵⁰ Cathrine Brun (2003:22) exposes this in the case of Sri Lanka: “Categorising someone as an IDP tends to exclude her or him from some citizenship rights. In protracted situations of displacement the IDP status of displaced populations seems to create a state of permanent impermanence: they are out of place and only waiting to return to their home place – an attitude often advocated by Sri Lankan authorities wanting to return the displaced in order to restore the apparently pre-existing ethnic balance. However, during this waiting game IDP’s are not regarded as local citizens of the place where they live and consequently are excluded from rights enjoyed by their co-habitants – their hosts. In the case of Sri Lanka, these include rights to property, political freedom and employment.” Again, Sarah Holt relates how the voting right could not be fulfilled because registration was based on the place of residence.

⁵¹ As Lari (2002:39) points, it is a common strategy to use the civil population and engage it into the conflict: “UNITA forces use brutal measures to prevent people leaving areas under their control. Entire groups are forced to accompany UNITA soldiers on hit-and-run attacks. Systematic physical abuse, mutilation of limbs and murder are the fate of those suspected of being informers. For its part, the government displaces people in order to deprive UNITA of food, labour, fighters and sex slaves. Families are intentionally separated, forcing men and male adolescents to remain and serve in the pro-government civilian militia. When new territory is captured from UNITA, IDPs are prevented from leaving and are forced to

The differences between helping people in terms of before and after the conflict depend upon the conflict itself including: its duration; intensity; tactics and weapons used and level of involvement of the civilian population. However, to develop successful programs of protection or restoration it is paramount to tackle the causes of conflict and its effects, and minimise or eliminate opportunities for further conflicts in the wake of the violence that has unfolded. That is, the ability to understand and address the program from a security approach. It is essential to establish those primary objectives that must be in place, both before and after the conflict, in order to advance successfully those activities that generate solutions to problems, rather than make things worse.

In short, from the perspective of the state, the objectives of protection and restitution of housing, land and property rights are equally political: one is the decision of to what, when, whom and how protection should be afforded, the other is what, when, how and to whom restitution should be made. These decisions depend on the very structure of society, and reflect conflicts at the root of the society. Similarly, the effect is not only the physical reconstruction or rehabilitation of the routines of people, but is also one of finding the 'space' needed to allow individuals to assume (or resume if possible) their life plans. This also means that it is, for many people and societies, an opportunity for change – and should be understood in this way, not just as a process of protection or restoration of material things. Protection activities should be done in the short term; and be oriented to cover the basic elements needed to ensure – as far as possible – the largest amount of assets of individuals, the most

remain while their living conditions progressively deteriorate. IDPs are often taken along during foraging expeditions and exposed to risk of UNITA ambushes and landmines. Indiscriminate beating, harassment and rape are frequent”.

important of all being the protection of life.⁵² In addition, restitution must be done in the long term, restoring not only the family, community life or the position of the individual in society, but also political rights and the productive capacities of individuals and communities. For the state this decision-making process means that the protection is planned in uncertainty, and restitution strategies develop according to the results of the conflict. However, since it is a political decision it also reflects the specificity of its society – in which some elements take precedence over others (e.g. the life of the individual trumping the common good, or political rights trumping self-identification, or the defense of social goods considered more important than any other good). Throughout this process the critical time for the State is that when violent actions are occurring and when, inevitably, communities and individuals are suffering.

Conclusions

The following table presents a thematic comparison of both kinds of land reconstruction:

Table 2: Goals of restitution and protection strategies during war

	The strategy of <i>restitution</i>, in the case of destruction caused or motivated by a violent armed conflict, seeks to:	The strategy of <i>protection</i> in the event of possible destruction caused or motivated by a violent armed
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⁵² Usually the order of priority is: life; family; community (social goods and values); identity; citizenship (political values and rights); property (land first, housing second, goods third). In some societies identity is prior to community and then citizenship, or prior to citizenship and then community. The differences in the order will depend on the type of society, specifically on the position of the concept of labour within that society, and the type of work activities (paid or not) that individuals are engaged in (in general, individual identities are linked to occupation). In industrialised societies identity (worker, employee, professional) trumps citizenship and community; in semi-industrial societies community trumps citizenship and in poor-industrialized societies identity and citizenship are subordinate to community.

		conflict seeks to:
Security	a) Improve security conditions to allow re-securing of the conditions for the protection and enjoyment of property, land and houses affected in the conflict; ⁵³	a) Improve security conditions to avoid or mitigate the destruction caused by the potential conflict;
Legal mechanisms	b) Establish or strengthen the legal mechanisms to prosecute the existing disputes over ownership rights and prevent further violence;	b) Establish, strengthen or update the legal mechanisms for registration and control over the property right;
Property	c) Resolve disputes over property caused by the death or disappearance of owners;	c) Dismantle, store or transport goods with high material, spiritual or cultural value that may be vulnerable to looting or destruction. This also extends to essential goods within the productive system;
	d) Return to their rightful owners any property confiscated arbitrarily or unlawfully by an armed force;	d) In the event of not being able to dismantle, store or transport goods with high material, spiritual or cultural value, a protection strategy would seek to strengthen the mechanisms for disclosure of their existence and emphasize the need for their protection and exclusion from destruction;
	e) Resolve disputes over the right of occupation of land or houses, and resolve problems arising	e) Introduce specific agreements between the parties in contention to exclude, if possible, non-military targets from the

⁵³ Reference to “property” includes factories, businesses, industries – all of the productive system.

	from re-settlement;	armed conflict, and requiring combatants to abide by international agreements in this regard;
	f) Secure material compensation from those responsible for the violence, which includes: nationalize and (re)distribute – with or without compensation – property, land and houses which remain unclaimed within a set period of time after the conflict; or which cannot be claimed as being owned by a defeated force in concordance with the existence (or not) of the terms of any armistice;	
	g) Provide material compensation or soft loans to revive the productive conditions;	
	h) In the case of destroyed homes, begin the rebuilding process, according to the needs and desires of the owners;	
Personal security	i) In the case of persecuted minorities, community leaders or people who can not return to their former dwellings for security reasons, identify and operationalize a process of reintegration, either in their former communities or in new settlements (resettlement).	f) Strengthen security measures for ethnic minorities and community leaders.

Source: Own elaboration.

It is important to clarify that Restitution programs only ensure rights – they can not compel the enjoyment or use of the property returned.

One of the major obstacles to the success of restitution programs is to achieve not only the physical reconstruction of the property but effective use of them. Also, the strategy of restitution tends to be focused on activities that can be performed after-war, while the strategy of protection is concerned with before-war activities. However, it is possible and necessary to continue with the protection activities *during-war*. From Table 1 I can posit that, in security terms, neither strategy can stop violence or destruction, only try to normalize everyday life. I can also observe that the work around legal mechanisms is focused on settling differences between claimants in order to avoid disputes and, in terms of property, restitution is focused on mitigating the ‘mess’ associated with destruction, whilst protection strategy is focused on avoiding destruction. In the case of personal security the emphasis is on safeguarding the lives and productivity of leaders and communities. None of this should be surprising: restitution *returns* and protection *protects*. The difference rests in the conflict itself.

What we have in practice is that compared with the large number of protective measures that can begin before the war, the security activities during-war – being more specific – are not always possible to achieve. The success of implementation depends on available resources, capability and discipline of fighting groups and the circumstances on the battlefield. In counterpoint to the previous table it is possible to identify some variations that occur in practice:

- (a) The population's access to food, water and medicine is usually permitted in return for cooperation with military intelligence e.g. revealing collaborators or information regarding enemy presence in a region;
- (b) In the case of registration and control of houses, property and individuals, this is achieved through censuses or roadblocks that limit mobility or increase control over people's identities,

which can at times be mixed with ethnic, racial or religious conflicts;

- (c) Similarly, international or internal conflicts today often evidence an intermingling of civilians and military combatants. In addition, the processes of urbanization experienced in the past half century means the possibility that armed forces will not be located in urban centres is very low – almost inevitably wars are fought in populated areas;
- (d) In the case of minorities and community leaders, the protection is often intermingled with measures that request a clear bias with the interests of one party in the combat, or exclusion zones, or reclusion in confinement camps where it is possible to ensure security but at the expense of loss of liberty;
- (e) Controlled evacuations are followed by measures that include the destruction of the property left behind, which worsens or makes impossible the conditions required for the return of the displaced. Such evacuations are quite often permanent measures of displacement, but unavoidable if the goal is protecting life.

All these situations violate the spirit of IHL, which is condensed into neutrality, normalcy and protection for non-combatants. For neutrality means not taking the side of any of the parties in conflict; not committing hostile acts; not being required to provide information; not being a victim of retaliation and with assistance not being subject to any kind of exchange that breaks this neutrality. Normalcy means the right to advance as far as possible the activities of individuals and communities, including education and religious, familial, commercial and productive practices. Protection is the right that assists individuals and populations not only to be protected by the fighter, but also that maintains that any prejudice is the direct responsibility

of the armed group, who has an obligation to protect populations and individuals.

As I discussed before, the rules of law therefore set out what should be done, and also provide legal and practical frameworks about how it should be done. It is clear from the rules that protecting property rights is not lost as a result of the war. The general guarantee for this is that people have the right to inhabit their homes and the right to keep their possessions and to work their land. However, in cases of forced displacement the possibility of realizing this right to property is minimised, so it is important to strengthen state programs for the protection of these rights with additional effective measures, not just military actions.

The aim of the thesis is to analyze the impact of the LPPP in areas that have simultaneous Paramilitary, Guerrilla and Drug related conflicts. Therefore, in-depth case studies were developed in the Valle del Cauca region because – summarizing – it is strategically situated in the middle of a chronic conflict between the Colombian government and the FARC guerrillas. It is also a core-zone of long-standing conflict between ancestral communities, large landowners, and drug lords. It also features the active presence of one paramilitary group (nowadays referred to as Criminal Gangs): “Los Rastrojos”. Historically, this region has featured some of the most outrageous and bloodiest war and violence that has transformed people’s lives. As previously announced, this thesis is a clear example of how a single case study allows comparison between sub-units of analysis (Yin, 1994). Since the proposed analysis is related to how the ‘state-led no-military reconstruction during war’ has an impact on the conflict, the unit that defines the single case is the state. In this way, to conduct an investigation of several cases it would be necessary to compare different states. I could also refer to several cases if I wish to compare the different effects of various

programs of a single state in conflict; which would involve spatial and temporal variations. In this thesis I write about a single case study because it is just one program in one region in one state. But, it features two comparative sets of towns, as will be explained in the methodological chapter.

Chapter two: Methodology

Introduction

The purpose of this chapter is to present the methodological design and the research strategy used to advance this single case study. It also presents how the researcher collected, recorded and analysed the documentary and ethnographical data. It presents the fieldwork design oriented to cover four different locations under conflict in Colombia resulting in 118 interviews with 88 different people. The four locations were selected after the first fieldtrip and fulfilled both

requirements: a pair of towns (one within and one outside the LPPP) closes enough to each other to make travel practical and also with two different kinds of conflicts in the zone (one pair under FARC threat and the other one under paramilitary threat).

In the first section I will present the qualitative approach: field research and ethnographic work complemented by documentary research. In the second section I will present how I developed the fieldwork and associated issues. In the third section I will introduce the use of Micro-analysis techniques to analyse the experiences and stories collected during the fieldwork.

Fieldwork tools

This section presents the research techniques employed in the collection and recording of the data gathered during the three fieldworks and the analysis of documents.

Interview research strategy

Before the first fieldwork the intention was to perform a representative number of interviews with peasants within the LPP program; also to interview the Directors of the program and the local fieldworkers. The second group of interviews was directed to elites and IDPs in the control town. A third group was the national army, Civil servants and academics who are involved in the territorial 'consolidation' strategy of the Colombian government, in order to understand how the conflict was (or was not) affected by the LPP program. Following an initial approach it was clear that access to LPP program directives would not be granted. But, additionally, inside the towns there were many other voices that needed to be heard: IDPs outside the program; Peasants who stay in rural lands under threat; Victims of violence and people who work with them. In this sense, the original idea – to be focused on the effect of the

program through the voices of the people inside it – changed to evaluate the problem inside the communities; and to obtain a general vision of the situation via interviews with national elites and local fieldworkers associated with the program.

Accessing people inside communities was via gatekeepers. First I visited the Mayor's office (who, by the way, was never available) and the secretary referred me to a number of appropriate officials: the Planning office; Umata's office⁵⁴ and the Local Government Secretary office. Through these officials I gained access to the relevant persons in the town. Later I visited the priest⁵⁵, who was extremely useful in order to contact victims and IDPs. Access to national elites was made by telephone contact on scheduled dates. In general there were always one or two key persons in every town. In terms of the local people, they clearly loved their communities but were *critical* with the situation and were generally willing to help an outsider to establish the reality of what was happening.

Elite interviews

The present research is focused on a State-led program, and it means accessing state officials. Naturally, elite interviews were conducted with national, regional and/or local government functionaries. All elite interviews were held face-to-face and access was usually granted through third party references. Some elite interviews were postponed several times and finally cancelled by the interviewee. Reasons for this behaviour are usually related with political culture in Colombia, where state officials are not at the service of people but typically pursuing their own interests.

Even though it non-governmental leaders may be classed as elites, in this research only government functionaries were granted that

⁵⁴ "Unidad Municipal de Asistencia Técnica Agropecuaria": It is a government' group working at the local level in agricultural technical assistance.

⁵⁵ Catholic priest always; as it is the prevalent religion in Colombia.

designation. The reason behind this decision is that the opinions of people outside government are important but not necessarily representative of the state itself. Non-government participants are considered as non-elites.

Open and Semi-structured interviews

Elite or non-elite interviews could be structured, semi-structured or open. In this research some basic proximal research questions were held for every interviewee. In the case of elite interviews full research on the specifics of the possible topics to discuss was performed beforehand, and developed gradually and without 'script' during the interview. In the case of non-elite interviews, people usually start talking openly about different experiences and perceptions; in this situation some specific questions were asked in an attempt to triangulate information or to solve the basic research questions. This conversational style of interview is, frankly, the best possible approach with people in Colombia, where a formal inquisitorial interview is seen as censorial and linked with authoritarian forms of power. At the same time, the structured interview assumes that people have something to say about the subject and are ready to understand the questions and answer them.

The open and semi-structured interviews are able to capture limited knowledge about a situation and personal interpretations; in order to reduce the negative effects of singular misunderstandings (*bona fide* or bogus) several persons are interviewed and the information triangulated with official, documentary or personal information.

Non-participant observation

According to Bowling (2002) field-based observation of and interaction with the behaviour of people and with the daily life of the community provides valuable information with which to understand complex situations. Observation is paramount in this case study, because it allows comparison between documentary information

provided by the government and the reality in the field. Also, via note taking the researcher is able to record verbal and non-verbal information that helps in the refining of the analysis.

Documentary analysis

The sources of Documentary information are: governmental institutions in Colombia (at national, regional and local level); civil society and academic groups. Usually the kinds of documents used in this research refer to legal documentation or analytical essays. In the specific situations when triangulation of information of data is necessary the main sources are newspapers and documentary information from civil organizations on the internet.

The fieldworks

The aim of the thesis is to analyse the impact of the LPPP in areas that have simultaneous Paramilitary, Guerrilla and Drug related conflicts in order to present a case study of during-war reconstruction and analyse the implications of this kind of reconstruction. Therefore, in-depth case studies were developed in the Valle del Cauca region because it is strategically situated in the middle of a chronic conflict between the Colombian government and the FARC guerrillas. It is also a core-zone of long-standing conflict between ancestral communities, large landowners, and drug lords. It also features the active presence of one paramilitary group (nowadays referred to as Criminal Gangs): “Los Rastrojos”. Historically this region has featured some of the most outrageous and bloodiest war and violence that has transformed people’s lives.

To analyze the impact of the program in this region it is necessary to identify towns that have experienced similar conflicts; towns that are part of the program and towns that are not. Two sets of towns

(municipalities⁵⁶) were finally selected in a preliminary field trip in spring 2009. In both cases the first town is part of the LPPP for internally displaced persons, led by the Colombian government. This program has advanced a preventive and a restorative program to guard the property rights of inhabitants, heirs, owners, families, and communities. The second town in both cases is contiguous to the first one and is not part of the program. All four towns have experienced extreme violence and are strategically situated in terms of Colombia's internal conflict. Due to security reasons – seeking to protect the inhabitants of these towns – both sets were coded as North1 – North2 set, and South1– South2 set⁵⁷.

For the purposes of this investigation, the violence in the area studied occurs in two major geographical areas. In the first set of municipalities (South1 – South2)⁵⁸ there is conflict with the FARC guerrillas. In the second set of municipalities (North1 – North2)⁵⁹ conflict exists with both the guerrillas and with the Paramilitary forces. In both, there is pronounced conflict with drug lords. The researcher has not established specific interests of the relevant small criminal gangs also operating, besides small drug trafficking, “sicariato” (contract killings) and prostitution.

During 2009 two fieldwork journeys were conducted into this region, each lasting two months; the first between February and March 2009 and the second between October and December 2009. One year

⁵⁶ Municipalities are the smallest administrative unit in Colombia.

⁵⁷ The code is composed by a geographical distinction North – South; and a numerical distinction 1/2. The geographical distinction implies that the first set of towns is due North of the second set of towns. The numerical distinction is: towns number 1 are part of the land program; towns number 2 are not part of the land program.

⁵⁸ Both are separated just by 10 minutes, but their histories are quite different. Town South1 is pro-government and close to the second largest city in the region; Town South2 is pro-guerrilla and oriented toward the mountains.

⁵⁹ Again, both are separated just by 15 minutes and have experienced different fates. Town North1 is considered a normal and prosperous town in Colombia. Town North2 suffered extreme violence at hands of the paramilitary groups in conjunction with state actors.

later a final fieldwork lasting four months was conducted between September and December 2010. The fieldwork budget was self-financed and comprised air tickets and local expenses.

During the first visit I established contacts, gathered information, and defined the possibilities of the study in the zone. The first month was spent in Bogotá and Cali studying documentation related to the program and establishing contacts for conducting elite interviews with national authorities. This was followed in the second month by travelling to the seven towns covered by the program in Valle del Cauca at the time – The Valle del Cauca has 42 municipalities in total. In this exploratory journey 17 interviews were carried; mainly with state officials but also with participants in the program during an official event held the 12th of March of 2009. The main result of this journey was establishing the two sets of towns and the respective contacts.

