CIVIL WAR?

THE LANGUAGE OF CONFLICT IN COLOMBIA

CONTENTS

PREFACE

La Fundación Ideas para la Paz (The Ideas for Peace Foundation or FIP from its initials in Spanish) came into being at the end of 1999 due to concern on the part of members of the business community about the gravity of the situation in this country as well as over Colombian society's lack of consciousness and paucity of information on the processes for dialogue and negotiation.

During its first two years of existence, the FIP has given priority to the production of articles and documents that contribute to an understanding of the Colombian conflict as well as of the processes for dialogue and negotiation.

The FIP is aware of the importance of adequately and effectively disseminating these materials in order to assure that they reach the greatest possible number of readers. It has thus decided to join forces with *Cambio* magazine and the Alfaomega Colombiana, S.A. publishing house in the context of their series "Libros de *Cambio*" (*Cambio* Books).

The first fruit of this collaboration is the publication of historian Eduardo Posada Carbó's essay entitled "Civil War? The language of conflict in Colombia" (original title in Spanish *¿Guerra civil? El lenguaje del conflicto en Colombia.)*

INTRODUCTION[1]

A recent editorial in *El Espectador*[2] asked "Why aren't we capable of perceiving the civil war in Colombia that the rest of the world sees?" This particular question was inspired by the reflections found in an essay by William Ramírez Tobón in which he suggests that "a new type of civil war is taking shape and a solution to it depends to a great extent on a precise and timely diagnosis."[3] Ramírez Tobón and *El Espectador* are not the only ones who have suggested that the Colombian conflict could be defined as a "civil war." Ex President Alfonso López Michelsen is perhaps the most distinguished public figure within our country to have classified the present conflict as such. In a commentary he wrote on the current peace process, he described it as "a classic civil war situation already in being."[4] Outside of the country, it is increasingly common to consider it as being a "civil war."

The tendency to define Colombia's conflict as a "civil war" has been seriously questioned. Fernando Uricoechea and Eduardo Pizarro Leongómez, in their respective newspaper columns, have criticized the use of this term. According to Uricoechea, "to describe the armed conflict in Colombia as a civil war is not only

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[1] The original version of this essay was written for the *Fundación Ideas para la Paz* (The Ideas for Peace Foundation) in Bogotá, Colombia in May of 2001 and was entitled *"¿Guerra civil? ¿Guerra contra los civiles? ¿Violencia generalizada? Sobre la naturaleza del conflicto en Colombia".*) The present text differs from the original only with regard to a few minor changes and these are primarily to be found in the bibliography. I have therefore not taken into account the impact of the tragic events of September 11 in the United States on the Colombian conflict because I feel that they do not have a fundamental influence on the basic arguments and conclusions of this essay. I wish to thank the *Fundación Ideas para la Paz* for having authorized and aided this edition.

[2] *"Verdades para tener", El Espectador,* September 13, 2000.

[3] William Ramírez Tobón, "Violencia, Guerra civil, contrato social," published by the *Instituto de Estudios Políticos y Relaciones Internacionales,* (Institute for Political Studies and Foreign Relations) Bogotá, 2000.

[4] Op-Ed *"El discurso del ex presidente César Gaviria,"* by Alfonso López Michelsen in *El Tiempo,* February 18, 2001.

objectively incorrect but, even worse, politically perverse." Pizarro, for his part, states that "to speak of civil war in Colombia amounts to grave intellectual stupidity."[5] Fernando Cepeda Ulloa has also warned of the "careless usage" of much of the terminology having to do with the country's problems, among which is the concept of "civil war."[6] In his latest book of essays, Daniel Pécaut raises objections to the use of this expression in explaining the nature of the Colombian conflict.[7] Even President Andrés Pastrana has made an effort at clarification upon observing that in our country, rather than a civil war what we have is "a war against the civil society."[8]

Is this just a play-on-words? Some people think so. Spanish journalist Miguel Ángel Bastenier was scathingly sarcastic in his criticism of a seminar held in Cartagena and at which a discussion took place as to "whether or not the conflict is a civil war, the participants passionately endowing their words with the quality of the miraculous, as though the decision as to how to refer to the conflict would add to or take away from its gravity. Magical realism in the best Macondo tradition."[9] For

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[5] Eduardo Pizarro Leongómez, "¿Representación ficticia?", *El Espectador*, August 26, 2000; and Fernando Uricoechea, "¿Cuál guerra civil?", *El Tiempo*, October?, 2000. See also Pizarro's observations in his interview with Guillermo Solarte, *No ha pasado nada. Una Mirada a la Guerra* (Bogotá, 1998), p. 256-57.