During the second visit, the first month was spent in Bogotá and Cali conducting elite interviews. This was followed by three weeks in the North1 – North2 locations and three weeks in the South1 – South2 locations to conduct elite and participant interviews. The main result of this journey was the data, impressions on the situation and the rhizomatic (as exposed by Deleuze and Guattari) expansion of ideas, concepts, and doubts. As a result the thesis suffered a main ‘lurch’. From the beginning the prime concept to study the effect of DWR was ‘security’. But from the results and the experiences acquired during the fieldwork it was absolutely necessary to change this primacy for another concept: ‘conflict’. I realize from the interviews that security is not only a perception or a variation in the criminal statistics, or a government policy, but an ideal and a hope. Instead, conflict is an explanation for people of what is going on in their lives, as well as a highly elaborated concept for almost everyone in Colombia that involves people, policies, social situations and solutions.

During the third visit I revisited places and people and checked the highly publicized military actions against armed groups of the new government of President Juan Manuel Santos. But, also, this fieldwork coincided with a natural disaster caused by heavy rains. As expected, the main result of this final fieldwork (for this research) was the consolidation of information and explanatory propositions.

Two different approaches were used to sampling. In the case of elite interviews the names were gathered by position held in the government. In the case of participants the method used to identify them was snowball sampling. Usually the access to elite interviews is achieved via third party references.

The advantages found in this region for this study in operative terms were the easy access to the municipalities in terms of transportation, communication and services. I usually found people to be friendly, open and willing to talk in both interviewed groups (the government Officials and the participants). In security terms the proximity of both sets of towns to big cities was especially helpful; also the strong government presence (civil and military) would facilitate easy access to help in case of need. My previous knowledge of the region and my existing contacts helped me to access elites. Finally, both fieldworks were compatible with the time and budget available for the research.

The advantages found in this region for this study in research terms were the existence of high levels of focused violence. This violence is restricted in terms of time (usually from dusk to dawn) and space (outside the municipal area). This allowed the researcher to be in contact with the problems but avoid unnecessary risks. Also, it was possible to enter into contact with almost all forms of violence in the same region: paramilitary, guerrilla, government, drug dealers and organized crime. This is currently one of the main military theatres for Government, Guerrillas and the new paramilitary-drug dealer groups.

Data collection and analysis

Two different kinds of information are handled: documentary and ethnographic. The sources of documentary information are: governmental institutions in Colombia (at national, regional and local level); civil society and academic groups. The sources of ethnographic data are the people interviewed during the fieldwork and the direct observation of daily life by the researcher.

Institutional data is publicly available. Permission to access private data from academic groups and civil society was requested. Access to interviewees was personally requested. Prior to and during the fieldwork my idea was to anonymise only those I believed to be at risk if they were identified as displaced persons and victims of violence. However, after the fieldwork I decided to maintain the anonymity of all participants due to sensitive information posing security risks, including the names of the towns. Only those specific persons that provided 'official' information via elite interviews are named.

The information obtained during interviews was saved via notes taken at the time, or coded information for later development. These notes were later supplemented with comments on my impressions of the interview, and then analysed in the thesis. During the fieldwork documents and files were collected. A record of the full fieldwork was kept in a log-book. The interviews were open and semi-structured, the key questions emerging from the hypothesis, the literature review and the accumulation of information from the interviews themselves. The exact interview questions and the order of questioning were different for each respondent. Following the interviews, the record of my impressions as a non-participant observer complemented the information given to me by my participants. In many cases cross-

referencing data generated by different interviews helped to elaborate the analysis or provided me with new leads to pursue. In total I conducted 118 interviews with 88 people. One person was interviewed four times; 8 people were interviewed three times and 11 people were interviewed twice. All interviews lasted between 30 minutes and 3 hours. Appendix 1 shows the coded information used to identify each interview. The total number of elite interviews was 44. They were conducted with state officials ranged from the Chiefs of national programs to field workers; including 14 national or regional government functionaries and 17 local government functionaries. The total number of non-elite interviews was 74, conducted with 12 representatives of civil society, comprising academics, communal leaders and citizens of different backgrounds and different socio-economic status. The number also includes the interviews held with 30 participants and potential participants. All participants were selected on the basis of accessibility using a snow-ball process, a non-probabilistic sampling procedure.

After the fieldwork the data was coded and organized to perform a micro-analysis of the experiences and the stories collected.⁶⁰ This analysis will help to transform local narratives into ‘perceptions’ and ‘explanations’ about the role of the Colombian state in DWR and the potential impacts (on conflict) of protecting land rights during war. Even though the ethnographic findings usually do not permit generalisations, using micro-analysis enables the drawing of some conclusions through comparison. Simply stated, this study is an attempt to understand – through a case study – whether the

⁶⁰ According with De Sousa (2010) and Blondel (2010), the use of micro-analysis in politics should be ‘substantially’ promoted. This technique is very useful in order to understand politics as “collective decisions” (Blondel, 2010:24) and bringing back political science to the ‘street level’. In this research, concerned with the effects of a public policy in specific locations and for specific people, it means to work around “private politics” (Blondel, 2010:23, citing Merriam, 1944). This study of ‘Private politics’ is working in what is obvious to all, but a micro-analysis allows contrasting elite vs. non-elite responses and to understand two other meanings of micro-politics: bottom up power and resistance (Spicer, 2006); and behavioural practices emerging from collective knowledge (Willner, 2011).

theoretical approach proposed for Non-military DWR makes sense. As per any political generalization, it is vague, wide, abstract and non-empirical: the analysis of the fieldwork findings will help to establish if the proposed theory is helpful *vis-à-vis* explaining, organizing or questioning micro-levels of political organization.

The micro-analysis will be performed comparing data from the two sets of towns and comparing the elite and non-elite interviews. This comparative analysis of the individual responses in their social settings will identify similarities and differences; the variations and 'gaps' between real life and top-down political planning – again, to compare the bottom-up theoretical and practical political perspectives of citizens in two different contexts of the same policy program. In that sense the analysis must help to identify transformations and obstacles, what is functioning and what is malfunctioning in this public policy as it is implemented. This micro-analysis is done because in public policies' analysis it is relevant considering the implications of somebody opinion in terms of the policy process, the "subjective experience" of a political process (Collins, 2010), and not only the mechanical process of some regulated activities but as a creative plethora of constantly evolving and concatenated subsidiary activities.

I must point out that the single case avoids making generalizations but is intended to support the proposed definition and theoretical approach to Non-military DWR. In contrast, as Smith (1991:51) claims, in comparative case research "Instead of 'testing' propositions, theory provides a rough 'map' to identify those aspects of empirical reality which deserve particular attention" and "case studies attempt to fill in the details". This means that I will 'see' the ethnographic fieldwork looking for what theory needs, and the analysis will be focused on supporting the proposed definition.

Research biases

Biases affect the validity of the research and may become obstacles at various stages of the research. For this work I have identified four biases to be discussed and I will introduce some potential mitigation options.

The first bias corresponds to the methodological constraints facing all research that is financially and temporally limited. Also, in the case of ethnographic fieldwork research there are difficulties accessing places and people. This research is the first comprehensive and complete approach to this phenomenon, but certainly not 'the final one', and is part of longer-term research that will not be restricted to a single researcher in a single discipline.

The second bias concerns the limited access to sites or people. As discussed in the changes to the collection of data, this sample bias should not be ignored but does not constitute an impediment to the conclusions presented.

The third one is the first analytical filter presented during the interviews by taking notes or notes taken at the time, or based on memory and impressions and recorded later. This information is recorded not as verbatim transcripts of interviews, but as a set of opinions and perceptions that the interviewer will extrapolate from the interview. It is not possible to use equipment to record conversations because of practical and security reasons. In general, people do not have the confidence to speak in front of a recorder, and even if it was possible (and absolutely necessary) it would take months of negotiation to secure their confidence to do so. In the case of elite interviews it was possible that some officials were prepared to be recorded, but this risked them being less open. Even unrecorded, several of them remained cautious about making comments not in accordance with 'the official line'.

Finally, fieldwork in conflict zones can be executed in different ways. This specific research was performed ‘hand-in-hand’ with Colombian authorities. I am conducting research on and in my own country, having a scholarship granted by the Colombian Government. Because of my previous knowledge of the region and the people, all the fieldwork will be accessible; however, I will be also conditioned by my political views of the country. I did not establish any voluntary contact with irregular armed factions. Regarding this point, it is important to establish how trustworthy elite and non-elite interviewed used to perceive me.

Clearly I am not a representative of the Colombian government, and people did not perceive me as one, but as an academic who probably will link their concerns with public or qualified opinion. As an outsider, it takes some time to gain confidence in the local population, but I was not perceived as a “menace” or an “intruder”. My scholarship from the government means nothing in terms of gaining access to government officials or having any kind of support from government offices; again, it means nothing for local people. But it is important to clarify how I was perceived in order to value access to interviewees and possible answers.

Bias mitigation

It is important to present possible options to mitigate these biases. The bias mitigation begins with the identification of bias. It continues by warning the readers of the thesis and those consulted during the investigation of such biases. And it is complemented by working reflexively. This reflexivity involves the continued recognition of the researcher’s own attitudes toward the object of research, their beliefs or knowledge on the topic, and limitations or deviations implied in different research methodologies (Payne and Payne, 2004). As far as

conditions allow, interviews and non-participant observation are qualitative methods of collecting information in which the researcher can go back and review and re-study data on multiple occasions. Additionally, methodological constraints are understood as part of a research and training process natural to all scientific methods. The sample bias has been addressed during the collection and analysis of information with a greater emphasis on information compiled by the non-participant research method and triangulation of information from other respondents. During note taking the researcher is filtering and analysing the data from the respondent, and this bias is part of the typical conditions of this research. However, since the research topic does not require specific data or specific recounting of facts – but, rather, views and perceptions – this bias was not considered important to this research. With respect to the sponsorship bias and the natural orientation of the researcher even though it is acknowledged that mine is only an interpretation of a phenomenon, not the reality of it. This situation does not undermine validity – which ultimately depends on plausible arguments, internal logic and methodological consistency.

The following chapters will discuss the impact of ‘state-led non-military reconstruction during war’ on conflict, through the Colombian case of the ‘Land & Property protection’ program for IDPs during actual conflict. They will present the results of the fieldwork, and then will address the question about the impact of the policies on the conflict. The closing chapter of the thesis discusses and makes policy recommendations and suggests options for further research.

Chapter three: Fieldwork findings

Introduction

The information in this chapter originates from documentary analysis, direct observation and interviews. The interview coding schedule is presented at Appendix 1, and references to the reviewed documents can be found in the Bibliography chapter. Three fieldtrips were conducted in February-March 2009, October-November 2009 and October-December 2010. The chapter first presents the findings concerning the program itself – its operation and guidance from an institutional point of view. I then contrast this information with the findings from the fieldwork. The research studies two towns where

the program operates within the same region, but faces different conflict situations. Each town was paired with another town as a control group. Within these towns I interviewed: beneficiaries and non-beneficiaries IDPs; Non-displaced rural population (non-beneficiaries); and state officials.

The towns participating in the program were coded as North1 and South1. Control towns were coded as: North2 and South2. This codification is also applied to the interviews identifying the residents interviewed in South1 as S1, interviewees in South2 as S2; interviewees in North1 as N1, and interviewees in North2 as N2. The full code of an interviewee consists of: (general number of interview) – (population ID) / (meeting number). For example, reference 25-S1 / 2, refers to the second interview made to interviewee number 25 who lives in South1. Officials, researchers, or experts interviewed in cities outside the studied towns were coded as follows: BOG-Bogotá; CAL-Cali; and TUL-Tuluá.

The Land and Property Protection Program in Colombia

The original idea was to interview the Program Director and some of its employees – including field officials – within the region. To my surprise it was not possible to meet with the Director or with any senior officers associated with the program. However, this has not limited the research. In the previous chapter I gave an overview of the program, in this chapter I present the main points of interest for the research about the functioning and institutional orientation of the program that were discovered during fieldwork.

Direct contact with central offices

I visited the headquarters of the project and I discovered that there is fear and distrust of people who seek information about it. This fear was confirmed in the field by regional LPPP representative 1-CAL/3 and in private interviews by the official 28-BOG/2. Both confirmed to me that LPP program and Acción Social officials were declared military targets by the FARC, and that the Lands Project received specific threats in those regions where they operate by unidentified armed groups. This is in addition to frequent assassinations, by unidentified armed groups, of peasant leaders – there had been seven between January and April 2011 – who actively sought the restitution of land to their communities. The LPPP offices are not signposted and are located in a government building where several offices are used by bodies with ties to the Armed Forces. Because I was unable to secure an appointment I decided to go directly to the office without one, and requested a meeting with the Program Director. This was not possible but Doris Elena Alzate Gomez, Head of Communications, saw me on the 10th of February – 2009. Throughout the interview she repeatedly insisted that I should not investigate the project, that it “was not a research subject”, even suggesting that it was strange that I knew about the existence of the project or that I was interested in it. She made constant enquiries regarding “How I knew about them?”. This aggressive and uncooperative attitude was maintained throughout the three fieldtrips, where they denied me access to any information, did not provide me with any reference material (which is actually freely available and consisted of 35 publications during 2005-2010), did not answer my telephone calls or emails and refused interview requests. The interviewee 28-BOG is a technical advisor on the project, and through an academic contact he agreed to meet me anonymously in October 2009 and again in December 2010. In the interviews it became clear that there was an additional factor behind the secrecy about the project: autonomy. On the one hand, the project has been handled in a technocratic manner, avoiding political interference, which was considered advantageous in terms of securing resources

from international sources and in order to become a nationally and internationally recognised benchmark on land dispossession data. On the other hand the program is part of the land and military consolidation plans of the Colombian government, and within the program there is a strong fear of it being 'hijacked' by the military strategy – they feel that it could "harm them" and they seek to avoid being incorporated in any plan "specifically designed for and looking at military objectives."

The LPPP has two conditions of specific interest to this research: it has provided protection measures since 2006, giving "legal security", and, since 2009 through the RUPTA – Registro Único de Predios y Territorios Abandonados (Unified Registry of Abandoned Land and territories) – it has initiated specific restitution processes. Respondents 28-BOG/1 and Doris Elena Alzate accept that the program contributes to the process called "democratic security" and reconstruction of the country from conflict, but both say that it does so only tangentially.

Regional contact with program

When directly asked about the program, regional officers 1-CAL and 2-CAL state that there is considerable technical and management strength at the centre, which is very convenient for the purposes of the program, but that locally the separation between technical and political issues is inconvenient and causes many problems. Mainly they maintain that locally the program does not advance because it depends on political support from mayors and is operationally dependent on work carried out by UMATA – Unidad Municipal de Asistencia Técnica Agrícola (Municipal Unit for Agricultural Technical Assistance). Acción Social officials assigned to LPP program can not engage in any activity aimed at the protection of land without the local support of these units. The support depends on the political and

economic profile of the municipalities and not really on the problem of land or displacement experienced on it. 1-CAL and 2-CAL explained that the process is successful if UMATA officials are technical, but fails if they are just political-bureaucratic positions; they also suggest that it is successful if the municipality is dependent on the rural sector, mainly for tourism or rural production. 1-CAL/1 and 2-CAL/1 provide another key element to understand the impact of the program – they indicate that the program develops a process that not only involves protection but which also serves to establish a database (the RUPTA) with which it is possible to "reconstruct the history of the effect of conflict on land property," which, in turn, can "reflect the institutional weakness of the state as it has historically been incapable of knowing what is happening in the field, and to pay attention to the problems."

I repeatedly asked interviewees 1-CAL, 2-CAL; and local Umata's officers' 13-S1, 14-S1, 31-S2, 38-N1 about the subject of "reconstruction." None were able to relate this concept to the specific activities they perform. This shows the breach between policy formulated at the central level and the practical activity, in the field, of local officials. 9-TUL interviewee, observer of the OAS peace mission, stated that in his opinion this is because the centre plays with the "semantics of the war," so the idea of 'reconstruction' and 'post-conflict' generates "golpes de opinión" (this expression refers to impacts in the public opinion; something in the media which 'blows your mind') that support and generate a different picture of military strategy. Commenting on this situation, the academic and public figure Eduardo Pizarro noted that talking of 'post-conflict' when you still have a conflict certainly is part of the "political war", but he specifies that it also reflects the government's intention to initiate reconstruction activities during the conflict seeking to "avoid a violent post-conflict, or at least not so dramatic," like the one experienced in Central America. This observation is fully consistent with the research conducted in this thesis.

Why land-related problems are key?

Asked “Why land is key?” to solving the Colombian conflict, respondent 4-BOG (CNRR adviser) said that the issue is "sensitive to the extreme", because in Colombia "valuation of the success or failure of peace in Colombia will be defined on land issues." For this official, a major problem is "the perverse dynamics in the price of land in consolidated areas (socially and militarily areas restored by the state), where the same illegal actors who have been neutralized, or some others, come back and buy lands at low prices or market prices" to use them, again, to grow illicit crops, to develop regional political power or for money laundering, in what she describe as a "peace + coca dynamic." The director of SIMCI – Sistema de Información y Monitoreo de Cultivos Ilícitos de Naciones Unidas (UN Monitoring and Information System on Illicit Crops), Hyarold Correa, supports and explains the dynamics of illicit crops in Colombia, where areas with most illicit crops are those in which one of the armed actors has consolidated its military and political power – the state, the FARC, the BACRIM (Bandas Criminales - Criminal Groups), or local drug barons. In these areas "peace is achieved" meaning that farmers can cultivate coca and get paid for their product (the leaf, coca paste or cocaine) without being exposed to abuse or violence – it does not matter that in these areas the Colombian Government is conducting eradication programs or the state is controlling the area; peasants are growing and producing illegally. That is why, as explained below, it is essential not only to reach peace but also to achieve control of the drug trade. Furthermore, 4-BOG said it is clear that IDPs are the most visible victims of the conflict over land, but not the only ones. 1-CAL/2 considers land protection is essential because armed groups have a vested interest in it for the accumulation of wealth (seeking not only possession but ownership) and the illicit use of the same: not only

illicit crops but to establish communication corridors between areas of conflict, so that the land allows them to move and to establish supply stations, retreat or advance positions. In this dynamic, 1-CAL/2 also notes that organized criminals, not listed as armed groups, are also involved, developing illegal activities and engaged in stealing land by forged-documents. For 1-CAL/2 is clear that the control of information and analysis of potential uses of land made by the state will transform the conflict, because it alters the emphasis on who controls the land; probably “changing the combat areas to its original emplacement”: the wastelands of the state – as it was until the eighties.