[6] Fernando Cepeda Ulloa, "Hablar mal (pésimo) de Colombia esta de moda," *Cambio*, February 14, 2000.

[7] Daniel Pécaut, *Guerra contra la sociedad,* (Bogotá, 2001), p 9-20. Before this article, Pécaut had previously argued that Colombia "does not know what civil war is," in *Le Monde* and in *Problemes d'Amérique Latine;* see idem, p 12. In a recent seminar organized in Cartagena in March of 2001 and in which distinguished academics, journalists and political leaders participated, agreement was reached to the effect that "there is no civil war in Colombia." See Rafael Nieto Loaza's account "Los procesos de paz: más preguntas que respuestas," in Fernando Cepeda *Ulloa's "Haciendo paz. Reflexiones y perspectivas del proceso de paz en Colombia* (Bogotá, 2001.)

[8] Referred to in Uricoechea, "¿Cual guerra civil?"

[9] M.A. Bastenier, "La Incivil Guerra Colombiana," *El País, Novemberr 30, 2000. "Let´s not make things more complicated because of terminology,"* said Alfredo Molano in response to Eduardo Pizarro when the latter, in a virtual conversation organized by *Semana* magazine and subsequently circulated via the Internet, attempted to explain why there is no "civil war " in Colombia.

analysts such as Bastenier, it would seem that conceptual precision is not very important. They feel that it would be sufficient to say that in Colombia "a very real war prevails in which a witches' brew of guerrilla movements confronts a precarious State."[10] Bastenier recognizes that in some respects it is a "peculiar" conflict. But in any case he feels that what we have "before us is very much a civil war" whose "horrific context" tends to make it more and more complex and, in turn, "an even more atrocious uncivil war."

Civil war? War-against-civilians? Uncivil war? The exercise of debating the validity of these concepts does not in any way signify divesting the conflict of gravity or minimizing its dimensions. Nor is this a merely semantic argument or a theoretical or abstract debate. Intellectuals' visions of a particular society cannot be disconnected from the language that they use in order to analyze it.[11] In this case however, conceptual clarity is of interest to us chiefly for profound practical reasons. In the first place, it is important in the context of the domestically chosen path for attaining peace in Colombia. Whatever terminology is selected will define the nature of the conflict and will thus determine the range of possibilities for finding a solution. Secondly, this terminology has a bearing on the country's formal relations with the outside world. The application of international law has traditionally been determined by the manner in which conflicts are classified. Lastly, these concepts are of interest with regard to informal relations with the so-

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[10]   Bastenier, "La incivil Guerra Colombiana."
[11]   For a recent essay highlighting the role of intellectuals in the reformulation of language with respect to the struggle against the ETA in Spain, see Edurne Uriarte, "La sociedad civil contra ETA," *Claves de Razón Práctica*, N. 111, April, 2001.

called international community. Public opinion has become increasingly predominant in an international policy in which the interventionist agenda, motivated by "humanitarian" sentiments, threatens to displace the principal of sovereignty. In this context, the perceptions that people in other countries have of the conflict could influence the making of decisions that are of importance to Colombia, ranging from the amount of international aid and the guidelines for its use to possible military intervention.

This essay seeks to examine various questions relating to the concept of "civil war" with regard to its application to the Colombian conflict. The indiscriminate use of this term does not help to identify the characteristics of the Colombian experience. If, as William Ramírez Tobón argues, "a solution to the conflict depends on a precise and timely diagnosis", then the utilization of the term "civil war" will not contribute in any way to such a precise diagnosis. It is therefore necessary to make a more systematic effort to define the type of war with which Colombia is presently afflicted.

In the following section, I will briefly explore the manner in which attempts have been made to define the idea of "civil war" from the point of view of various disciplines. I will then examine in greater detail the way that this classification has become widespread with reference to the Colombian experience, both in the news media and in the academic world, and I will try to arrive at an appreciation of its implications and ambiguities. I will then also call into question the description of the conflict as being a situation of widespread violence –a recent variation on the

concept of "civil war." Finally, I will comment on the tendency to refer to the Colombian conflict as a "war against civilians." The aim of this essay is not to offer an alternative concept but rather to review stereotypes. This must be the first step towards identifying those elements that may allow us to achieve greater clarity with respect to the nature of the conflict in Colombia.