The ‘puppeteer’ in the strategy

Military officers’ 3-BOG, 7-CAL and 80-BOG share the institutional doctrine on military and social recovery of the territory. This strategy is being conducted and managed in the country by CCAI – Centro para la Coordinación de la Acción Integral (Centre for Coordination of Integrated Action). The CCAI is a coordinating body within the strategy considered as "Consolidation." Within it the idea of 'reconstruction' and 'post-conflict' is, as the 3-BOG interviewee said, "to create the conditions for ending the conflict," following the strategy of “being more efficient as a state,” and thus weakening the conflict itself. Eduardo Pizarro refers to this aspect by saying that there are some "factors that lead to the consolidation of the armed factor" in a society, and what the "war does is to exacerbate these factors." Colombian society faces these factors, precisely, to end the conflict.

In this sense peace is not something that is negotiated but something that is ‘done’. Decisions and state initiatives can end the conflict, but these do not deal with the violence. 80-BOG explains the steps taken in this strategy: Militarily taking the territory; Transferring security to

the different forces; The state (government functions) takes the territory; Military control is established in the area and offensive actions are taken; and the force is focused on attacking the drug trade which is seen as running through all aspects of the Colombian conflict. The main problem faced in this civil-military strategy is that "people think that violence is a solution to the problems." The history of the conflict and the influence of drugs has generated, locally, a culture in which it is clear that power is won through violence; it focuses on the "profits" and "immediate benefits" and fuels a "Drugs, violence and power" cocktail. This situation was reached in Colombia, according to 80-BOG, because "the negligence and inefficiency of state at a local level, the lack of resources of the national state, and the armed groups' interest to keep the misery of the peasants"; that is why "the heart of the strategy is to ensure that economic and social development stop the empire of the illicit." This 'culture of the illicit' does not produce development; rather it steals resources from the local level, so that real business and investment moves elsewhere. For this strategy of consolidation to be successful according to interviewee 80-BOG for the CCAI "the issue of land titling is crucial", because it establishes the agricultural frontier and allows joint-working with communities of organized landowners.

The interview conducted the 19th of October of 2009 with Alvaro Balcazar, the director of the spearhead reconstruction initiative in La Macarena region, allowed further understanding of the meaning of such a strategy of territorial consolidation of the Colombian state and the role of protecting land. Mr. Balcazar is Head Director of the CFIM – Centro de Fusión Integral de la Macarena (Macarena's Center for Integrated Work), attached to the CCAI and created in August 2007. Confirming the statement made by 80-BOG and 3-BOG he explains that after the military control in urban centres the state programs enter and this initiates a process of transferring military control to police control both to the municipal and rural areas, searching, mainly, to eradicate illicit coca crops. The objective of both the CCAI

and the CFIM is to coordinate the work of government agencies. His responsibilities are:

1. Institutional development, citizenship and governance
2. Property rights and territorial order
3. Infrastructure and connectivity
4. Access to public goods and social services
5. Business and economic development

This strategy of "security + development and governance" features a component of 'assistance' that allows the protection of vulnerable families and the transition from illicit coca business to lawful business activities within the formal economy. He also indicates that this strategy is indeed an "integral part in ending the conflict." Based on his experience he identifies that the land problem in Colombia is not merely about property but about its use: he says that what is important is to create and sponsor the conditions for agricultural and rural development which, in turn, ensures sustainability – of income – for the most vulnerable populations. In the same vein, 28-BOG indicates that the land problem in Colombia will not be resolved without peasants' models of association. Alvaro Balcazar indicates that the problem "is not to distribute", but "to ensure opportunities and build capacity" to strengthen community life. Asked about the LPPP he indicates that the problem lies in the separation between technical and political aspects, because politics is necessary for the development of projects, not the "political dividend" but the "political objective" and will always be assuming the "political cost". In this way the interviewee distinguishes between three elements of the political life of a nation: the fulfilment of the state objectives (political objective), individual or party gains from the state action (political dividend), but also the need for an individual or party willing to assume the 'political cost'. In particular he indicates five (5) key lessons learned on how to bring the presence of the state – through programs – into conflict areas:

- 1) The state is not designed to go where, previously, no state has been. So, the state must learn to "relax" their planning and spending elements, and to understand that it is not establishing all the rules of the game or making all the decisions, but rather that it is a shared process. For this, the main ally is the International Community whose role should be to facilitate 'flexibility' in spending and to be a third partner of the state to attract local civil society and negotiate with these local capacities.
- 2) There is no dilemma between 'security' or 'development' regarding which is most important. It is clear that security is most essential: without it development is not possible because of the possibility that armed actors can challenge the state (by force) creating a climate of insecurity and arbitrariness that makes development impossible.
- 3) During-war Development is possible but it is not sustainable. In that sense, to make development sustainable one must recover institutional control over the territory and the construction of the rule of law. In order to achieve this, it is necessary to develop an organizational culture within the state to transcend civil-military hostility and to build unity around the state. It therefore requires a combination of politics and military strategies of consolidation. In this sense the strategy is clear: rather than the state temporarily occupying territories in order to expel illegal actors and then withdrawing, the state must be intent on permanent occupation: only a state that remains in the territory and in people's daily lives – meeting their needs and fulfilling its obligations – will create the confidence necessary for long term development.
- 4) Flexibility is essential to respond to local needs and the state should take advantage of every available opportunity to build trust. Here, he identifies the main problems for the state, and indicates that the specific support from USAID – providing

immediate resources which can be used and presented as a program of the Colombian government – allows the construction and consolidation of the state and the development of regions. He notes that, *au contraire*, the cooperation of the European Union is against the recovery of the state because it gives primacy to its (the EU's) own interest. FARC exploits this and argues that the Colombian Government is subordinated to the International Community, reinforcing the idea of a weak and unresponsive state unable to meet the needs of its population.

- 5) It is necessary to develop and maintain local existing structures. Communal forms of self-organization and positive leadership in the reclaimed areas must be transformed, developed and maintained. In this way communities became "active" in their own security and development.

Alvaro Balcazar points out that State-led Integrated Action in Colombia is a state policy run by civilians and is not going to change; it is not an extension of the military campaign but uses military force as an instrument of penetration and consolidation of the state in conflict regions.

Daily life in case-study towns South1 and North1

South1 and North1 are part of the LPPP and are different because the conflict's main protagonists in South1 are the state and the FARC; while in North1 the main protagonists are the state and the paramilitaries (now BACRIM – *Bandas Criminales* 'Criminal Gangs'). The conflict in both towns has a long history – stretching back to the 1980s – and is responsible for heavy casualties and displaced populations. In both towns distrust of the state and its agents is high due to: accusations that the civilian population are aiding, or are even members or 'moles' of, the armed groups; and people in the towns

denounce the continued failure of the state and the constant lies, the unfulfilled political promises and the theft of state resources that occurs both locally, regionally and nationally. Geographically both populations are "up the mountain", and are clearly suitable for agriculture and are very close (ten or fifteen minutes by car) to prosperous intermediate cities. Economically, South1 seems to be more active than North1, but in terms of cost of living both appear expensive *vis-a-vis* the perceived incomes of their inhabitants. However this assessment possibly applies to the whole country because of the exaggerated global increases in food prices in the period 2007-2010. In terms of its spatial distribution both towns are very similar, having the same institutions (central plaza, church, city hall, restaurants, shops, bars, etc.), and a regular bus service, etc. The residents of North1 appear a little more open and confident and more engaged and integrated with their town than the residents of South1. Generally, however, to the outside observer, daily life in both case-study towns is practically the same.

Before travelling to the selected towns three major feelings dominated: the expectation of poor security conditions (even by the standards of a local researcher like me); the expectation of logistical difficulties; the prospect of finding enough information from the local authorities and little from settlers. My first exploratory trip to the investigated towns was surprising. The security situation in the region and the towns was higher than expected, compared to the history of violence experienced. Likewise, the infrastructure, conditions of movement, access to information, and logistical support were highly satisfactory. During my second trip, however, when I visited the outskirts and vicinities outside the municipal centre and contacted the inhabitants, all of the above conditions were inferior. There is no authority whatsoever, the only government authority with power to access those areas are the military. All the other government entities have been threatened or expelled. The rural population lives in fear of the night and reject the presence of any outsider. The only access

roads are extremely damaged and communications are very poor. This contrast between the towns and rural villages caused problems in accessing those farmers who were beneficiaries of protective measures. But I found in two peasant leaders and a priest the necessary support and security guarantees to transit the area and talk to people.

In ethical terms this situation of violence in different populations confronted me with the responsibilities of academic research in this environment of violence. Two of my helpers, the priest (40-N2 interviewed) – who granted me access to the rural population hostage and victim of the paramilitaries in North2 – and the community leader (30-S1 interviewed) – who explained to me why FARC are the sole authority in South1 – both motivated me by admitting their own powerlessness. They hoped that 'someone' would do something for the Colombians. Furthermore, as interviewee 49-N2 – who described himself as a victim – complained, somehow 'I am profiting from their tragedy'. And not only me, but many other 'academics' passing by and collecting 'data'. This situation perturbed me and I resolved to manage the information I collected from them not as data but as the memories of human beings, both victims and victimizers.

Violence and conflict

It is noteworthy that in all towns a constant police and military presence was observed comprising both mobile and fixed installations. The fundamental difference in terms of conflict between the towns is that in South1 – as previously noted – historically the FARC has not carried out urban attacks because it is considered a 'bedroom town'. North1 has suffered paramilitary violence within the urban area, even though many paramilitary leaders and drug traffickers were born and bred there. This can be explained because

members of both armed groups respond to two different dynamics: seeking membership of the guerrillas in South1 is not done so to seek power or revenge against local elites, whereas participating in the business of drug trafficking in North1 does have a component of revenge, ostentation and personal social ambition. This could probably be explained by North1 being famous for its established conservative tradition *vis-a-vis* its customs and social relationships.

During the three fieldworks security risks in North1 and South1 were reflected in four situations, listed according to the threat:

a) Shootings and fights

Although it may seem 'extraordinary' for a European I grew up in a country where it is common to hear the sound of firearms or street fights. Many of these shots or fights are not a crime itself, and probably correspond to behaviours associated with alcohol consumption or practices associated with deterring thieves or other criminals. However, during my stay in South1 and South2 I heard machine gunfire from army helicopters fighting in the mountains in the evening and early morning; heavy gunfire a few blocks from my hostel (in what seemed to be a robbery); shots in the morning that took the life of a woman who had sued a criminal; and several daytime fights due to alcohol consumption.

Although none of these facts caused me physical harm, they increased my sense of nervousness regarding my presence and my research in those towns. I adopted increased precautionary measures, but the fighting in the mountains and at military or guerrilla checkpoints in the vicinity of the surveyed towns also changed the attitudes of the people I interviewed. In most cases it made them more cautious about talking and more fearful about my identity. Indeed, spies are commonplace when there is fighting nearby: I was informed

that in South2 all agencies of the Colombian intelligence are active and have infiltrated the 'floating' population (traders and temporary workers).

b) Combat between the Army and the FARC

As mentioned in point b) fighting in the mountains could be heard at night. Also the presence of subversive infiltrators was mentioned and recognizable among the civilian population in South1 and rural villages near South2. Apparently strong intelligence work in South2 prevented guerrillas from appearing in public there. Their clear presence in South1 is explained because it is considered a sleepover and hometown for many guerrilla fighters.

As the respondent 25-S1, director of a school, explained, "many students start crying in class fearing that their parents do not return from the mountain." During my fieldwork, combat escalated in the towns surrounding South2 with harassment of the army and police; the escalation due to the movement of troops at the top of the mountain. The 25-S1 interviewee recounted how four people came in a taxi asking to accompany them to try to smuggle a wounded guerrilla through nearby army checkpoints.

Short trips to the towns besieged by the guerrillas and travelling the routes connecting the region showed me that most of the public places were protected by the army, except some stretches which the guerrillas clearly controlled – including a bridge destroyed months ago. The attitude of the coach driver denoted the rules of the road: drive slowly and be careful of burned vehicles or those blocking the roads. In the third fieldwork the sieges and combat had intensified and restrictions into the area were tighter.

c) *Restrictions on schedules*

I generally only worked outside my hotel(s) during the daytime. In North1, however, security conditions were higher and it was possible to be out at night if required.

d) *Presence of drug-lords*

In North1 during weekends small and medium sized drug barons usually made their presence known at night to display their vehicles, their luxuries and money, trying to attract young girls. There was a heavy police deterrent presence which appeared effective in constraining excessive behaviour.

This situation contrasts with the peaceful and traditional image of life presented by the elites in both North1 and South1. Historians 15-S1, 16-S1, 33-S2; Priests 29-S1, 39-N1; Small Businesswoman 34-S2; Fireman 42-N1; and Medium businessman 43-N1 also endorsed this image: "This is a good town with good people, almost there are no problems and the few problems are caused by migrants, mainly black workers or IDPs from other towns". As the priest 39-N1 on North1 says: "this is a society with strong family and religious ties, where the values of honesty and respect for elders are living every day." For this respondent it is clear that "children are educated at home" and "all persons in the town know each other." When elites are directly asked about the violence in the town they always say: "It is a thing of the past." This image is heavily challenged by this research and I interpret this 'fantasy portrait' of the local situation as a denial response motivated by the wish to 'keep business and economy running' rather than evidence of any 'compromise' with any armed or political group. What was actually observed during the fieldwork was that the conflict is very much alive in all towns; there is a concealment of the existence and status of local IDPs and the elites and the general population live in fear of a catastrophic event produced by violence. For example, during the final drafting of this document a bomb attack was made against the offices of the

Attorney General's Office in South1. This was not an isolated event but it emphasises what has been indicated by respondent 5-S1 about the destruction of criminal records, loss of folios in processes and little local help with justice when trying to prosecute those responsible for violence. Interviewee 44-N1 (Municipal employee) indicated that this denial, concealment and failure to cooperate with the law also happens in North1 and that it was due to the elites allowing the violence because they were directly involved in it; or because themselves have incomes from illegal activities. One example, a murder, shows not only the degree of complicity but also the insensitivity that prevails in these populations. The information about this murder was provided by Religious worker 41-N2 and confirmed by the municipal employee 44-N1. This murder happened in North1 in June 2008. A young drug addict from North2 who had recently moved to North1 was tortured throughout the night before being killed, his cries were heard by neighbours but no one reported the situation or tried to act – they knew that the murderers were following orders within what is known as "social cleansing" (*Mano negra*). The boy's limbs were beaten with an iron rod to break his bones, he was tortured for hours (blows, punctures, insults, threats), he was maimed on his limbs and face, injected with battery acid (referring to his drug addiction), and finally killed. Such practices are considered forms of 'warning'. As expected, the actual image found and reported in this research about these towns is the opposite of that presented by the elites: my conclusion of what 'daily life' is like for many people is that it resembles a descent into the heart of darkness.

It is clear that in North1 and in South1 violence and conflict is concentrated in rural areas. This may be partially explained by what the Secretary of municipal government in North1 – the civil servant in charge of security in the municipality – (interviewee 48-N1) referred to as a common practice in the urban municipal areas: "local agreements" in which the police negotiate with outlawed armed

groups the sites where illegal activities can be exercised: on the outskirts, outside the city limits. Police officers seek to convince them to "settle their affairs" outside the urban limits because if people are found dead inside the town, then the police station commander loses his job. Also, the 80-BOG interviewee, an active Army colonel, referred to how civilians 'demand' killings by the army. This reflects the constant calls for the army to be 'effective' against the violence made by the national government. But the demands are local too. For example, a municipal representative – the local official responsible for protecting the rights of citizens – asked in a municipal security committee why the army did not 'leave some dead' on the road, stating that this was the reason behind the increased number of robberies on the road. As I observed in both towns, life in rural areas is dramatic.

In South1 I visited a village with the help of victim 79-S1; this journey was very difficult and highly discouraged by many people who supported me during the fieldwork. I discovered that the state had completely abandoned the village which is instead governed by the FARC – even though they do not have their camps there they have their informants and are 'the law'. It was not possible to talk to the beneficiaries of the program because, as local peasants' leader 30-S1/3 explained to me, this is an area "controlled" by the guerrillas who come and go at will, and the presence of any stranger is used as a "pretext to settle discord among the community". This means that mere suspicion (like talking to any outsider) is prosecuted by the guerrillas via a "revolutionary trial" and this is manipulated by feuding neighbours as a way of winning private disputes or privileges. In this community they are not experiencing violence everyday, but they are living the conflict, which means that everything is perceived as a threat against them or could be used by someone as an excuse to hurt someone. Because of this guerrilla and community law, speaking to any resident of the community immediately puts him/her at risk. During the trip (a one hour drive into the mountains) Elected

Peasants community representative 20-S1/2 and local peasants leader 30-S1/2 told me that the struggle for land in the region is linked to economic interests, basically "paramilitary groups in the service of landowners want the top of the mountains as a source of water for sugar cane crops", and guerrillas need land for their military movements. "The region is a point of intersection and departure between the centre and south of the country." In the month prior to my visit selective killings of peasants had occurred, according to the account given by 30-S1: "armed men with list in hand killed 3 people 50 meters from a military checkpoint." Likewise, victim 70-S1 referred to the theft of livestock in the region which "coincidentally" happens when there is military presence in the area. From the official point of view, local Umata's servants 13-S1 and 14-S1 fully confirmed the threats against Acción Social, the LPPP and any state presence in rural areas, discouraging my trip to this area and indicating that the guerrillas kill those officers who dare to go uphill and they throw their bodies on the road, leaving them as a warning to others.

In North1 the situation was not as dramatic, but was nonetheless similar. With the help of municipal employee 44-N1 it was possible to accompany 53-N1, a local politician, in a meeting with farmers organized by the IMCA–Instituto Mayor Campesino⁶¹ to a mountain village an hour-and-a-half away from North1. The roads were in an even worse condition than those leading to South1. Upon arriving at the meeting point – a village school – it was possible to talk with some farmers and to check that they did not live under the same 'restrictions' as the inhabitants of South1 but they also live with uncertainty. They felt much more able to talk; they showed me the lands recently taken by the paramilitaries for illegal crops and they told me how they now have to make detours of between two to four hours to reach the other side of the mountain because the paramilitaries have issued 'no trespassing' orders on several rural

⁶¹ Colombian NGO working in peasant training.

roads. They also fear that the paramilitaries are seeking to recruit the village youth and that the paramilitaries' appetite for land will not stop. Their stories of massacres and land problems are mixed up with accounts of family problems and disputes over illegal business, with a lot of money and a lot of poverty in the middle. This creates a climate of anxiety and uncertainty about the future, hence the interest of the IMCA and the local politician to meet and engage with the peasants. According to 53-N1 and driver 54-N1 the security forces are not authorized to venture far into this area. Along the road there are many abandoned houses with signs that indicate that they are "armed traps", which means they are bomb-houses, just as signs of "danger" and guns were painted on the walls of buildings, indicating that anyone who dares to return or inhabit the site will be killed. In a conversation with the driver of the "chiva" (typical rural bus), 54-N1 said the route ended two hours ahead and reached a plateau where only "fear" and the paramilitaries rule. Coincidentally, 54-N1 drives one of the buses in which one of the worst murderers in the region – Henry Loaiza known as "El Alacrán" (The Scorpion) – began his public life as driver's assistant.

It is clear that the LPPP itself is a military target for illegal armed groups, so too Acción Social, the state, their institutions or any form of help or support to the local population. It is clear that the LPPP do not meet specific military objectives, in fact it is unrelated with the military conflict in the area and neither accompanies, or is accompanied by, military actions. Drug trafficking is a major problem affecting rural areas, because illicit crops and the consolidation of violence corridors threatens the possession and use of rural land.

Groups of inhabitants

The peasant group beneficiaries in North1 (beneficiaries living in his land) with whom I had an opportunity to speak expressed several

concerns. I was pleasantly surprised with their organizational skills and the considerable knowledge they have not only about the conflict but about their specific situation and the role of the state. They are people who care about their well-being and are trying to improve their lives and those of their children. The same was observed in South1 after talking with 20-S1, a peasant leader. They are all interested in progressing their lives and establishing better ones for their families. However, they experience constant problems with neighbours (especially landlords) and they complain about the absence of the state. Additionally, they have to deal with armed groups who attack, rob and murder them. A cycle of misery, poverty and violence is evident. They are not full citizens; their relationship with the state is contingent, fragmented, and complex. They wish constant attention, information, a state presence but they do not receive it; and when they do receive it, it is incomplete or not useful. In the specific case of LPPP they are worried by the legal instability of the Colombian state, always fearing that any approach or offer by the state will bring greater evils. Legalizing their ownership of land or participating in the program is seen as a development that will complicate their lives. This evaluation is shared by poor and wealthy rural inhabitants alike. A group of farmers in North1 told me that they were given some land in an area where a massacre had occurred and via the LPPP they achieved legal rights over these territories; but now the original owners have reappeared and are forcing the farmers to leave, preventing them from working the land by destroying crops, homes and possessions.

On the other hand, another group of displaced peasants (living in North1 but not beneficiaries of LPPP) told me that now that they have returned to their land they want to protect it with the help of LPPP, to prevent being displaced again. They had not sought the assistance of LPPP until then because they did not see the need – but the return of illegal actors has prompted them to do so. Nevertheless, they do

not see the physical presence of the program in the area and this leads them to doubt its effectiveness.

Although it was not possible to talk with beneficiaries of the program in South1, the 20-S1 peasant leader stated that the biggest concern in the area was how to generate sustainable livelihoods from the land. The peasant want property rights to the land so that they can live off it, but this requires the presence of the state or investment in regional development. He also shows that peasants in the region do not understand the protective measures. The state was absent from their lives for many years during which time they were at the mercy of the paramilitaries. They are now demanding government support for a much wider range of problems above and beyond the program's remit, they do not understand it and are unclear about "how (the program) benefits them." In particular he indicated that a large number of occupants of public lands (State, or abandoned) are experiencing legal troubles and receive no support from the local administration. In this area, because the territory is 'governed' by the FARC, it is not possible to organize the community – or let them self-organize – in order to make these claims or to decide on issues of ownership. For example, the sale of some lands by local farmers to some indigenous families (who wanted to move away from the top of the mountain) was not authorised – the order was: "we do not want indigenous people here, and we (the Farc) only authorize land sales between members of the community." The dispute between indigenous people and peasants centres on the exploitation of natural resources, in particular water. Over-exploitation of poor soils and poor farming practices has led to very low soil productivity, which increases poverty. These lands are not productive in revenue terms because of the high costs of fertilizers, transportation costs, low trade prices and extortion payments. Out-dated farming practices and conflicts over land use therefore combine to produce subsistence-level livelihoods antithetical to generating profits and encouraging new business.

Displaced people living in the municipal centers can be displaced from other regions or from the same region. The differences are enormous. The displaced from other regions are visible and they have access to the benefits of LPPP (seeking the protection of abandoned land in their municipalities of origin), they also receive support from the state and have special guarantees derived from their IDP status. However they are viewed by elites as a source of problems and insecurity for their municipality, as discussed earlier. On the other hand the displaced from elsewhere within the municipality that inhabit the town are invisible to both the state and the community. The account of 24-S1, a displaced peasant, is typical:

"I was living in the top of the mountain, I have five (5) children from two marriages; my oldest son is 8 years old and the youngest 10 months. With my husband we had a dairy farm with few cows, producing milk and cheese, we had no public services." Following threats by gunmen (they did not know which illegal armed group they belonged to) they became displaced 8 months ago. The husband registered the complaint and remained in town because life there is better and his children could improve their study. Five (5) months ago her husband was killed. "He was killed by a friend. They were drinking alcohol, have a discussion, the friend took the gun and shot him four (4) times, he came alive to hospital and died there because they did not notice he had an intestinal injury." She was left alone with the children, "the friend who shot him fled but still sending money to his family, and he has a small baby too. The husband also carried a gun, but that day was not." Now that she is alone she is assisted by the family and some friends. I ask her why she does not get help from the government, to which she is entitled: "She is not to beg" and she is tired of paperwork, and of asking for help when "nothing is solved." She has received no aid from "Families in Action", or help as a consequence of her IDP status, or aid as a

single parent woman (from either of three government welfare programs.) She has a job and says that "it is economical to live in town," but she does not earn enough. She still has land in the mountains, but the farm produces very little ... "not like when my husband lived and worked the farm."

The story of hotel worker 45-N1 is similar: she works as a cleaner every day, without rest, without social security, without meals during eight (8) or more hours per day. She earns between one (1) and five (5) US dollars per day, depending on how many clients the business has. But she says she is happy because the job is one of the best in the local labor market. She speaks fearfully when asked about the conflict and drug trafficking. She hesitates, first mentioning a name, then telling a story of neighbours and acquaintances that became rich overnight. She speaks of luxury cars and parties lasting several days. She speaks of "the owner of the army", and she is speaking literally of the former owner of an entire battalion of the Colombian army. Suddenly she remembers that he was very bad, very violent, and she remains silent. She feels she has said too much. I ask her about her land and she says she does not own it anymore having sold it to the owner of everything: Diego Montoya. She has no more land and now works tirelessly and is without a future.

Those 'sub-groups' of internal displaced people are facing different problems. Some are beneficiaries of the program and are occupying their land, and are worried by the consequences of this decision; some others are not beneficiaries living in this land and they are worried of losing this land and wish to enter the program; some IDPs of the region are now inhabitants of the municipalities and have left the land, they are not sure if entering the LPPP is a good decision; finally some IDPs are displaced from other regions and may or may not be beneficiaries of the program, but in general will seek to enter the program.

Based on the interviews and observation, I can point out some specifics of the social status of each group of IDPs in those towns. Peasants living in this land are not seen by the town as IDPs, even if they share many of the risks and the characteristics. IDPs from the same municipality are often seen as peasants who wish to change their status to city workers, or as criminals hidden in town. IDPs from other regions are seen as victims of violence but, at the same time, as a problem for the town.

Local Administration

13-S1 and 14-S1 Umata's servants are responsible for LPPP at a local level in South1 and collaborate with other national government programs for care and assistance to peasants and IDPs. They say that recent displacement in the area began in 2000 and continued until 2003 with the paramilitary violence. Since 2004 IDPs have been returning to the area sponsored by the national government, they are returning after the demobilization of armed groups: this zone currently features protection measures. Returnees found their lands and their homes 'marked' with the trail of death: destruction of property and the land turned into cemeteries. They found over 500 mass graves in this single region. The LPPP measure of 'legal protection' prevented that heirs of this age of terror took possession over abandoned land; there is political pressure on and within the municipal administration to lift the protective measures, seeking to legalize illegal possession of land. The administrative problems of the municipality are the same as in the rest of the country and are due to a discredited political class that make promises during elections and fail to deliver when in government. But they note that there are peasants with a history of resistance to violence and conflict, and resistance to political corruption. However, their leaders are in fear of the armed actors and the criminal's ability to act with impunity. They have alternative political proposals but they do not want to run for

government. On the other hand, the indigenous peoples have managed to self-organize and recover some areas, but this puts them in direct conflict with peasants. There are also large numbers of Afro-Colombians arriving looking for work on sugarcane plantations, some of whom are displaced by the conflict whilst some are economic migrants from outside the region. 13-S1 reported that he tries to help displaced peasants because "in every displaced I see my own story." He himself was displaced from a village in the municipality by the actions of the military, by the bombings and the combat that historically have occurred there. Both respondents indicated there is no advantage in self-identifying as a displaced person, first because the humanitarian emergency aid does not arrive; second, because access to benefits or government assistance programs is very difficult; and thirdly, because of "social stigma: it is a political risk, the economic benefit is so little, and there is an absurd amount of paperwork involved."

During the first interview in October 2009 both public officials (13-S1 and 14-S1) advised me against travelling to the villages, and taught me a basic rule of survival: "what is seen there, it stays there. Life depends on what you say." As government officials they feel isolated, abandoned by the government, unsupported and yet forced to do their job. Each Colombian officer *is* the state itself: he/she has all the responsibility and is 'the state' in every situation. The second lesson they taught me is something that as a Colombian national I was already aware of – the problem of displacement, violence, conflict, poverty and land did not start a decade or two ago, but more than eighty years ago. The inhabitants of these villages and towns are themselves the displaced children or grandchildren of IDPs of yesteryear. Indeed, I am the son of a couple displaced by violence during the 1940s.

In an interview with 13-S1 I asked what makes LPPP work in diverse municipalities? According to 13-S1 "quality and willingness to work of

civil servants" and "the existence of groups, organizations or local associations" are important. His view on the LPPP was clear: "the project does not protect land's inhabitants, but those with the property title." He considers this a great disadvantage and something that causes problems. It is difficult for the state to act if those who control a given territory are actors such as the FARC: they "pass by one, two or three, in civil crews doing intelligence. Although they do not reside within the territory they are the ones who rule." On how it was possible to declare protection in the area, he indicated that it started with an initiative by his office, which in 2004:

"(...) contacted the project, and with the Acción Social Officer went to a village to do a pilot project; whilst there they were stopped by the paramilitaries who said they do not authorize such work. But farmers in neighbouring villages to the paramilitary area requested the protection measure. As a result, in South1 the protective program was a direct action of the LPPP, only 30% of the beneficiaries understand and welcome it; to another 30% it is a nuisance and just bothers them; the other 40% did not understand it at all."

When they accessed the protection they were informed that the next step in the program would be a titling process. When I returned in December 2010 the situation remained the same, so six years later there has been no regularization of the land for about 300 families in need. Asked about the immediate needs of the peasants he tells me that various projects are proposed each year but never implemented (even though the budget is spent): water, schools, health and roads. He tells me that the most important project for the peasantry would be roads: "they would be happy if roads are fixed." An important lesson from the program appears to be that the protection measure punishes displaced secondary occupants because it puts an end to

the traditional historical mechanism of possession. But, on the other hand, it may be the best way to begin to organize, regulate and govern the territory if it could be made immediate, widespread and mandatory in specific rural areas following an inventory of land ownership and use; because it would not only maintain and protect possession but would allow the inventory and the regularization of the territory. It could be a largely agrarian reform and land consolidation process in areas of military and state intervention.

My experience with 38-N1 Umata's official in charge of the local LPPP in North1 was totally opposite. For this person the job is just a bureaucratic post that was offered. She does not have any technical knowledge; she is very afraid because she is not from the region and is frightened by the violence that exists there. Previously she was unemployed for some time and she has a family to support – which is the reason why she accepted the job. She did not volunteer any information without the presence of local government secretary 48-N1. From the little information obtained it was apparent that the protective measures were taken because "at the top of the mountain there is a land problem with the timber companies, mainly SmurfitKappa Carton de Colombia SA," which had been causing displacement (a view also expressed by the priest 40-N2, and religious worker respondent 41-N2). In this region it was possible not only to protect the land but also to establish legal ownership and usage. 48-N1 says the LPPP do not prevent displacement and drug lords continue to acquire land for illicit crops. However, the measure "has been welcomed by peasants, and this has served to win the confidence of peasants in the state." For local government the project is important because they believe they can "generate resources through tourism, this is a town that has no major sources of income and is ruined by drug money; particularly the rural sector." He identifies five priorities to improve the lives of the community: "1) Access to credit at lower cost; establish fair wages and jobs with benefits (health, pension); 2) that the government fulfils its promises

and stops corruption; 3) reduce costs of transport to the villages; 4) reduce prices of raw materials and 5) generate a wider choice of, and access to, products."

It is clear from these meetings that there is a tension between the technical management of the program and its political direction – but also that the combination of both is required to make it work. In South1 the program is hindered by a political problem centred on the municipal government, even though there is considerable technical resource available. In North1 there is significant political interest but (as expressed by municipal employee 44-N1 and victim 57-N1) every time a peasant goes to UMATA office, where the official 38-N1 is employed, "they are not seen, heard, or they are at risk of being mistreated." From these interviews, it appears that the problem is not the dichotomy between the use and the ownership of land; but the solution of the land problems in the area is specifically 'giving land titles to who uses it or who lives by it.'

Comparative daily life in control towns South2 and North2

South2 and North2 are not part of LPP program and are studied as control towns of South1 and North1. Importantly, both towns have suffered more armed conflict than their counterparts. In both towns the mistrust towards the state and its agents is higher and in North2 this is extended to academics and journalists, whom they regard as 'vultures of their misfortune' – people who profit by investigating others' tragedies. Geographically both towns are in the mountains and agriculture is the main industry. However, the economy of North2 is struggling, whilst the South2 economy is characterised by significant levels of trade and economic activity. In both towns people differ from the inhabitants of South1 and North1 by being much more cautious, closed and suspicious, as well as pessimistic. To an outside observer the four populations are quite similar, with the

biggest difference being the notorious worsening living conditions in South2 and North2.

Violence and conflict

As recounted before, during the three fieldworks security risks in the four towns were reflected in four situations (Shootings and fights; Combat between the Army and the Farc; Restrictions on schedules; Presence of drug lords), plus in North2 and South2 two other security risks emerged.

a) Presence of the paramilitary group “Los Rastrojos”

During the fieldwork the presence of these armed groups in the town North2 was clear. Although I did not receive direct threats, I was constantly notified of the various precautions that I should follow, equally of the possibility of being watched or followed during my time in the town. For the same reason I was advised against spending the evening in the town or staying overnight. With regards to moving around the town, I was asked to restrict my movements to specific sites. I was discouraged from contacting the local police authorities in any way.

b) Restrictions on accommodation

In the North2 town I was unable to stay overnight for the simple reason that all the hotels and other lodging places belong to the paramilitaries. In fact it was not easy to identify a site where I could even take lunch quietly. The wisest course of action is to avoid questions regarding why one is in the region; if this is not possible, the best option is to say something general mentioning that you work at a university and that you are conducting research, trying not to enter into

details and allowing people to reach their own conclusions about who you are.

As noted before, the security agencies of the Colombian state are embedded in South2. In contrast, in North2 there are just a few policemen entrenched in their barracks, which do not interact with the inhabitants. They are not refused services (such as food in a restaurant, or the sale of goods in stores) but no one trusts them. The military presence is sporadic and usually at the request of the mayor but is unwanted by the population. This attitude is the result of two decades of barbarity by the paramilitaries allied with government agents, whilst the rest of the government – and the country at large – chose to ignore what was happening. This legacy of violence is illustrated by religious worker 41-N2: "in the celebrations of Halloween kids usually dress up as nurse, doctor, farmer, fireman, civil defense, priest or lawyer. None choose to dress as police or military." The heroes of North2 children are those who gave their lives to save others, and they identify the murderers as the military and police forces.

The war in South2 is constant; in neighbouring communities battles are fought and peace processes have been signed. Over the last thirty years the town has been subjected to three (3) guerrilla attacks mainly to rob banks. Although its economy is vibrant, according to Small Businesswoman 34-S2 South2 is under the "law of the bullet." I visited South2 twice during 2009 but it was not possible to visit it during my third fieldtrip because the violence had worsened. Near this town one day I saw a military post and the next time I went there the post had disappeared: some of the soldiers had been killed and the remaining troops were pursuing the murderers into the mountains; and yet, people's lives continue without problems. Midway are the indigenous reservations, towns abandoned by the state, with roads in deplorable conditions and bridges destroyed by

mad men. Whilst crossing these lands there is no cell phone signal. The same happens uphill in South1 and North2.

Elites in South2 and North2 do not present an ideal image of their towns, they do not pretend to be 'peaceful' towns, but they mention that the evils "come from long time ago but recently are being overcome." In South2, the peasant 32-S2 and historian and businessman 33-S2 reported that problems definitely exist but there are "not many" and it is part of an "acquired fame." This town was the victim of 'imported' paramilitary terror by invitation of local political leaders, who were imprisoned or are fleeing justice, according to the story referred by the municipal official 37-N1: "In the rural areas is where paramilitarism happened, it was invited by one of the former mayors. They were located in police headquarters and in the neighbourhoods; they were patrolling the region, left their trail of death and returned to town." For North2 there is disagreement between those who simply prefer to forget and move on, and others who call for the paying of respect and remembrance.

The presence of soldiers, tanks, trenches and machine guns in the vicinity of South2 did not scare me. They are part of the landscape and the reality of a country in conflict. But, what horrifies me is what was seen, felt and heard on the trip to rural North2. Thanks to the efforts, courage and protection extended to me by the 40-N2 priest I was able to travel to the farthest point in this zone where the last civilized human beings were residing – the land ahead is populated by their jailers and the demons. The trip takes more than one hour uphill along a road that according to the state does not exist (which indicates either the disorder of the state or the power of violent people). Before starting this specific journey a woman told me her experience of how hard it is to continue walking the road when someone lies by the roadside, tied up, wounded, and tortured; a human being (whose identity or story you may or may not know) shouting, pleading for help and for his life: as expected, you feel

impotent, cowardice and guilt, but human. Less than ten minutes later we crossed a beautiful waterfall called "The Bank", famous as the site where debtors and small-time criminals were hung: hence its name (the place where you pay). Later there are large farms with luxurious buildings, pool, horses, metal fences and big fields full of banana and coffee crops. It is surprising to see these castles – this was the first time I had done so in this region – but at their sides are small abandoned and demolished farms. When we reached the village, at the entrance waiting for us were young children of seven or eight years old, with communication radios to report anything strange. They are 'campaneros' ('whistle-blowers' / watchers) belonging to the paramilitary group "Los Rastrojos." Beside them are men with high boots and outerwear, flirting with girls, patrolling on motorcycles and horses and receiving messages from the other ones in the middle of town; the ones drinking and issuing orders, people who are not from the town. All of them are young and have the face of death.