CIVIL WAR AND ITS DEFINITIONS

"War" is one of those concepts that are extremely complex and difficult to define. In general terms, according to Clausewitz, "war is…a duel on a grand scale;" or "an act of force to make our enemies do what we want them to."[12] From the point of view of international policy and law, war has historically been associated with conflicts between nations.[13] A simple definition of "civil war" would refer to an internal conflict within the borders of a State, as opposed to an international war. This, in effect, is the general usage of the term.

That is how the concept was understood in the nineteenth century, although the expression "civil war" was frequently employed along side of others such as "revolution." Juan Espinosa, in his *Diccionario para el Pueblo*, published in 1855, set out some of the characteristics of such conflicts in Latin America: "The irate passions of men are more greatly aroused in the course of civil, political or religious wars than in wars fought between nations."[14] In such circumstances, "brother fights against brother and son against father." They are characterized by

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[12] Carl von Clausewitz, On War (London, 1993), p 83. The renowned contemporary war historian John Keegan is extremely cautious in defining it as follows: "War is collective slaughter with a collective purpose; that is as far as I can go in attempting to define it;" J. Keegan, War and Our World (London, 1999), p.72.

[13] Kalevi J. Holsti, *The State, War and the State of War* (Cambridge, 1996, re-edited 1999), p.1. For a discussion of the different concepts of "war" from the perspective of international law, see Ingrid Detter, *The Law of War* (Cambridge, 2000) p 362. For a conceptual discussion from the point of view of morality, see Ian Clark, *Waging War, A Philosophical Introduction* (Oxford, 1990), chapter 1. Clark's emphasis on demonstrating the relationship between the concept of war and the rules for its conduct leads him to examine the idea of war as something that occurs between nation states. A similar definition may be found in the works of Plato: "It seem to me that war and civil conflict are different with respect to nature and name…War signifies a struggle against an external enemy; when the enemy is from the same family, we call it a civil conflict," as cited by Clark in *Waging War*, p. 12.

[14] Juan Espinosa, *Diccionario para el Pueblo: republicano democrático, moral, político y filosófico* (Lima, 1855), p. 545 and ss.

"the goal of making the others submit indefinitely, but with the irritant of not being able to fully obtain this result because the opposing forces counterbalance one another, they do not separate, they are inhabitants of the same territory and they communicate their unsatisfied hatred and thirst for vengeance. They are children of the same mother and they tear each other apart in her sight without any respect."[15] Let us observe the key elements as identified by Espinosa: the parties to the conflict belong to the same political community, there is a certain balance between the forces involved in the dispute and there is a high degree of confrontation which leads to extraordinarily brutal conduct.

Elements of this common definition of "civil war" were already present in the early treatises on international law dealing with the subject, although their authors considered it necessary to make reference to the State as an obligatory party to the conflict. Emmerich de Vattel, in his classic work originally published in 1758, made the observation that "it is customary to apply the term civil war to any war between members of the same political society." But he goes on to state that "if the war is fought by a body of citizens on one side against the sovereign and those who remain loyal to him on the other, then the only thing necessary in order to be able to call it a civil war is for the insurgents to have a cause for which they may take up arms."[16] Not only did de Vattel thus favor a broad definition of "civil war", he went further still. He felt that such conflicts gave rise, within the same nation, to the formation of two parties that, due to their opposing points of view with regard to the

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[15] *Idem*, p. 545-546.
[16] Emmerich de Vattel, "Civil War," in R. Falk, ed., *The Vietnam War and International Law* (Princeton, 1968), vol. 1, p. 20.

justice of their own actions, should be considered by the laws of war to constitute "two separate political bodies, two distinct nations."[17] According to de Vattel, the conceptual distinction becomes meaningless: all civil wars ought to be treated just like international wars – a concept currently in vogue in some circles. However, de Vattel recognized in any case that such a broad definition of "civil war" contained certain elements having to do with a conflict's intensity or size. This may be perceived in his references to the existence of a division of the Republic into two opposing groups, "each one of whom insists that they are the true State," or the break-up of the State that leads to a "public war between two different nations."[18]

International law has traditionally made a distinction between the diverse levels of a given internal conflict, above all in order to be able to apply the laws of war to the conduct of such conflicts as well as to facilitate defining the legal relationships between other countries and the warring parties. In this area, the expression "civil war" has also been employed in keeping with its generally accepted meaning. According to Castren, this refers, to the existence of "an armed conflict between two opposing State organisms or groups of people within a State," or to an internal conflict "of a serious nature that has taken on considerable proportions, both in duration and size."[19] Such a general definition is not sufficient. Not all internal conflicts may be understood as being "civil wars." Not all "civil wars" are subject to the same rules of international law. It is thus pertinent to recognize the levels and sizes of these conflicts with a certain decree of precision.