According to the driver 62-N2 the authorities are aware of such situations: "they know everything", many brave people "consistently denounce it", "they know the situation of the population but they tolerate them (the paramilitaries), negotiate with them, accept them", in the meantime "the people in the town resist, or have to endure them". Mass is attended by women, children, a few old men, and one young man. The church is the last refuge for the life of these people. It is not Catholicism, not the church as an institution that is important, but, rather, that little building which remains in the town, fulfilling their sacred needs; and the monthly attendance of the priest bringing the mass and connecting them with that other world in which we live. When I have a chance to talk to these fellow citizens abandoned by our society, I ask them "What do you want?", and a man answers: "do not let them forget us."

Administration and people

South2, as mentioned before, has experienced significant problems with public administration. Not only the need for a constant presence of security agencies but the discrediting of municipal officials by the paramilitaries and corruption charges. The state's presence begins to be felt because kidnappings are decreasing and the value of property is rising. According to local planning officer 27-S1 (commenting on the problem in South2, with which he was familiar through friends) it is "political will, not resources". He believes that the town is not progressing and the problems remain unsolved because of political disputes. Asked about the possibility of implementing the LPPP in South2 he said that "there are no longer small farmers or IDPs land owners", because all the rural areas were purchased a century ago by the sugar industry. But actually he acknowledges that small farmers are at risk because paramilitary groups generate displacement. He said that because the paramilitaries are also in the urban centre they are forcing IDPs to flee outside the town before accessing authorities, which is why local IDPs are beyond the reach of the local administration. Additionally, it is possible that paramilitaries control some of the town's officials; or that public officials are negligent, or that the Mayor's policy directive does not allow the local administration to record the numbers or names of the IDPs or to provide local IDPs with the required documents proving the displacement situation. As a consequence, the displaced from South2 are in South1 or in other towns. This information was confirmed both by the priest 29-S1 and by official 13-S1. The information about agro-industrial landowners was confirmed by historian 33-S2 who told me that since the early twentieth century much rural land has largely belonged to the sugar mills.

The natives of both towns inhabit the top of the mountains⁶²; they do not have access to public transport, and must endure long walks in order to reach the roads. They remain on indigenous reservations and live subsistence livelihoods. They are in the middle of combat areas: in both regions there are high-mountain battalions of the army that provide protection and assistance in their daily lives, but this means that groups outside the law view indigenous peoples with suspicion, considering them and the military as 'complicit'. Their living conditions are miserable, a product of the constant displacement they have suffered – they who once were former masters of the territory. The dynamics of displacement is one of poverty and constant violence, where the peasant displaces the indigenous, and the landowner and the industrial lords displace the peasant. Initially, all groups were able to be accommodated in the fertile and comfortable valley; then the peasants and the landlords pushed the indigenous peoples onto the slopes; then the landowner pushed the peasants further into indigenous lands forcing the indigenous populations to move to the top of the mountain. Throughout my academic career I have had the opportunity to visit several indigenous reservations and talk to different communities. However, the deplorable conditions of the communities observed in North2 and South2 were the worst I had seen. These rural peoples are concerned with the process of identity construction and they are invoking the Colombian Constitution of 1991. In North2 the indigenous population is seeking to become peasants, and peasants in South2 have become indigenous people. The process in North2 has two faces: Some indigenous people are tempted by the easy money available from drug trafficking and are seeking to buy or to appropriate land to produce illegal crops or are involved in money laundering, leaving behind their ancestral traditions and community ties. Some are tired of belonging to poor indigenous communities and are trying to acquire agricultural skills. In contrast, in South2 the

⁶² Indigenous population inhabiting in high mountains (between 2000 to 4000 meters) who lives in communities settled more than two hours away from any road.

peasants have recovered indigenous identities and have achieved rights to communally protected ancestral lands. It is true that they too grow illegal crops in areas outside the reserves but they do so within a cycle of subsistence and not for enrichment. Within the 1991 Constitution key identities are noted such as: the black, the indigenous, the women, the internal displaced, the victims, the peasants, etc; identities that correspond to a vision of the state where the recognition of minorities and multiculturalism replaces the nationalism of being "Colombian." In this regard the 18-CAL official said that not only has the constitutional vision changed identities, but that they have also been transformed by violence, drug trafficking and conflict. She indicates that it is not only ancestral peasants who now link their identities to the land, it is also the peasant who sees "the land as a commodity that makes money." Regional government adviser 19-CAL indicates that while there is an evil side in this process of identity classification, there is also a positive side including the legalization of the Afro-Colombian culture: the recognition of their land, their way of life as a community, its ways, customs and ideas. But division also exists amongst the black workers in the cane fields, because they are part of an "association of producers" who traditionally confronts the "peasantry." In South2 this is evident because the peasant does not have the strength and endurance for working with cane, but he has the technique to farm his own soil, whilst black people are the ones who have the physical strength to harvest and have migrated for over 40 years seeking employment in the cane fields, and also black workers are employees (salaries, security, stability, benefits). In this way four groups of people have different relationships with the land that once were indistinguishable from their ethnicity, and instead related to their position within the system of production. Today the two situations are mixed, so that peasants in South2 identify themselves as indigenous to maintain their productive relationship of subsistence with the soil; the afros are employees who depend on no change from the traditional process of cane harvesting; the owners of the land (white

and mixed-race) only see it as part of an extractive process. Recently there have been several cane cutters' strikes in response to the proposed introduction of machinery which may lead directly to job losses. This is a difficult situation in which the peasants feel disadvantaged again and note that black people can be interested in their lands to continue their ways of life.

Social researcher and anthropologist Clara Galeano graciously shared her knowledge and experience of this "social bomb" in the South1 and South2 area. She describes the area as a geographic crossroads of ancient indigenous people from South2, and the presence of white people coming from South1 direction, and black people coming from the South2 direction. She explains that this confluence of ethnicities is due to the vision of land by the state and employers as a "bounty" of war. In this break of "social networking" the violence became unity, both by the ethnic, social and racial composition of armed groups operating outside the law and by the identities of the victims.

The crucial question is "What should be the role of the state and local government in this situation?" Clearly the state can not sponsor or be the partner of violent people. The legitimate exercise of violence by the state must be accompanied by a land use policy that respects Colombia's constitutional multiculturalism, but nevertheless it must generate new common identities that allow the different human groups to coexist and live peaceful and productive lives. In North2 the state has failed in all its opportunities to help the civilian population. The "victims and perpetrators" live together, as the priest 40-N2 said: the local government has no vision and management capacity, they only develop actions "for the moment." He indicates that they need an "administrator" to resolve underlying problems such as repairing the "social fabric" and building a "sense of belonging". But, at the same time, the North2 people themselves prioritise their own "personal interests" over those of the "community"

– this disunity is identified as one of the barriers to improving living conditions and regaining local control. There are a lot of young people recruited for prostitution and drug trafficking, and it remains the "law of silence", so everyone knows about these evils but all can justify it because of the money. The respondent states that this is part of the "Paisa mentality" and contrasts it with the "Vallunos mentality" of North1, referring to the Departments of Valle (vallunos) and Antioquia and Great Caldas (paisa) people. It is interesting to note that the South populations indicated an ethnic component in the governance problems, while in the North the populations indicated a regional component.

According to religious worker 41-N2 there is currently "fear of commitment" by the civilian population as a result of the massacres that have occurred in the area in the past, many of which were based on information obtained under torture that led to wrong charges, or problems between neighbours who spread false rumours. Regarding the actions of the national government this is characterised as "welfare clientelism", which has no real positive impact on the social fabric but responds to the country's electoral dynamics. Worse, in North2 there is a generation of orphans who have lost their parents in massacres or who have simply "disappeared". According to the priest 40-N2/2 this "generation gap" means that when the children grow up they will leave the town and never return – why would they return to a place where they have nothing, especially one where tragedy has befallen so many of its people? According to 41-N2/3: there is a "trade with the victims"; and in this 'commerce' dignity is lost. The people in the town now ask only: "what do you bring?", "What do you give?", selling his tragedy and seeking immediate economic benefits. Recent changes to the local administration occurred when one of the victims of the conflict was elected as the local mayor. Thus, at the same time as my fieldwork the local government has sought to reintroduce some order into the town. The first act was to challenge the impunity enjoyed by the paramilitaries during the previous

administrations. In this regard the Representative of the public service and civil rights defender 50-N2 comments that they have made considerable effort to improve safety and to remove the armed groups from local life. However he adds that "the solution is necessarily a permanent military presence, the location of an Army battalion at the top of the mountain to safe rural areas." In the urban area they rotate police officers every 6-12 months so they cannot get too cosy with the drug traffickers. These initiatives, for now, have seen the community more prepared to denounce the violence and even provide the police with the names and addresses of the perpetrators (41-N2 commented that murderers have started to remove or change the name plaques of their houses so that the authorities cannot easily find them, which is a sign that they are genuinely fearful of arrest). Economically they are seeking to revive local tourism and trade, but have had little support from the community. Asked why they have not entered the LPP program they say that they did not know about it, but they would be interested because regionally there are problems associated with land rights and usage which they do not know how to solve. Information about LPPP was sent to the previous administration but its relationship with illegal armed groups prevented its participation in the program. During my third fieldtrip I found that the process had already started with preliminary identification of land and beneficiaries to enter the program.

Very kindly the peasant victim 51-N2 allowed me to meet his family and showed me their land. He is a young man who lives with his second wife, his mother and three young children. Their land is on the mountainside beside the road, which is a great advantage for them. However this is also a problem because he has received many threats forcing him to sell the land. The fencing around his land is frequently broken and cattle are deliberately herded in to ruin their crops. I ask him about whether he has turned to the local authorities to help solve this and he says that in the villages: "people do not

report." Indeed, almost all of his peasant friends are also threatened but do not want to attract publicity or attention to their plight. They live in constant fear. In the midst of their poverty, the young farmer and his family dream of a better future for their children and they go up and down the mountain every day to school. At the school I find two young men who are dedicated to teaching children and bringing joy into their lives, 60-N2 and 61-N2. Both are victims who lost their parents in massacres. According to 60-N2 the rural indigenous peoples are in a 'peasants-in-training' process, in which there are indeed problems of loss of identity. But most indigenous peoples are in this process because their reserves are extremely poor and they want to learn how to grow and construct sustainable livelihoods. He explains that the natives of the area are "collectors" rather than producers, and that this has caused many problems with the farmers who accuse them of 'stealing' what they think nature has given freely. Asked about the farmers and what happens to their lands, he says that the children at school describe the land where they live as fields with hundreds of holes in the ground, a few lonely trees and full of human bones – so, they do not want to cultivate it or live in it, they do not want to "grow in the cemeteries."

From these interviews, there again appears to be the twin problematic of technical management of the program vs. the political handling of it. In South2 historian 33-S2 says there are "no land or peasants to be protected"; which contradicts information from planning officer 35-S2 who reports that the displaced are ignored in this town. On the other hand, in North2 the change from a corrupt administration to a committed one revealed why the area was not participating. Similarly, from the interviews it is clear that the problem about land is more complex than a tension between 'use' or 'ownership', it is also about its inhabitants and memory.

Chapter four: Analizing the impact of DWR on conflict

Introduction

The key purpose of this research was to examine, via single case-study, whether or not non-military state-led programs developed to help civil populations during conflict impacts on the conflict; and whether the impact is positive or negative. The rationality for this is that studies on activities of reconstruction *after* armed conflicts usually include assessments of the positive and negative impacts of such activities on the conflict itself, and around these studies there has evolved a solid consensus in academia and field-work practice that peace can be built through proper reconstruction programs (Lake, 1990; Ikenberry, 2001; Arévalo, 2002; Darby and Mac Ginty,

2003; Donini, Nlland and Wermester, 2004; Foblets and von Trotha, 2004a; Barakat, 2004a; Paris, 2004; June and Verkoren, 2004; Bryden and Hängsi, 2005; Ankersen, 2007; Mac Ginty and Richmond, 2009; Muggah, 2009). However, a similar level of scholarly interest does not exist regarding reconstruction *during* warfare (Barry and Jeffrey, 2002; Looney, 2006). Such reconstruction is conflated with notions which regard it as being part of a war effort and commanded by the military or political necessity. In this vein, the study of reconstruction activities as *Protection of Housing, Land and Property rights* for internally displaced persons (IDP) has been forgotten by academia. In this context, the studies of reconstruction efforts to help IDP are particularly critical: IDP are especially vulnerable to violence, and for them reconstruction efforts in the middle of war could be a significant milestone. Every effort to protect their Houses, Lands and Properties could reduce their exposure to dispossession from ancestral lands, and reduce the risk of poverty. Crucially, the consequences of the absence of ‘during-war reconstruction efforts’, or the consequences of ‘failed reconstruction attempts’, could be protracted in the aftermath of war, e.g. with long lasting legal processes or with personal conflicts with new settlers – and, in the worst situations, be associated with a spiralling of violence.

In the previous chapter I exposed the ethnographic work of this thesis around the “Land and Property Protection Program” (LPPP) lead by the Colombian government in two sets of towns in Valle del Cauca region. This “narrative” of the violence and conflict in Colombia during a specific period of time in a specific region is constructed in order to help our understanding of the correlation between land and conflict in Colombia and how the LPP program could affect this dynamic. This study of an exemplar case of a successful reconstruction strategy in the middle of the war will help to note complexities or singularities that are ‘unique’ in some characteristics but, at the same time, could be useful as a model or

generalisation for certain other cases. In that sense it is important to present the inferences about the role and interest of the Colombian state in advancing reconstruction programs during war, and its potential impact in the Colombian conflict. This study of the “effects” of government activities to restore normalcy before the end of the actual conflict, particularly the study of the reconstruction processes advanced by the Colombian government, is seminal.

As presented in the Methodology chapter the use of micro-analysis of the data will help to understand how the LPP program is formed by “collective decisions” (Blondel, 2010:24) from the central and local level, and by users’ perceptions and practices. Also, the contrast of elite responses against non-elite responses, and contrasting responses of individuals inside sub-groups of the population facilitates an understanding of bottom up micro-politics (Spicer, 2006) and some of the behavioural practices emerging from collective knowledge (Willner, 2011). As stated before, this transformation of local narratives into perceptions and explanations does not permit generalisation(s), but performing the micro-analysis does allow us to draw some conclusions through comparison. In the following I will expose in a structured way the logic of the perceptions and explanations present in the micro-data.

From “desk politics” to “street politics”

The LPP is a program designed by the Colombian government to protect the land and property of peasants at risk of being displaced or peasants already displaced. This forced displacement is part of a war strategy used by parties in conflict (mainly Farc guerrilla and paramilitary groups) to achieve control over a territory. The LPPP is not intended to stop displacement but to stop the dispossession of land by illegal actors. As labelled here, this During-war Reconstruction strategy of Protection of land property during the

conflict is not seeking military outcomes but, rather, is a special administrative program of the government to deal with a specific situation during the conflict in order to maintain legitimacy. The program is focused on specific locations spread nationwide.

People and Conflict

From the collected data in this thesis it is clear that the Colombian Government is not using the Reconstruction strategy of ‘Protection of land rights during warfare’ as part of the war effort against any of the actors of the conflict (the FARC guerrillas, Paramilitary groups, or drug-lords). Again, the government do not manage the program differently in relation to any of the actors in the conflict. Further, I discovered that the program does not affect the status of any of the armed actors in the conflict. This analysis is supported by the data on conflict in the studied area. Table 3 shows data from DAS/Observatorio DDHH/CERAC between 1998 and 2011 regarding the number of armed actions from illegal groups in the studied towns.

Table 3: Number of armed actions by illegal groups 1998-2011

Year	Colombia	Valle del Cauca	South1	South2	North1	North2
1998	988	64	1	0	1	0
1999	957	58	0	0	0	0
2000	1213	85	2	1	0	0
2001	1040	34	0	1	1	1
2002	1441	26	2	1	0	0
2003	1415	49	1	4	0	0
2004	849	47	2	3	4	0
2005	972	71	0	4	0	2
2006	994	157	2	9	0	0
2007	531	65	3	3	0	1
2008	379	44	0	0	0	0
2009	644	28	0	0	0	0
2010	734	31	0	1	1	0
2011	794	56	1	1	1	0
	12951	815	11	26	6	3

Source: DAS/Observatorio DDHH/CERAC – 2011. Own elaboration.

In the 1998 to 2011 period armed actions by illegal groups in South2 constituted 56% of all such armed actions in the selected group of towns, 3.2% of all such armed actions in Valle del Cauca, and 0.2% of all such armed actions in Colombia. For South1 the figures are: 24%; 1.3% and 0.08%. For North1: 13%; 0.7% and 0.04%. For North2: 6%; 0.4% and 0.02%.

In the studied period of 2007-2010 the numbers were: 4 actions in South2, 3 in South1, 1 in North1, and 1 in North2; in Valle del Cauca 168 and 2288 nationwide. Such actions in South2 constituted 44% of armed actions between the selected group of towns; 2.4% of all such armed actions in Valle del Cauca, and 0.2% of all such armed actions in Colombia. For South1 the 2007-2010 figures are: 33%, 1.8% and 0.1%. For North1: 11%; 0.6% and 0.04%. For North2: 11%; 0.6% and 0.04%.

The data shows an ascending tendency nationwide (in the period of study) but a descending one in Valle del Cauca. For all four towns the tendency is the same as the department's tendency: a descending number of actions by illegal groups; without any difference between the four towns. This data is clear in terms of zero difference between towns with the LPP program and towns without the program. As stated before, there is no hard evidence of differential treatment in military terms in any of these towns and no evident impact of the LPP program on illegal armed actors' activities.

Data from DAS/Observatorio DDHH/CERAC between 1998 and 2011 regarding the number of armed actions from Colombian armed forces is shown in Table 4. It is important to note that there is no-direct relation between data in Table 3 and Table 4, inter alia: armed actions by illegal armed actors are not necessarily followed by Armed forces' response.

**Table 4: Number of armed actions by Colombian armed forces
1998-2011**

Year	Colombia	Valle del Cauca	South1	South2	North1	North2
1998	363	16	0	0	0	0
1999	479	17	0	1	0	0
2000	625	33	1	2	0	0
2001	765	18	0	1	0	0
2002	1361	34	0	1	0	0
2003	2002	31	1	2	0	2
2004	1700	49	1	3	2	1
2005	1477	49	0	4	1	2
2006	1941	40	0	9	0	0
2007	1831	50	0	2	0	0
2008	646	11	0	2	1	0
2009	409	6	0	0	1	0
2010	487	9	0	6	0	0
2011	454	14	3	7	0	0
	14540	377	6	39	5	5

Source: DAS/Observatorio DDHH/CERAC - 2011. Own elaboration.

For South2 the figure of 39 represents 71% of all actions in the selected group of towns, 10.3% of all actions in Valle del Cauca, and 0.3% of all actions in Colombia. For South1 the figures are: 11%; 1.6% and 0.04%. For both North1 and North2: 9%; 1.3% and 0.03%. In the studied period of 2007-2010 the numbers were: 10 operations in South2, 0 in South1, 2 in North1, and 0 in North2; in Valle del Cauca 76 and 3373 nationwide. Meaning for South2 83% of such actions between the selected group of towns, 13% of such actions in Valle del Cauca, and 0.3% of all such actions in Colombia. For North1 the figures are: 17%; 2.6% and 0.06%.

This data is consistent with the reflections on the escalation of combat in South2, and with North2 interviewees expressing 'no effective presence' of the Colombian army in the region. The data also indicates no 'special' military treatment in South1 and North1, the LPPP towns. However, it is possible to state that the program

affects the conflict itself by affecting the collective dynamics of population groups inside municipalities.

Some of the people are affected because they do not access the information through ignorance of the law and the conditions of protection, or people who are *bona fide* occupying lands, because they are secondary occupants and, based on the protective measures, the previous owners end up being the real beneficiaries of the applied legislation. On the other hand, for the IDP living outside municipalities of origin the LPPP is providing opportunities for the restitution or the improvement of socio-economic conditions, but not for those living in the areas of conflict. Owners who left the area can now legally recover the land by government action. They are generally displaced middle-class farmers who have followed and rebuilt their economic lives in the city or in other rural areas without conflict. Also I did find evidence in South1 & North1 which suggest that LPPP has stopped some of the dispossession processes, or has stopped certain illegal beneficiaries from enjoying the spoils of war.

Equally, the LPPP is affecting the conflict in three other ways. At the individual level it is changing the traditional right of property by possession that many small settlers follow when taking, working and living off the land. They are now exposed to the risk of losing their property and their livelihoods – which is a constant cause of Colombia's conflict. Locally, the LPPP could empower the state and be used to develop relationships with the peasantry in order to gain the trust of local people (as long as it is used efficiently and is properly exploited politically); however there does not appear any intention to conduct the program in this way. It is at the national level that I detect the greatest impact on the strategy of war and peace, and therefore the greatest possible impact on the conflict itself, though at the time of this research the impact is small. The RUPTA and the information about what has happened in the territory with ownership of the land and violence will allow the state to recover the

memory of what happened and to act on the territory, planning and enhance the state's capacity for action, probably in the framework of the Law 1448 of 2011. However, this result leads to increased local violence (targeted killings of popular leaders⁶³ and officials), and encounters obstacles in the form of officials, politicians and other elites who were or are beneficiaries of the dispossession, acting contrary to their public office duties.

Some other dynamics of the program in the territory could be generating new variables in the conflict. In particular, small settlers probably could not get traditional possession of abandoned lands because the LPP program specifically seeks protection and restoration of abandoned lands to the original owner. There has also been an increase in selective killings at a local level, not only as forms of intimidation, but as ways to maintain or strengthen control over local governments and their officials. Furthermore, even if is not the result of the LPPP, the relationship problems between indigenous peoples and peasants, and between peasants and Afro-Colombians over the possession of the land and its use will probably end up affecting the program itself.

Land and conflict

In terms of the relationship between land and conflict, my research established two big situations which require the attention of state and society on the control over the territory. The first is related to the regulation of domestic production capacity and settlement of people who can access state services and exercise their citizenship. The second is the control over the land-use by illegal armed groups in the

⁶³ At national level, Yolanda Izquierdo Berrío, Freddy Abel Espitia were murdered in the last week of January 2007; Alexánder Quintero, Rogelio Martínez and Albeiro Valdéz in two different weeks of May 2010. Those names of Colombian peasants are five in a list of at least 45 or 65 in the period elapsed 2005 (after Paramilitary demobilization process) to 2011. More than 1.400 victims have reported direct threats. (Rojas, 2010). Data is not available at local level.

territory, either as land-strips of violence or land for illicit crops. The land issue is central to the possibility of obtaining peace in Colombia and to the solution of structural problems that feed and define the conflict. Something striking about this is the fact that the LPPP became a military objective of the illegal armed actors. In the four populations it was documented how not only LPPP but any state program that seeks to improve the living conditions of local people becomes a military target by illegal groups. This point reinforces theories showing how the war of illegal armed groups against the state military forces is totally against the state and society as a whole. By all means I can attest that there was no evidence suggesting that the LPPP meets any military objectives openly or secretly, making clear that, and according with International Humanitarian Law,⁶⁴ it could not be targeted as a military objective. A strong explanation of this animosity of armed actors against the LPP program could be related to the drug business. This illicit activity is interested in lands because they are growing illicit crops and they are handling violence corridors; however, land strips are most associated with generating violence more so than illicit crops. Legal and illegal armed actors are concentrated in the corridors of violence and this is where the greatest displacement and land dispossessions happen. Areas of illicit crops controls peasant growers with a minimal armed presence because illicit crops do not 'move' as fast as corridors of violence; and the cultivation of illicit crops correlate more closely with

⁶⁴ The International Humanitarian Law (or International Law of Armed Conflicts) is constituted by a set of rules that seek to restrict the damage caused by armed conflicts. These restrictions stipulate the types of people who should not be affected by the war, the places that should not be subject to armed attacks, and the types of weapons that can not be used. Its modern origins date back to the 1863 Lieber Code, which sets out the laws and customs of war, and the Geneva Convention of 1864. In 1899 and 1907 The Hague Peace Conferences further sought to regulate the methods and means of conducting war. In 1949 these were reviewed, updated and constitute a supplement of the Geneva Conventions; being converted into four documents that define humanitarian law in the wake of the experience of the Second World War. This gave rise to two forms of law: that of The Hague, which deals with the conduct of military operations, and Geneva, that deals with the protection of war victims. Both branches are combined in a single-law of Geneva, with the signing of the two Additional Protocols in Geneva in 1977 so that it now incorporates and updates the previous text of the law of The Hague. See: Bowden 2009; Fleck, 2008; Leckie, 2007.

the productive use of the land than with dispossession. On the other hand, land strips of violence need to be 'shadow' lands to allow fast and secure mobilization.⁶⁵

The roles of the state and local government in this situation could not be ambiguous: security, law and government; the traditional functions of the state. Regarding what was found in the fieldwork, it appears necessary to change, reassess and improve the status of local administrative officials who have become the sole embodiment of the state – and its duties – towards its citizens. The abandonment of local public servants increases their vulnerability and powerlessness to address issues such as violence, corruption and injustice rendering effective government impossible in Colombia. This situation is experienced by the administrative and judicial officials and police. This implies and supports the idea of a disconnection between the territory and its government. The first task in order to change this situation depends on the ability of the state to acquire and control information about what happens in local life. The second task is related to the professionalization of local officials and the coordination of inter-agency activities (as the CCAI is intending to do) and municipal inter-activities (which does not happen because of political differences, neighbourhood problems and the struggle for resources.) In terms of land handling, I posit that the problem is not the dichotomy between use and ownership, but a problem of titling the current holders, a topic that is part of what is known as 'land reform'. Again, in terms of the people living on the land it is necessary to distinguish between Indigenous populations, Afro-

⁶⁵ According with UNODC/Simci, Valle del Cauca department is not an important coca cultivation zone, except for Buenaventura region (84% of coca crops in the Department) in the Pacific coast (far from the area of study) (UNODC, 2011a:81). Also, in its 2011 review on coca crops, it says: "La mayor parte del área cultivada (77%) sigue concentrada en ocho departamentos: Nariño, Cauca, Guaviare, Antioquia, Putumayo, Córdoba, Bolívar y Chocó" (UNODC, 2011:9). ["Most cultivated area (77%) remains concentrated in eight Departments: Nariño, Cauca, Guaviare, Antioquia, Putumayo, Córdoba, Bolívar and Chocó"]. Valle del Cauca is connected to Cauca and Putumayo through land crossing mountains which constitutes a passageway for drug business from inlands to sea coast.

Colombian populations, and small, medium and large farmers. Similarly it is necessary to distinguish between three types of displaced people (local and foreign beneficiaries and the non-beneficiary population), and a type of population that yet does not experience displacement: farmers who remain in conflict territories. Amongst these groups I established who needs the LPPP the most, giving priority to farmers who stayed on their land and local IDPs (non-beneficiaries); for Indigenous and Afro-Colombian populations the law works with protection of communal lands.

The hard data on displacement do not show any impact of the LPP program preventing displacement. A major problem regarding the number of displaced is that there is no *reliable* data, nor data on the reality of displacement. RUPD – Registro Único de Población Desplazada (National Register of Displaced Population) data is shown in Table 5⁶⁶. It is interesting to note that there is no evident correlation between illegal armed groups' actions (Table 3) or Colombian Armed Forces actions (Table 4) and displacement (Tables 5 and 6); basically, the problem is that data on displacement is not reliable, as stated before.

Table 5: Number of IDP according with town of origin - RUPD 1997-2010

Year	Colombia	Valle del Cauca	South1	South2	North1	North2
1997	211.532	872	7	11	47	203
1998	87.786	361	0	1	0	0
1999	107.949	3.185	13	0	6	35
2000	298.553	11.573	20	37	20	30
2001	402.815	18.643	250	670	72	48
2002	458.480	9.390	165	738	47	67
2003	260.555	19.312	442	125	28	74
2004	238.419	5.191	99	113	153	134
2005	272.520	7.290	115	178	200	183
2006	291.480	16.991	101	400	414	201

⁶⁶ The RUPD is the official database about displacement, and is administered by the government.

2007	328.581	20.915	203	366	187	253
2008	285.151	19.779	205	298	279	159
2009	165.541	7.719	89	214	108	120
2010	87.990	4.190	52	71	52	28
	3.497.352	145.411	1.761	3.222	1.613	1.535

Source: RUPD - 2010. Own elaboration.

According to the Observatorio de Derechos Humanos (Observatory on Human Rights)⁶⁷ the data for the same period is as shown in Table 6.

Table 6: Number of IDP according with town of origin – Observatorio de Derechos Humanos 1997-2010

Year	Colombia	Valle del Cauca	South1	South2	North1	North2
1997	157.811	349	8	0	3	30
1998	143.942	741	5	6	7	4
1999	164.164	5.164	21	16	11	48
2000	373.922	11.349	25	53	43	62
2001	504.286	21.057	276	937	97	78
2002	572.463	10.782	188	813	75	93
2003	335.389	26.005	499	160	45	97
2004	315.342	6.805	121	130	196	168
2005	348.034	9.428	133	241	270	219
2006	365.506	20.476	117	471	496	240
2007	401.390	24.185	235	404	231	273
2008	359.360	22.339	240	329	324	197
2009	197.879	9.322	114	256	138	140
2010	150.143	7.940	131	160	95	93
	4.389.631	175.942	2.113	3.976	2.031	1.742

Source: Observatorio DDHH/CERAC - 2011. Own elaboration.

The precise numbers of newly displaced people is difficult to establish precisely. According to CODHES – Consultoría para los derechos humanos y el desplazamiento, a national NGO dedicated to the subject, in the Sistema institucional de Información sobre desplazamiento, conflicto armado y derechos humanos (Institutional Information System on displacement, armed conflict and human

⁶⁷ The observatory is an institution under command of the Presidency.

rights) – SISDHES (updated to April 2009) there were 380,863 in 2008; according to RUPD – Registro Único de Población Desplazada (National Register of Displaced Population) 285,151; and according to Observatorio de DDHH 359,360. In terms of the total number of displaced persons in the Departamento of Valle del Cauca the same organisations report figures of 280,041; 145,411 and 175,942 respectively. Because the numbers are so dissimilar we can try checking tendencies; during the window of study (2007-2010) the number of registered displaced people is nationally, regionally and locally decreasing. One explanation is the change in the rules for registering in the RUPD. Since 2009 displaced persons could enter the register regardless of the amount of time elapsed since the displacement (previously limited to a maximum of six months after the displacement); also, the system now registers displacement before 2000 (it was previously prohibited from doing so). Because of this, the number of displaced persons does not equate to the real number of persons displaced in that specific year; but probably does reflect the overall number of people in displacement condition. Consequently, tendencies (comparing all data) do not reflect any substantial change in displacement problems in South1 or North1 compared with national, regional or South2, North2 tendencies.

The significance of this data is related with the dispossession of land. According with the Comisión de Seguimiento a la Política Pública sobre el Desplazamiento Forzado (Comisión, 2009:11) up to 2008 more than five million hectares were abandoned (5.504.517 Has), affecting more than 40% of people registered on the RUPD (1,200,000), and at least another 85,000 families (340,000 people) not registered up to 2008. This situation leads to loss of land, crops, animals, houses, social networking, education, food and health; and accompanies various other sufferings including assassinations, intimidation, sexual violence, mutilation, etc. These numbers can be expected to increase during the next years. The work of the LPP program allowed, up to 2010, the protection of 3,799,386 hectares

(Proyecto tierras, 2010:19); however, with the available information it is impossible to establish the impact of the project or to cross data between dispossession and protection. Only when restitution processes begin will it be possible to try to establish any correlations. Nevertheless, as is implicitly understood, any displacement could lead to leaving of the land, and protection of land *maybe* could prevent long lasting restitution processes; probably the biggest achievement so-far of the LPP program.

Politics and conflict

This research described a conflict relationship between technical and political aspects of the program, because impact of politics occurs locally. It is clear that it is not possible to develop the project without the cooperation of two elements: the technical capacity of UMATA officials and political support of the municipal government. It has been established that the impact of the program is reduced specifically because the separation of technical and political aspects does not allow LPPP to reach all those in need. The failure in this technical/political relationship constitutes a huge limitation in terms of potential beneficiaries' access to the project, as noted in North1 and South1. This separation is correlated with the relationship between the Political dividend, the Political objectives and the Political cost (as expressed by Alvaro Balcazar about the CFIM). It was found that the towns most sensitive to external pressure, i.e., those that receive their income from sources such as tourism and external investment capital, are more likely to develop the program (as evidenced in North1). This is explained as a political cost related to the problem of displacement, which leads to reduced municipal revenue sources and thus public perception of the local mayor. It is clear that the political cost is not defined by either adopting or not adopting the program. Regarding the political dividend, I did not find attempts to capitalize it. This is probably because it is hard to achieve a political

dividend from a project focused on care for victims of violence, since local application would involve recognition of local violence. However, it is noteworthy that the issue of displacement and violence itself is incorporated in all local government plans, both in North1 & 2, and South1 & 2.

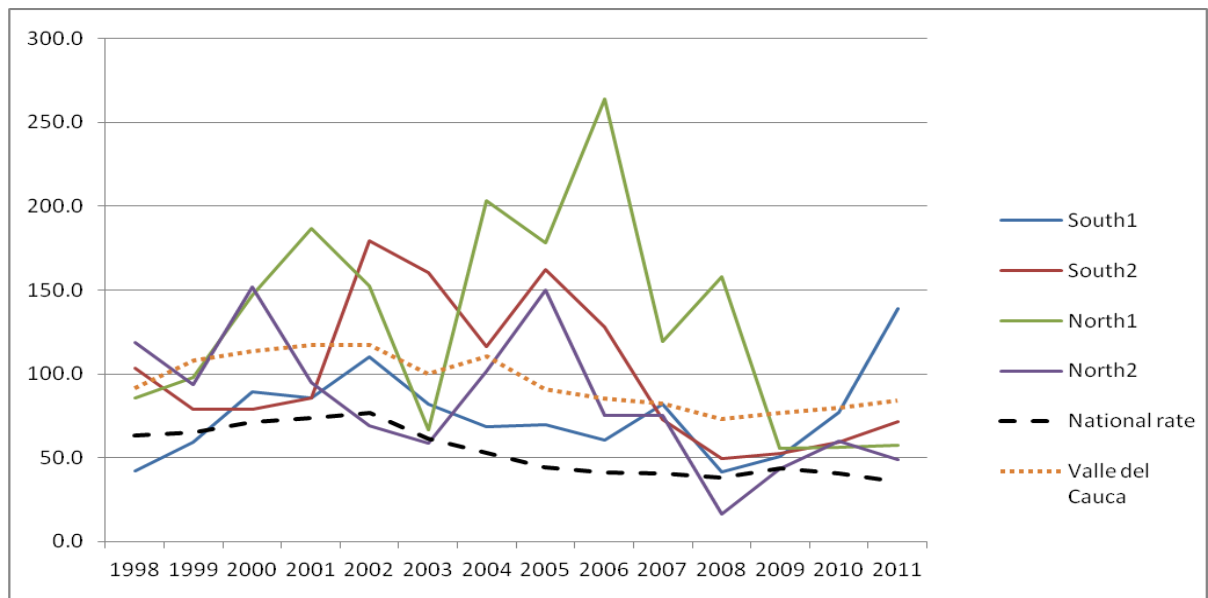
Moving from the specifics of the LPP program, this research also identified some key lessons from the CFIM. It should be noted that the CFIM lessons were useful as a guide for the fieldwork, but it is not possible to generalise from them. However, from these lessons the main help for LPP program is concerned with the need to develop the technical, administrative and political aspects of the project. Nevertheless, as noted at the time, what is defended most from the 'centre' is technical strength, this in order to prevent the project from becoming a spoil of the electoral process. I note in this respect that political involvement must be present at some level of government, whether at the local, regional or national level. This political impetus must unlock and accelerate the work. As a suggestion it is possible to introduce the idea of establishing an extensive and mandatory protective measure following a legal ruling of the High Courts or from a law gestated in the Congress or by the Presidency of the Republic.