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[17] *Idem.*
[18] *Idem,* p.19 and 22.
[19] Erik Castren, *Civil War* (Helsinki, 19966), p. 28.

Specifically, the doctrine distinguishes between three phases in classifying a "civil war": rebellion, insurgency and belligerence. These phases are determined according to a given conflict's intensity and give rise to different consequences with respect to the application of the law. Rebellion, which incorporates acts such as commotion and violent protest, refers to sporadic confrontations with the forces of the State. Only when an armed rebellion takes on a "grave" character does it become an "insurgency" – that is to say, according to Castren, in those cases in which the established government were incapable of "keeping the peace and exercising its authority over all parts of the national territory."[20] Insurgency would be the intermediate step on the path towards belligerency – the final status that would give a "civil war" the connotations of an international war for the effects of the application of the laws of war.

This distinction between rebellion, insurgency and belligerency would not resolve the ambiguity of these definitions. It has never been easy to make the distinction between "insurgency" and "belligerency." [21] Since the Civil War in the United States in the middle of the nineteenth century, its practical application has been rare.[22] Thus the traditional concept of "civil war" - as being a "type of conflict in which the insurgents' belligerent status has been recognized" - was gradually abandoned by

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[20] See Castren, Civil War; Daoud L. Khairallah, *Insurrection under International Law, with Emphasis on the Rights and Duties of Insurgents* (Beirut, 1973) p. 69-72.

[21] For an up to date discussion that also illustrates the difficulty of defining both categories, see Brad R. Roth, *Governmental Illegitimacy in International Law* (Oxford, 2000), p. 173-182.

[22] In 1937, one writer observed that British literature on the subject began and ended with the U.S. Civil War. See W. L. Walker, "Recognition of Belligerency and Granting of Belligerent Rights," in *Transactions of the Grotious Society. Problems of Peace and War* (1938), vol. 23,p. 179. See also Quincy Wright, "The American Civil War, 1861-1865," in Richard Falk ed. *The International Law of Civil War* (Baltimore and London, 1971.)

writers on international law.[23] According to Ingrid Detter, the expression "civil war" still denotes "the need for rules drawn up for recognition (of belligerency) based on clear-cut distinctions and other characteristics that are not always present in modern-day conflicts."[24]

In view of these difficulties, authors such as Richard Falk have advocated a more appropriate regulative frame of reference that should not just be acceptable to governments but also serve "to promote policies aimed at minimizing the violence of the conflicts, extolling human dignity and promoting national self-determination."[25] To this end, Falk would suggest classifying the different types of civil wars as well as identifying the topics for the world order that would arise from the distinct characteristics of the various types. Specifically, Falk proposes five categories: (1) standard civil war; (2) war for hegemony; (3) war for autonomy; (4) war of secession and (5) war for reunification. Other wars could have a combination of the elements described in these five categories. With the exception of the "standard civil war", Falk's classification underlines the difficulty of making a neat distinction between internal and international conflicts. While "wars for hegemony" involve the participation of third-party States, the three remaining categories in some way predict an eventual dispute between States – to the extent in which conflicts aim at successfully combating a colonial power or reaffirming the

[23] For more on the disuse of the term, see the respective commentaries in G. Draper, "The Status of Combatants and the Question of Guerrilla Warfare," *The British Yearbook of international law*, 1971 (Oxford, 1973); H. McCoubrey and N. White, *International Organizations and Civil Wars* (Aldershot and Vermont, 1995), p. 6; A. Poberts and R. Guelff, eds. *Documents on the Laws of War* (Oxford, 2000), p. 23 and A. Rosas, *The Legal Status of Prisoners of War. A Study in International Humanitarian Law Applicable in Armed Conflict* (Helsinki, 1976), p. 245.
[24] Detter, *The Law of War*, p. 43-44.
[25] R. Falk, *The International Law of Civil War*, (London, 1971), Introduction.

principal of national self-determination. (I shall return later to this system for classification with respect to the Colombian experience).