In terms of the relationship between flexibility in local action and the role of international cooperation, several interviewees referred to difficulties both in accessing and controlling public resources at a local level such as basic services or humanitarian assistance. In the areas studied there were no specific programs of international cooperation in progress. However, taking into account the degree of corruption observed, international support of state-led investment and initiatives would be helpful in terms of protecting victims. However, international actors should be equal or subsidiary partners rather than the dominant actors in any program since a key problem is precisely the crisis of confidence in the state. The international community could act as a companion or guardian, but should not

replace government action which would risk increasing further the distance between people and the state. In terms of working with local organization I did not find strong evidence that this is a 'necessary' element, though it may be 'appropriate' – in fact, the only evidence found during fieldwork is the South1 process in which the application of the legal protective measure followed a request by farmers to protect their lands.

Regarding the relationship between security and development, this research found out that while recognizing the great economic, social and human progress made by people living in the midst of war, it is clear that there are limits to what can be achieved in such circumstances. Moreover, I can say that progress is possible with violence, but not with conflict. Data on homicides (Figure 1) shows the highest levels of violence in the four towns:

Figure 1: Homicide rates 1998-2011



Source of data: DANE - 2011. Rates: Own elaboration.

These high levels of violence allowed us to differentiate between development in the midst of violence, development in the midst of conflict, and development without violence and conflict. That

differentiation illuminates 'degrees' of development that might be achievable and the 'types' of development possible. Arguments were presented on several occasions where it was clear that in areas where the conflict is halted quick economic and social development can be achieved in relation to legal or illegal activities. Similarly, all the advances achieved in the absence of conflict, either with or without violence, can be reversed at the onset of the conflict. In this sense, it is not possible to generate development through policies and investments devoted exclusively to 'solve' or 'attack' the causes of conflict, and it is instead necessary to achieve levels of security before going further to tackle the causes of conflict in an area. Otherwise, rather than attacking the causes of conflict, such actions merely generate incentives for armed action. On the other hand, without doubt it is possible to capitalize development during conflict, but it needs to be redirected within legal channels; in such circumstances the security strategy must prioritise the recognition of former rights, organizational forms and profits obtained by the local population over traditional ethical or legal considerations. Of course, at the same time, it is necessary to attack any attempt to continue or deepen traditional illegal actions in the area. However, in this intent it is clear that the state must always balance their decisions in favour of victims and not just arrest and prosecute the perpetrators. The state should return identified goods to their rightful owners; but in the case of victims who have been able to achieve some degree of stability albeit at the expense of others – as is the case of secondary occupants – the state must seek mechanisms to ensure that victims can maintain their gains but also compensation for those who may be affected by such special protection.

This 'capitalization' of development during conflict depends on local stability. Power and political control in the territory is undoubtedly a key long-term matter, but it is not clear that this is an alternative means of halting the spiral of violence. It was noted that it is possible to achieve both stability and development without stopping violence.

In this sense the issue of violence does not refer only to local stability, but a set of factors that start from state building, continue with the local support and move towards the creation of the conditions in which individuals can live peacefully in society – conditions that are initially absent and in fact are configured as causes of the conflict and violence, and fuelling their growth. So, long-term development does not mean stopping the processes of violence. Other factors such as justice, security, full citizenship and good local government are probably more important.

Finally, it was observed that any advance of territorial consolidation of public policies during conflict needs to be founded on the confidence of local people in the state. As observed in North1 and North2, it is not possible to develop any protection or restoration process if the state is seen as the enemy.

Summary of LPPP micro-analysis

It was observed that the Land and property rights protection program is not stopping the spiral of violence – actually it is not correlated with the violence in the country. This implies that the legal protection of property has no direct correlation to the attenuation or escalation of violence in the region. It is clear that the dynamics of violence are indeed linked to the land problem, as has been argued, but do not specifically respond to the titling or legal protection of land. With respect to the relationship of the LPPP in Valle del Cauca, Colombia, as part of a during-war reconstruction strategy to win the war, it is clear that the role of the program is part of the DWR strategy but only at the national level, not at the regional or local level. This means that it is possible to establish the existence of a non-military-led state DWR program, but the question remains whether this correlation is effective in practice. Because the correlation between the variables exists only at the operational national level, not locally, I can argue

that this link is political or theoretical but not practical or instrumental, because the actions of the program are local. Furthermore, in the specific case studied it was found that this national correlation also responds to long-term goals that are likely to make the LPPP support the strategy practically and instrumentally. As noted above, registration of properties in the RUPTA can reconstruct what happened with the land and plan and build the capacity of state action in the territory. In that sense, the LPPP anticipates DWR protection measures (through legal security) and has initiated actions of DWR restitution. Additionally, it generates a ‘memory system’ about the conflict and can thus solve one of the factors of conflict i.e. institutional weakness. Again, this “primal” presence of the state is building confidence and future credibility in land ‘restitution’ or land ‘protection’ functions of the state.

As mentioned above, an impact on violence was not identified or was considered minimal. The impacts on the conflict were found to be a mixture of positive and negative. The positive impacts are medium and long term if the state can generate more information about the living conditions in the area and retrieve memories of what happened with the land problems. The negative impacts are observed indirectly because of the situation of groups that are not included in the protection of land by the project; specifically the peasants who stay in conflict zones, some indigenous peoples that are becoming settled peasant owners and Afro-Colombian people (most workers who become farmers in sugarcane regions – where it is likely the traditional system of cane harvesting will disappear). The LPPP directly affects the secondary occupants of land, because legal protection of abandoned land stops colonization based on possession laws; feeding one of the initial causes of Colombian armed conflict – land distribution inequality.

This micro-analysis found that there is a huge gap between desk politics and street politics in the case of the LPP program in Valle del

Cauca, Colombia. This gap is concerned with a top-down political planning approach which is ineffective at the local level which is instead characterised by: disinformation, local unreadiness, personal interest of local elites, and mistrust in the state. These all affect potential beneficiaries' access to this program. On the other hand, undesirable effects in the social life of communities, violence, second displacements, neglected groups of inhabitants, and abandonment of local functionaries by the central government are working against this public policy. The subjective experience is diverse, but at the centre of this policy are the micro-politics of dynamic forces inside each studied municipality.

Chapter five: Conclusions

“And... Where was the government when the massacres happened?”

Victim 49-N2

In today's context the importance of studying the impacts of reconstruction activities during warfare is increasing. Most contemporary conflicts can be described as chronic, with multiple episodes of open or discreet violence. The result of these episodes of violence leads to the destruction of property and of the social fabric, and also generates internal displacement. Several protracted

conflicts in key regions show a mixture of ‘economic, social, military and political’ interests that are advancing the necessity of “normalizing” daily life via ‘preventive war’ or ‘fast-track peace’; including Iraq, Colombia and Afghanistan. The necessity and the existence of ongoing reconstruction activities during war can no longer be ignored by academia, even if studies may or may not conclude that such reconstruction is just part of the war effort and must be subordinated to military studies.

In this scenario, studies of reconstruction efforts to help IDPs are particularly critical. IDPs are especially vulnerable to violence, and for them all reconstruction efforts in the middle of war could be a significant milestone. In particular, the effort to protect their houses, lands and properties could reduce their exposure to dispossession from ancestral lands, and the increased risk of poverty. Significantly, the consequences of the absence of ‘during-war reconstruction efforts’, or the consequences of ‘failed reconstruction attempts’, could be protracted in the aftermath of war, e.g. with long lasting legal processes or with personal conflicts with new settlers – and, in the worst situations – including Colombia – with a “spiral of violence” (Rubio, 2004)⁶⁸.

⁶⁸ This term refers to the continuous and relentless violence in Colombia that started with the vacuum of power resulting from the War of Independence in 1810. This process occurs not only as a constant repetition of civil wars and fruitless struggles for national power, and is also replicated at the micro level. At the macro level it is concerned with the control of central power and resources of the State, and at the micro level with the control of local power and lands. This spiral of violence linked to land leads to a constant process of dispossession of the small landowner or tenant (smallholder) and family vendettas build up around the territory as a symbol of power (landlords). The spiral, in the case of small farmers, is expressed in terms of its migration to colonize the agricultural frontiers (State wasteland), displacing the indigenous and natural inhabitant, and which then has to face again the power of the landowner after the expansion of the agricultural frontier. But this power is not consolidated in the landowner, but instead develops further into a spiral of violence because it has to face both local and national rivalries between families and peasant movements. The only ones who always lose their natural territory are the indigenous people (Houghton, 2008). In the last two decades since the recognition of black territories and the agricultural expansion into the Colombian Pacific, black people are increasingly living with this violence (Procuraduria, 2009). Also, these displacements do not always lead to a consolidation of ownership over the abandoned field. This allows the arrival of new settlers in abandoned properties – who can enter in litigation proceedings on the

In light of these considerations, and due to the fact that such programs exist in the midst of armed conflict – a backcloth of violence and confrontations over power – the aim of this thesis was focused on discussing the impact of ‘protection of land rights’ activities developed by the Colombian government during present conflict in stopping any escalation of violence, and mitigating the effects of war on internally displaced persons in two sets of towns in the Valle del Cauca region. This empirical thesis demonstrated the existence of and studied a State-led non-military DWR program which – as defined – is not used for military purposes by the state and whose final goal must be to repair the political link between citizens and the state. As discussed previously I did not find any indication that the LPP program is used for military purposes by the state. I found that it is part of a national policy formulated with the aim of militarily defeating the illegal armed groups, but I did not find any evidence which suggests that the LPPP actually meets military objectives against the armed groups operating outside the law. It was found that the LPPP seeks to restore confidence in the state, either by approaching populations that historically have been abandoned by the state and trying to win back their confidence; or returning property rights to those from whom it was unjustly removed. This research can be seen as ‘a step forward’ in an understudied subject and tries to shed light on the problem for present and future research.

The case study involved field research and ethnographic work complemented by documentary research. A substantial literature review on the Colombian conflict, reconstruction issues and land protection programs *plus* fieldwork with communities in four Colombian towns and 118 interviews with authorities, peasants, academics and local elites addressing a live topic – a moving target –

property – and a return to violence.

was challenging. In terms of the recorded information the research shows what is really happening in the field, which can then also be contrasted with official reports. The use of Micro-analysis techniques to analyse the experiences and stories collected during the fieldwork advanced the idea of a huge gap between central politics designed by the Colombian government and the local implementation of the LPP program in Valle del Cauca, Colombia. This gap between the top-down policy design and the reality in the field could be studied following some specifics: a) disinformation; b) local unreadiness; c) personal interest of local elites; d) mistrust in the state; e) undesirable effects in the social life of communities; and f) central government's abandonment of local functionaries. The goal in this case has never been to conduct an in-depth study of the program, but from the findings of this research it is possible to advance some policy recommendations to address these issues and these are presented at the end of this chapter.

Addressing a specific part of the Colombian conflict contributes to the *narrative* approach of the conflict in Valle del Cauca, following Oquist's (1978) suggestion of studying separately regional conflicts; accordingly, this empirical work reinforces explanations of local dystopia in terms of government absence of authority and follows in the steps of González, Bolívar and Vásquez (2002) and Duncan (2006) by recording the voice of the vanquished (Reyes-Mate, 1991); and it is part of the sub-group of studies on the effects of political decisions on the Colombian conflict (as per Dudley and Murillo, 1998; Rubio, 2002; Sánchez and Chacón, 2005; Pecaut, 2006). Additionally, exploring the conflict from the well established perspective of land issues (as per Nazih, 1997; Gilhodes, 1974; LeGrand, 1984; Reyes, 1987; 2009; Reyes and A.M. Bejarano, 1988; Fajardo, 2005; Patridge, 2006; Vidal, 2006; Gallón, 2006; Forero, 2008; Moncayo et al, 2008) and the innovative approach from reconstruction studies advanced in Bejarano's (1995) proposition of working in peacebuilding studies, adding to this proposal the analysis

of effects on conflict of reconstruction activities during war. In this specific case study I established a strong causal relationship between the Colombian armed conflict and the problems of possession, use and culture around the soil. Two specific situations were established on the land problem and the conflict: the corridors of violence and the illicit crops. On the other hand, the abandonment by the state of the citizens living in those areas is evident, and it causes many social problems and fuels conflict, giving space to illegal armed groups; slowing down or preventing military actions against illegal armed groups; hindering the rule of law and weakening the link between the state and its citizens, preventing compliance with political goals. Also the situation of the co-existence of three human groups who require but have no land is specific to the Colombian case, and cannot be generalised to other contexts.

In terms of reconstruction studies, the most important conceptual findings in this thesis concerns the arguments presented about the term 'reconstruction' itself. The thesis presents a distinction between reconstruction due to accidental events and reconstruction due to war actions; the characteristics of proactive and reactive reconstruction; and a critical evaluation of the use of the terms 'post-war' and 'during-war' reconstruction. It was shown that war-related reconstruction activities are not opposed to war but complement it, allowing us to understand its political meaning and distinguish it from a purely technical characterization. Reconstruction is an activity that provides itself opportunities to intervene in conflicts, developing the political and military objectives of war or changing the outcome of the war itself. Finally I conceptualized what is meant by state-led non-military reconstruction during war: *The reconstruction activity developed by the state in the middle of war with the purpose of supporting the essential link between citizens and the state, and political life.* On the way to reaching this definition I also gave definitions of: 'what is reconstruction?'; 'what is post-war

reconstruction?'; 'what is during-war reconstruction?' and 'what is military and non-military during-war reconstruction?'

Regarding the issue of the reconstruction strategy of Protection of Land Rights during warfare (Deng, 2003; United Nations, 2005) this empirical research is seminal.

With regard to the qualitative approach of this empirical thesis – field research and ethnographic work complemented by documentary research – this work has demonstrated the value of comparative analysis between towns that are part of the program in two different contexts of violence, and the richness of data provided by the use of control towns that are not part of the program. The validation of the main lines of analysis defined from the institutional vision of the program revealed other people living with the land and conflict problem (indigenous, afro, peasants) that complements the focus on IDPs; and contributes to discourses regarding the LPPP's impact on conflict and the overall relationship between the Non-military DWR and the use of military force – even extending it to a discussion on the prevalence of military action over social action. The thesis also validates the idea of studying the DWR program *vis-a-vis* its technical and political components, as suggested by Alvaro Balcazar in his interview. Following De Sousa's (2010) and Blondel's (2010) suggestion, the use of micro-analysis in politics was very useful in order to work around the so-called "private politics" (Blondel, 2010:23; drawing on Merriam, 1944). Particularly in this work of comparative micro-analysis, the contrast of elite vs. non-elite responses, local vs. regional and national actors, and cross-case comparison between the two sets of towns was key to understanding the functioning and the effects of the LPP program as the result of "collective decisions" (Blondel, 2010:24) enhancing our understanding of the political decision-making processes.

New research directions

1. During-war reconstruction should be studied in detail by academia. It is not enough to focus efforts on Post-war reconstruction. Even more, the complexity of 'Reconstruction', including and differentiating between natural and man-made disasters, must achieve a proper balance between political science studies emphasizing the political aspect and the technical elements of reconstruction programs.

2. The study and design of Protection programs is essential to advance not only in terms of the rationality behind its necessity but also in terms of reinforcing the role of the state as primary protector of private property in society. The absence of studies about and programs to protect private property is feeding conflicts between individuals and diminishing the state's capacity to be accepted as a valid mediator in society.

3. The LPPP is a highly valuable object of research for academia. So too is the general context of Colombia's consolidation politics with: CCAI, 'Ley de Víctimas y Tierras', RUPTA and certain other protective and restorative programs all worthy of study by academia. Research on the regional and local program, on the technical command from the national level and their involvement with the national strategy are all topics of research that should be addressed. As a promising source of future research I suggest here the five key lessons presented by Alvaro Balcazar about the CFIC: a) the state is not designed to go where previously no state has been; b) there is no dilemma between security or development about which is the most important: security is a requirement for development; c) during-war development is possible but it is not sustainable; d) flexibility is essential to respond to local needs and the state should take advantage of every available opportunity to build that trust; e) it is necessary to build and maintain local existing structures.

4. On the specifics of the Colombian conflict it is essential to study the dual behaviour of ‘violence corridors’ and ‘illicit crops’ in the context of land problems. Also, the complexity of rural territories must be better appreciated and move beyond the ‘agrarian problem’ by including an appreciation of ethnic and cultural diversity, and state actions which privilege local elites, and unsatisfactory territorial conquest. Finally, it is necessary to address the suggestion that military action, programs and politics prevail over social action, programs and politics when the state tries to regain control over the territory in conflict; and the strong suggestion that technical and political components of a DWR program needs to be addressed both as part of any research in the topic and as part of a policy design.

5. Using micro-analysis in political science is decisive in ethnographic work focused on the study of public policies in action. It will help to understand the everyday implementation of public policies not as an instruction which leads to an action but as a profusion of collateral activities affecting and affected by the political life inside targeted communities. Both, macro-aggregations, meso-descriptions and micro-analysis will enhance and will lead future qualitative political science research.

Policy recommendations to the Colombian government

The main actor in the conflict in Colombia is the state. The Colombian state is the primary armed force in the conflict, and it is in charge of controlling illegal businesses, justice, controlling the territory and legislation to compensate for existing inequalities in the distribution of income and resources. Historically, it has been geographically concentrated on the central Andean region and *absent* in the periphery of the country. Also, it is labelled as weak and unable to fulfil all its duties. In addition it is clearly ‘biased’ or ‘captured’ by the personal interests of dominant families and private

interests against the public mission. This cocktail mitigates the achievement of its designated goals and the results are always 'mixed' or null in terms of territorial control, administration of justice or distribution/generation of wealth. The Colombian state is also responsible for developing poverty relief policies, and the promotion of political openness needed to allow necessary political and social change. The success or failure of the state in any of these policy domains affects the conflict. As victim 49-N2 said, the state *must* identify itself with and commit to protect the people even during the darkest times of conflict. The state's physical presence but also its protective robe is required at all times if the political connection between citizens and the state is to be maintained. In this thesis I argued that DWR is the key element to protect, maintain, and (probably) restore that link.

Fernando Medina advances the hypothesis that "(...) the high levels of political violence that exist in Colombia today can be better understood as the result of a failed peasant revolution, matched by the inability of the state to widen the scope of social, economic and political citizenship." (2009:93); and, more specifically, that the 'Agrarian conflict' "(...) the social conflict stemming from the pattern of tenure and use of the land as an economic asset (...)" (2009:3) should be singularized as one of the root causes of the conflict. This double failure in terms of wealth redistribution and political ineffectiveness is – without doubt – part of the Colombian conflict. However, this double failure is the failure of the whole society, not only a few specific political actors. It is clear that the state in Colombia has been shaped by the elite to serve their interests: but other actors in the conflict, as well as civil society, are partially represented in the system. The Colombian state is not functioning as a single entity: it is fragmented into various components. These include: justice, procurators, armed forces, national and regional administrations, the Senate, House of Representatives and ministries. On numerous occasions one of the armed groups has co-

managed some part of the state machinery. Around the struggle to control part of the state the various conflicting parties are taking opportunities to advance their own interests: land, impunity, earnings, legislation, etc. The Colombian State is, as Thoumy says: "a bounty" (2005:172).

In the case of rural areas I identified that their problems are not limited to rural peasant/ land issues but should instead be understood as territorial problems. In this research we have seen that territorial control, through the program of consolidation of the Colombian government and agrarian reform, are fundamental to advancing the development of rural areas and to solve their problems. However, these two processes do not resolve all the rural problems, for it have been identified that: a) there is no total territorial settlement and there is no model for such colonization, which b) makes it equally unsatisfactory. Although this requires more extensive analysis, in principle it seems that arguments that tend to reduce the Colombian rural problem to a simple historical confrontation between tradition and modernity, in which peasants are fighting to sustain their way of life (such as that proposed by Medina, 2009), cannot respond to all the variables of the problem. The problem described in this research about the clashes and tensions between Afro-descendants, indigenous people and peasants in the studied area is not satisfied by a single explanation of peasant movements, because clearly they are not the only inhabitants of rural areas. The violence in these rural areas, and the violence associated with land issues in general, is much more complex and should be described in greater detail. I challenge the idea of "failed peasant revolutions" (Medina, 2009) and I advance the idea of capitalist confrontations in rural areas fuelled by failed colonization processes. That is why in the studied regions it is clear that economic competition of the market is combined with violence: locally, state action is seen as directed to support – with force – some legal local elites against the illegal ones. Unfortunately, this practice distances

the possibility of recognizing the state as a legitimate local mediator of conflicts in society. This explains why people in the rural areas ask: “Why they did not come back to take the dead from the graves?”; why rural children invite you to show you where the “holes” are; why priests cross themselves when passing trees, bends in the road and waterfalls; why farmers prefer to forget some areas of their farms, and why the mourners remain hopeful of someday seeing a car from the ‘Fiscalía’ (prosecutor office) to recover “the remains of their people”. They keep waiting and hoping for the state. At the same time progress in the regions does not stop: local elites prefer to leave things ‘quiet’, they say “there is no need to revive so much pain” or to unearth hatreds, and they say that the dead “are things of the past”. For these elites the state is protecting them from present dangers and, undoubtedly, from the revenge of the past. Meanwhile, the Colombian state machine continues to build or ‘consolidate’ some territories without the support, the participation or the involvement of their inhabitants.

In that sense, this research has shown the importance of three interrelated elements: the absence of the central state in the territories; the construction of productive economic systems based on individual enterprise and a system of violence which regulates it. This system of violence is based on: a) a core of tradition focused on key figures representing ‘order’, b) collective imaginary memories joining together different events in a single narrative order that replaces historical objectivity, and c) a single system of existence and representation based on economic power. This economic system is developed under a form of violence uncontrolled by the state but which seems to be sustainable. These findings are an additional result of this work and should be explored in more detail in the future.

On land restitution or protection, I studied the situation of protecting land rights of internally displaced persons during war and I am arguing in favour of the protection programs and against those of

restitution in the case of IDPs. The basis of the argument rests on four points, with the first three supported by this research and the latter rejected: a) property is a right to be protected immediately to prevent further violence; b) protection is an effective, rapid and practical way to solve problems detected in the case of restitution (time, money and resources, and suffering for the people affected by war), as are the second occupants or the inability to prove ownership; c) it allows quick identification, care for and inclusion of victims in protection and assistance programs; d) its potential to reduce the violence or to reduce the effects of conflict in society has not been validated by this study. Regarding the Colombian conflict this research has shown that measures of protection of internally displaced people in Colombia, rather than protect their rights as citizens (albeit in very specific situations) is in reality reclassifying displaced people into differential categories of citizenship; partly as a consequence of 'positive discrimination', but mainly in the idea of differential identity construction. These differential identities generate three problems. First, a double victimization for those who are displaced but not officially catered for, and obviously therefore not in receipt of benefits and socially discriminated against. Secondly, the condition of the identity of 'displaced person' is counterproductive because it does not promote solutions to the problems which generated the displacement, but rather solutions comprising of rapid humanitarian assistance or welfare plans, which leads to delays in the repair of the social fabric; delays to the individuals' (re)incorporation into productive systems and delays *vis-à-vis* the acquisition of improvements to overcome the condition of displacement. Finally, this differential identity promotes a welfare culture and replaces the natural link of constant feedback between the social and the political networks with paternalism, which replaces the state's responsibility in favour of commercialism.

Finally, regarding the Colombian armed conflict, it was shown that the greatest achievement of the "democratic security" policy during

the government of Álvaro Uribe Vélez was not that of the state regaining control over violence, but rather reasserting the legitimacy of the use of violence by the state: Colombians now accept that the state must use violence. However, this is misunderstood by some civil authorities and local elites in certain areas who perceive it as violence directed by the state against specific group(s) within the population, or discriminating in favour of the protection of specific parts of an area. This clearly distinguishes between the violence and the conflict. As interviewee 40-N2 argues: in Colombia there has been imposed a culture that justifies all the dead, all the murder, and all crimes; many of them for the sake of what civilians designate as 'security'. According to Alvaro Balcazar it is clear that security in Colombia is in the hands of civilians and requires civilians to engage in it actively, because the military are only a fundamental instrument of the same, but not the architects.

Appendix 1: Interviewees list

Introduction

In this appendix I present the interview coding schedule. It includes the list of coding and no-coding references with the date of the interview. As explained in Chapter five, the towns participating in the program were coded as North1 and South1. Control towns were coded as: North2 and South2. This codification is also applied to the interviews identifying the residents interviewed in South1 as S1, interviewees in South2 as S2; interviewees in North1 as N1, and interviewees in North2 as N2. The full code of an interviewee consists of: (general number of interview) – (population ID) / (meeting

number). For example, reference 25-S1 / 2, refers to the second interview made to interviewee number 25 who lives in South1. Officials, researchers, or experts interviewed in cities outside the studied towns were coded as follows: BOG-Bogotá; CAL-Cali; and TUL-Tuluá.

Table 7: List of no-coded interviews

#	Dates	Location	Self-identification
1	10-Feb-09	Bogotá	Doris Elena Alzate Gómez - Communication officer LPPP
2	18-Feb-09 / 11-Nov-09 / 21-Nov-09	Cali	Clara Galeano - Social researcher - Anthropologist, specialist on violence and IDPs
3	12-Mar-09 / 21-Nov-09	Cali	Natalia Suárez - academic
4	19-Mar-09	Bogotá	Eduardo Pizarro - Head of CNRR
5	19-Oct-09	Bogotá	Alvaro Balcazar - Head of CCI-La Macarena
6	21-Oct-10	Cali	Julio Vidal - Businessman
7	03-Nov-10 / 09-Nov-10	Bogotá	Armando Borrero - Academic
8	24-Nov-10 / 26-Nov-10	Bogotá	Hyarold Correa - Head of SIMCI

Source: Own elaboration.

Sub-total number of interviewees: 8

Sub-total number of elite interviews: 5

Sub-total number of non-elite interviews: 8

Sub-total number of interviews: 13

Coded list

Denied Scheduled interviews

Table 8: List of no-performed interviews

#	Dates	Location	Self-identification
1	N/A	Bogotá	Head of Land Proyect
2	N/A	South2	Mayor
3	N/A	South1	Mayor
4	N/A	North1	Mayor
5	N/A	North2	Mayor

Source: Own elaboration.

Sub-total number of interviewees: 0

Sub-total number of interviews: 0

Realized Scheduled interviews

Table 9: List of coded interviews. Own elaboration.

#	Dates	Location	Code	Self-identification
1	19-Feb-09 / 4-Mar-09 / 9-Oct-09 / 20-Nov-09	Cali	1-CAL	Regional LPPP representative
2	19-Feb-09 / 12-Mar-09	Cali	2-CAL	Regional LPPP representative
3	24-Feb-09	Bogotá	3-BOG	Army Coronel - CCAI
4	26-Feb-09	Bogotá	4-BOG	CNRR adviser
5	06-Mar-09	South1	5-S1	Local worker for prosecutor's office
6	06-Mar-09	South1	6-S1	Worker on Local Planning office
7	11-Mar-09	Cali	7-CAL	Army Major - III Brigade
8	12-Mar-09	Tuluá	8-TUL	Businessman
9	12-Mar-09	Tuluá	9-TUL	OAS observer
10	12-Mar-09	Tuluá	10-TUL	Rural worker - victim
11	12-Mar-09	Tuluá	11-TUL	Rural worker - victim
12	18-Mar-09 / 15-Oct-09	Bogotá	12- BOG	National worker for prosecutor's office
13	7-Oct-09 / 20-Oct-09 / 24-Nov-09	South1	13-S1	Local Umata's head
14	7-Oct-09 / 10-Oct-09	South1	14-S1	Local Umata's worker
15	08-Oct-09	South1	15-S1	Historian
16	8-Oct-09 / 14-Oct-09	South1	16-S1	Historian - Former local mayor
17	08-Oct-09	South1	17-S1	Local Government Secretary / Secretario de Gobierno municipal
18	09-Oct-09	Cali	18- CAL	Head of Regional government International affairs' office
19	09-Oct-09	Cali	19- CAL	Regional government adviser
20	10-Oct-09 / 16-Nov-09 / 23-Nov-09	South1	20-S1	Elected Peasants community representative

21	10-Oct-09	South1	21-S1	Elected Peasants community representative
22	11-Oct-09	South2	22-S2	Policeman
23	11-Oct-09	South2	23-S2	Local Government Secretary / Secretario de Gobierno municipal
24	12-Oct-09	South1	24-S1	Hotel worker
25	13-Oct-09	South1	25-S1	Head of Local school
26	13-Oct-09	South2	26-S2	Priest
27	14-Oct-09	South1	27-S1	Worker on Local Planning office
28	17-Oct-09 / 29-Oct-10	Bogotá	28-BOG	Worker on Land project
29	21-Oct-09	South1	29-S1	Priest
30	22-Oct-09 / 16-Nov-09 / 23-Nov-09	South1	30-S1	Local Peasants leader
31	22-Oct-09	South2	31-S2	Local Umata's head
32	22-Oct-09	South2	32-S2	Rural worker
33	23-Oct-09	South2	33-S2	Historian
34	23-Oct-09	South2	34-S2	Small Businesswoman
35	23-Oct-09	South2	35-S2	Worker on Local Planning office
36	24-Oct-09	South2	36-S2	IDP from Pacific coast
37	26-Oct-09	North1	37-N1	Head of Local Planning office
38	26-Oct-09 / 30-Oct-09 / 5-Nov-09	North1	38-N1	Local Umata's head
39	26-Oct-09	North1	39-N1	Priest
40	27-Oct-09 / 3-Nov-09 / 14-Nov-09	North2	40-N2	Priest
41	27-Oct-09 / 29-Oct-09 / 4-Nov-09	North2	41-N2	Religious worker
42	28-Oct-09	North1	42-N1	Fireman
43	28-Oct-09 / 7-Nov-09	North1	43-N1	Medium businessman
44	28-Oct-09 / 7-Nov-09 / 12-Nov-09	North1	44-N1	Municipal employee
45	30-Oct-09	North1	45-N1	Hotel worker
46	03-Nov-09	North2	46-N2	Policeman
47	03-Nov-09	North2	47-N2	Victim
48	05-Nov-09	North1	48-N1	Local Government Secretary / Secretario de Gobierno municipal
49	06-Nov-09	North2	49-N2	Religious worker -victim

50	06-Nov-09	North2	50-N2	Representative of the Public service and civil rights defender / Personera
51	06-Nov-09	North2	51-N2	Rural worker - victim
52	06-Nov-09	North2	52-N2	Local Government Secretary / Secretario de Gobierno municipal
53	07-Nov-09	North1	53-N1	Local politician
54	07-Nov-09	North1	54-N1	Driver
55	07-Nov-09	North1	55-N1	Head of IMCA
56	7-Nov-09 / 10-Nov-09	North1	56-N1	Rural worker - victim
57	07-Nov-09	North1	57-N1	Rural worker - victim
58	07-Nov-09	North1	58-N1	Rural worker - victim
59	07-Nov-09	North1	59-N1	Rural worker - victim
60	9-Nov-09 / 14-Nov-09	North2	60-N2	Social worker - victim
61	09-Nov-09	North2	61-N2	Social worker - victim
62	14-Nov-09	North2	62-N2	Driver
63	14-Nov-09	North2	63-N2	Rural worker - victim
64	14-Nov-09	North2	64-N2	Rural worker - victim
65	14-Nov-09	North2	65-N2	Rural worker - victim
66	14-Nov-09	North2	66-N2	Rural worker - victim
67	14-Nov-09	North2	67-N2	Rural worker - victim
68	14-Nov-09	North2	68-N2	Rural worker - victim
69	14-Nov-09	North2	69-N2	Rural worker - victim
70	16-Nov-09	South1	70-S1	Minor businesswoman - victim
71	17-Nov-09	South1	71-S1	Minor businessman
72	18-Nov-09	South2	72-S2	Hotel worker
73	18-Nov-09	South2	73-S2	Minor businesswoman
74	18-Nov-09	South2	74-S2	Minor businessman
75	19-Nov-09	South2	75-S2	Peasants representative
76	19-Nov-09	South2	76-S2	Peasants representative
77	19-Nov-09	South2	77-S2	Rural worker
78	21-Nov-09	Cali	78-CAL	Artist
79	23-Nov-09	South1	79-S1	Local Peasants leader - victim
80	26-Nov-09	Bogotá	80-BOG	Army Coronel - CCAI

Source: Own elaboration.

Sub-total number of interviewees: 80

Sub-total number of elite interviews: 39

Sub-total number of non-elite interviews: 66

Sub-total number of interviews: 105

Totals

The total number of interviewees is eighty eight (88); from those eight (8) interviewees were recorded without codes, and eighty (80) with codes. The main reason for coding was to protect the real name of both set of towns.

The distinction between elite or non-elite interviews is based on government participation. The total number of elite interviews is forty four (44), and the non-elite interviews is seventy four (74); this sum in total: one hundred eighteen (118) interviews.

List of Abbreviations

IDP	– Internally Displaced People
PWR	– Post-war Reconstruction
DWR	– During war Reconstruction
LPPP	– Land and Property Protection Program (Colombian government)
IHL	– International Humanitarian Law
PRDU	– Post-war Reconstruction and Development Unit (University of York)
DDR	– Disarmament, Demobilisation and Reintegration
USSR	– Union of Soviet Socialist Republics (Soviet Union)
WWI	– First World War
WWII	– Second World War
UNRRA	– United Nations Relief and Rehabilitation Administration
COHRE	– Centre on Housing Rights and Evictions
UNESCO	– United Nations Educational, Scientific and Cultural Organization
UNODC	– United Nations Office on Drugs and Crime
SIMCI	– Sistema de Información y Monitoreo de Cultivos Ilícitos de Naciones Unidas (UN Monitoring and Information System on Illicit Crops)
URNG	– Unidad Revolucionaria Nacional Guatemalteca (Guatemala's national revolutionary union – guerrilla and political movement)
NGO	– Non-Governmental Organization
IO	– International Organization
ILAC	– International Legal Aid Centers (Operated by the Norwegian Refugee Council)
IDMC	– Internal Displacement Monitoring Centre (Operated by the Norwegian Refugee Council)
CRP	– Civil Rights Project (From the IDMC)
OCHA	– United Nations Office for the Coordination of Humanitarian Affairs
PCF	– World Bank Post-Conflict Fund

- USAID – United States Agency for International Development
- IOM – International Organization for Migrations
- UNHCR – United Nations High Commissioner for Refugees
- SIDA – Swedish International Development Cooperation Agency
- IMCA – Instituto Mayor Campesino (Colombian NGO working in peasant training)
- CODHES – Consultoría para los derechos humanos y el desplazamiento (Colombian NGO on Displacement and Human Rights)
- SISDHES – Sistema institucional de Información sobre desplazamiento, conflicto armado y derechos humanos (Colombian Institutional Information System on displacement, armed conflict and human rights – Operated by CODHES)
- RUPTA – Registro Único de Predios y Territorios Abandonados (Colombian Unified Registry of Abandoned Land and territories)
- RUPD – Registro Único de Población Desplazada (National Register of Displaced Population)
- CERAC – Centro de Recursos para el Análisis de Conflictos (Conflict Analysis Resource Center)
- UMATA – Unidad Municipal de Asistencia Técnica Agrícola (Colombian Municipal Unit for Agricultural Technical Assistance)
- Acción Social – Agencia presidencial para la acción social y la cooperación internacional (Colombian Presidential Agency for Social Action and International Cooperation)
- CCAI – Centro de Coordinación de la Acción integral (Centre for Coordination of Integrated Action)
- CFIM – Centro de Fusión Integral de la Macarena (Colombian Macarena's Center for Integrated Work)
- CNRR – Comisión Nacional de Reparación y Reconciliación (Colombian National Commission for Reparation and Reconciliation)
- RSS – Red de Solidaridad Social (Colombian Social Solidarity Network)
- ACCI – Agencia Colombiana de Cooperación Internacional (Colombian Agency of International Cooperation)
- FIP – Fondo de Inversión para la Paz (Colombian Investment Fund for Peace)

- FOREC – Fondo para la Reconstrucción y el Desarrollo del Eje Cafetero (Colombian Coffee region Reconstruction and Development Fund)
- INCODER – Instituto Colombiano para el Desarrollo Rural (Colombian Institut for the Rural Development)
- SNAIPD – Sistema Nacional de Atención Integral a la Población Desplazada (Colombian National System for Integral Attention to the Displaced Population)
- FARC – Fuerzas Armadas Revolucionarias de Colombia (Colombia' revolutionary army – Guerrilla organization)
- BACRIM – Bandas Criminales (Colombian Criminal Gangs – Paramilitary and criminal groups)

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- Law 160 of 1994	- Decree 2007 of 2001
- Law 387 of 1997	- Decree 250 of 2005
- Law 785 of 2002	- Decree 2467 of 2005
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