In the context of the intensifying discussion about internal conflicts during the 1970s, especially that which took place in and around the Geneva Conferences, one particular type of "civil war" attained independent status: wars of "national liberation." [26] These were incorporated into Article 1(4) of Protocol I of 1977 which refers to "armed conflicts in which people are fighting against colonial and alien domination, and against racist regimes in the exercise of their right of self-determination" – the struggles of the so-called national liberation movements.[27] Wars of this category were no longer viewed as strictly "civil" and came to be seen as being on an equal footing with international conflicts with regard to the application of the laws of war. As Heather A. Wilson has pointed out, the scope of Article I (4) is very limited. Some of its ideas were incorporated while keeping in mind very specific conflicts such as in South Africa, Israel and the then Portuguese colonies.[28]

 As a result, the classic concept of "civil war" – implying recognition of belligerence – was abolished in international law due to the difficulties mentioned above. In its place, the current term refers to "armed conflict of a non-international character,"

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[26] See the work of Heather A. Wilson, *International Law and the Use of Force by National Liberation Movements* (Oxford, 1990).

[27] Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) in Adam Roberts and Richard Guelff, eds. *Documents on the Laws of War* (Oxford, 2000), p. 423.

[28] Wilson, *International Law and the Use of Force*, p. 168. See also Holsti, *The State, War, and the State of War*, p.26.

with respect to which the relevant Geneva Conventions would have immediate applicability. According to Dietrich Schindler, international law currently distinguishes between four types of conflicts: (1) armed international conflicts; (2) wars of national liberation; (3) non-international armed conflicts in accordance with Article 3 of the Geneva Convention; and (4) non-international conflicts in accordance with Protocol II of 1977.[29] Although this system of classification is considered to be of greater usefulness in seeking to apply minimum humanitarian rules without the necessity of going through the intricate process for granting recognition of belligerence, the problems related to finding precise concepts have not disappeared. The distinctions between international and non-international armed conflicts are frequently ambiguous. And the degree of diversity among non-international conflicts is so great that classification in and of itself tells us very little about the nature of specific conflicts.

In disciplines other than international law, the concept of "civil war" is frequently used without benefit of any further explanation to refer in a general way to internal conflicts of great diversity. Among economists, for example, "civil war" is defined as "an internal conflict that brings about at least one thousand combat-related deaths."[30] Using this criterion, Paul Collier and Anke Hoeffler classify 73 conflicts in diverse regions of the world that occurred between 1965 and 1999 as "civil wars". There appears to be a predominating tendency among students of international

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[29] D. Schindler, "The Different Types of Armed Conflicts According to the Geneva Conventions and Protocols", in *Recueil des Cours*, 163 (1979), vol. 2, p. 127.

[30]   Paul Collier, "Economic Causes of Civil Conflict and their Implications for Policy", mimeograph, 2000, p.3.

relations to use the concept of "civil war" in its broadest sense. Charles King recognizes the difficulties in defining what is a "civil war." He maintains that any definition depends on arbitrary criteria in a field in which "no civil war today is totally internal." His caution, however, does not prevent him from classifying around 40 "internal conflicts" that had not been resolved as of 1997 as "civil wars."[31] In a similar exercise, David Keen identifies approximately 50 "civil wars" between 1994 and 1998. Within these general classifications, such dissimilar conflicts as those in Sudan, Chechnya, Northern Ireland and Colombia are accorded comparable status. It is not hard to appreciate the inherent difficulties in using the category of "civil war" so loosely, whether the aim is to understand the nature of a specific conflict or to search for solutions to others. While not denying that there may be common elements, it is not particularly useful for analytical purposes to put the United Kingdom and Ruanda in the same category merely because they are both afflicted by "civil wars".

Other recent efforts to come closer to a definition of "civil war" have also been unsuccessful. "Civil wars," according to Peter Waldmann, have lost their "classic character;" that is to say they no longer follow the model for international wars in which the State was the point of reference. In its place, he maintains, "civil wars" have acquired a new 'pre-state' or 'para-state' quality."[32] Waldmann suggests a "new definition of the function of civil wars that would see them not only as a

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[31] Charles king, Ending Civil Wars", *Adelphi Paper*, 308 (Oxford, 1997).
[32] Peter Waldmann, "Guerra civil: aproximación a un concepto difícil de formular," in Peter Waldmann and Fernando Reinares, ed., *Sociedades en guerra civil: conflictos violentos en Europa y América Latina* (Barcelona, Buenos Aires and Mexico, 1999), p. 27.

contributing factor in the formation of a State but also as the cause of its transformation or decomposition." The central premise of his analysis is the supposition that the State has abandoned its role as an "organization of basic reference." Waldmann, along with many others, does not believe it possible to establish "a real difference between national war and international war." While he recognizes "the danger of making the spectrum of phenomena that could be classified as 'civil wars' too all inclusive," he nevertheless insists on its general usage: "a prototype for civil war…does not exist." Instead, the concept would embrace a wide range of "possible forms and styles."[33] Later in this essay I will examine some of the errors and problems that arise when we abandon the State as the point of reference. For now, it is enough to say that Waldmann's attempt to come up with an approach to "a difficult concept to formulate" – "civil war," seems to me to be a failure. Instead of clarifying, it confuses. Any attempt to define "civil war" is diluted by ambiguities.

But the person who has recently done the most to expand the concept of "civil war" is probably the German poet and essayist Hans Magnus Enzensberger. According to him, "civil war" is not merely "an ancient custom but is actually the primitive form of all collective conflict."[34] He observes that "up until the present moment, there is no useful theory on civil war." His proposals, however, do not fill the void. Enzensberger categorizes some civil wars as being "classic": the 30 Years War in Germany; the civil wars in the United States and Spain; the war between Whites

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[33] Waldmann, "Guerra civil," p. 35.
[34] Hans Magnus Enzensberger, *Civil War* (London, 1994), p. 11.

and Reds in Russia. And he goes on to discuss the contrasts between the different characteristics of international wars and civil wars of the past. The current outlook would be substantially different. While in the past, according to Enzensberger, civil wars culminated in the rise of the rule of law, "it is doubtful that today's civil wars will have a similar result." Today's "civil wars" have no defined objective, plan, or strategy; everything is "pillage, death, destruction."[35] The novelty of today's "civil wars," in his view, is specifically that "they are waged without demands being formulated by the parties involved and are wars about absolutely nothing."[36] He does not see these conflicts as being exclusive to the Third World. "The truth," he continues, "is that civil war came to the Metropolis some time ago." He feels that civil wars, which he terms "molecular wars," are also to be found in the bosom of the industrialized societies. They always begin among a minority and, as events in Los Angeles have shown, "they can reach epidemic proportions at any moment."[37] In the final analysis, his concept of "civil war" becomes mixed up with the diverse forms of violence and criminality of the modern world.[38] Other recent analyses of violence, such as that of John Keane, closely follow Enzensberger's proposals.[39]

In short, the concept of "civil war" has moved between two poles: on the one hand it has been understood in essence as being a conflict between two bands within the bosom of the Nation and therefore the opposite of a war between States. At the

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[35]   *Idem*, p. 17.
[36]   *Idem*, p. 30.
[37]   *Idem*, p. 19-20.
[38]   For a commentary on Enzensberger's essay (albeit from a different perspective than that of this essay), see Beatrice Hanssen, "Violence and Interpretation: Enzensberger's Civil Wars, in *Critique of Violence. Between Poststructuralism and Critical Theory* (London and New York, 2000) p. 179-185.
[39]   John Keane, *Reflections on Violence* (London, 1996).

other extreme there has been a tendency, above all recently, to call any manifestation of violent conflict a "civil war." Writers on international law have perhaps made the greatest effort to deal more precisely with this concept. In this field, "civil war" came to be defined as referring to internal conflicts in which the insurgents acquired the status of belligerents. Note the paradox, however: when a conflict acquires the status of a "civil war," it then ceases to be "civil" for the purposes of the laws of war which are applied to it from that moment on as if it were a war between nations. Recent attempts to widen the concept of "civil war" to include almost all forms of conflict would have an effect similar to internationalizing them, to the extent that States are supposed to no longer be points of reference.

In any case, we are faced with a concept that, due to its great ambiguity, contributes very little to understanding the particular characteristics of the diverse internal conflicts presently taking place in different regions of the world. As I will try to demonstrate in this essay, the growing tendency to classify the Colombian internal conflict as a "civil war" is misleading in and of itself, prevents us from seeing clearly the nature of the conflict and, therefore, could hinder the search for solutions.

"CIVIL WAR" IN COLOMBIA?

"America has embarked on a policy of exquisite insanity: financing both sides in the Colombian civil war," wrote Mark Danner in the *New York Review of Books.* Danner is merely one of many commentators who accept without question the term "civil war." *The New York Times* speaks of "the long and murderous civil war in Colombia." Influential columnist George Will warns his readers in *The Washington Post* about the risks of United States participation in "the Colombian civil war." Jorge Castañeda, a respected intellectual and currently the Mexican Foreign Affairs Minister, has also awarded this classification to the Colombian conflict through the medium of his press commentaries. Even *The Economist*, almost always very cautious in recognition of Colombian complexities, has at times referred to the "civil war."[40]

That category is frequently utilized in a simple and general sense even though it implicitly contains some strong descriptive elements: the notion of a domestic and

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[40] Mark Danner, "Clinton and Colombia, The Privilege of Folly," *The New York Review of Books,* October 5, 2000; *The New York Times,* November 6, 2000; George Will, "Colombia Illusions," *The Washington Post,* September 10, 2000; Jorge Castañeda, "La Crisis Colombiana," *El Tiempo,* January 7, 2000; and Blood on the Border," *The Economist,* September 16, 2000. There is an abundance of similar references. See also, for instance, Carlos Ascasubi, "La massacre de Arboledas y la guerra civil colombiana;" *Venezuela Analítica (www.analitica.com*), August 9, 2000; and the editorial in the *Neu Zuricher Zeitung*, September 7, 2000. In the prologue of a work published by the World Bank, Andrés Solimano refers to the fifth decade of "bitter civil war" in Colombia in C. Moser and C. McIlwaine, *Urban Perceptions of Violence and Exclusion in Colombia* (Washington, 2000), P. Jenny Pearce, in her comment appearing on the back cover of Constanza Ardila Galvis' book *The Heart of War in Colombia* (London, 2000), argues that "It can no longer de denied that Colombia has descended into civil war." When launching her book recently in France, Senator Ingrid Betancourt had stated that "Colombia is living through a ghastly civil war," according to an article in *El Tiempo* (February 5, 2001). Presidential candidate Alvaro Uribe Vélez referred to the peace process as "a process of …lies in the midst of a growing civil war," in *El Espectador*, February 20, 2001. Retired General Álvaro Valencia Tovar has also referred to the "civil war" characterized by the confrontation between paramilitary groups and the guerrilla groups; "Esta horrenda guerra civil," *El Tiempo,* (2001).

fratricidal confrontation between opposing bands of a polarized society. But references to a civil war are frequently accompanied by other related classifications. "Long" said *The New York Times.* On other occasions an effort is made to be more precise regarding its duration: "36 years of civil war" said *The Sunday Telegraph;* 40 years, according to *The Daily Telegraph.*[41] Attempts to be more specific tend to convey an overall picture that is rather confused and, as a result of which, the notion of "civil war" itself would be cast into doubt. In the words of George Will, The Colombian "civil war" is "a stew, cooked for a long time, of class conflict, ideological war and ethnic vendettas."[42]

At times, what is being discussed is not whether or not we are dealing with a civil war but the matter of its duration. Journalist Tad Szulc has criticized the ignorance of Colombia's history reflected in the American press because "they tell their readers that the civil war in that country is only 40 years old." According to Szulc – supposedly a bearer of higher wisdom – Colombia's would be "the hemisphere's longest and most brutal civil war that has lasted intermittently for 160 years."[43] The War of the Supremes, in his view, had sealed the Colombians' fate since 1839. From that point on, "these wars never ended." Szulc sees one continuous line from those beginnings that culminated in the "savage disturbances" in Bogotá in 1948: "the civil war – *la violencia* – continued after that…and lead to military coups, (and) the re-establishment of formal democracy." For Szulc, this "formal democracy" has no great significance: "today, what is left of democracy is in ruins."

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[41] *The Sunday Telegraph,* September 3, 2000; *The Daily Telegraph,* February 28, 2001.
[42] Will, "Colombia Illusions."
[43] Tad Szulc, "Colombia: la nueva Vietnam," *Clarín,* September 7, 2000.

The notion of a "civil war" has also been adopted in academic circles. German historian Tomás Fischer has taken this idea to an extreme in referring to "the constant civil war in Colombia." According to his thinking, the country has experienced civil war almost from the very beginning as a "consequence of its incomplete process of formation as a nation."[44] Fischer recognizes that many of the elements of Colombia's present day conflict do not jibe "with the idea that one has of a conventional civil war." However, he insists in classifying it as a "civil war" in any case based on "the numerous and simultaneous armed conflicts" that afflict the Colombians. He sees these as being divided into three types: the first group are sociopolitical and "come principally from within;" the second type take place between "the deprived urban population and the upper class white *mestizos*" (people of mixed race) and have a "social Darwinist component;" the last group pits organized crime and its commercial interests against the State. Fischer accepts without question the cliché according to which only 15% of the violence in Colombia is politically motivated while the rest would instead be related to the widespread violence in the country. (I will return to these figures later in order to discuss their validity). The Colombian "civil war" would thus be defined as such above all because of conflicts having social origins. Moreover, according to Fischer, "the real problem in Colombia is not the guerrillas, nor the mafia nor the paramilitaries nor common crime but rather the structure that breeds them."[45] In the

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[44]   Tomás Fischer, "La constante Guerra civil en Colombia," in Waldmann and Reinares, eds., *Sociedades en guerra civil,* p. 272
[45]   *Idem,* p. 273.

final analysis, the protracted Colombian "civil war" would be explained by "the nation's failed process of creation."[46]

William Ramírez Tobón's essay, mentioned at the beginning of this work, is another in which the concept of "civil war" is applied to the current Colombian situation. Unlike Fischer, however, Ramírez Tobón appears to distance himself from the idea of a continuous civil war since the nineteenth century and suggests instead that we are confronted with a novel phenomenon. What is the specific difference between the current conflict and past confrontations? Ramírez Tobón does not offer any systematic answer in this respect but he does describe the elements of the Colombian conflict that, in his view, demonstrate that it should be classified as a "civil war." In the first place, the circle of violent collective actors has been expanded to the point where "the State is no longer the only point of reference." In this he echoes the ideas of Peter Waldmann. Furthermore, the civil population has been taken hostage by the violent logic of forced attachment to the armed organizations." Another "particular characteristic" of the Colombian "civil war" would be the "balance of forces…in that none of the groups predominates nor can any of them predominate unequivocally." According to Ramírez Tobón, "the war is 'civil' not because the great majority of the population takes sides but rather because the citizenry constitutes a forced input for sustaining the struggle with in

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[46]   *Idem,* p. 260. The explanation of the origin of the violence as being due to the supposed inexistence or weakness of the "Nation" in Colombia seems to be widely accepted, in spite of the paucity of empirical evidence to support it as well as a lack of studies on nationality or nationalism in that country. For example, a recent article affirms in its opening paragraph, and in an overtly speculative tone, that "Colombia is neither a nation nor a State but rather a mass of people that, as it advances, leaves dead in its wake;" Victor de Currea-Lugo, "Un intento or explicar la violenciaen Colombia: ¿Y si no somos nación?", *América Latina Hoy* (magazine of the Universidad de Salamanca, Spain) December, 1999, p. 17.

regard to economic, social and political aspects that are constantly intensifying." In short, it is a "civil war because it ends up involving the basic materials of the State: its geography, individuals, tangible and intangible goods…"[47]

Up until this point, I have presented a brief summary of various interpretations of the Colombian conflict that came from the press and academia and that seem to be in agreement with Pierre Gilhodes' categorical words: 'I classify the Colombian conflict, in spite of opinions to the contrary, as a "civil war."[48] Does the nature of the Colombian conflict fit in with this concept and its diverse meanings?

From a general standpoint, it may be accepted that the conflict is a "civil" one to the extent that it is not an international war – between different States – but is, rather, a domestic or internal war. Some will argue that it has become "internationalized." The aid given by the United States to the Colombian Armed Forces under the Plan Colombia, the spreading of the conflict to neighboring frontiers such as those of Venezuela and Ecuador and the transnational components of the illicit drug trade are cited when attempting to characterize the war as "international." Such a characterization, however, would be inadequate. Military aid given by one State to another does not necessarily turn any conflict into an international one. "Civil wars" may have external effects but these do not by definition convert them into wars between States. In a similar vein, the presence of transnational elements in

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[47]   Ramírez Tobón, "Violencia, Guerra civil y contrato social," p. 46-54.
[48]   "Que no termine hipotecada la paz," interview with Pierre Gilhodes, in *El Espectador,* March 11, 2001.

organized crime must not be conceptually confused with the idea of international war.

Under the classic definitions of "civil war" and "international war," in their common and general usage, there would appear to be no problem in accepting the classification of the conflict as fundamentally a "civil war:" It originated and takes place primarily within the frontiers of the Colombian State and its protagonists are citizens of the same State. However, beyond this general characterization – "civil war" in the sense of being internal, within the bosom of the national State – this conceptualization is ambiguous, inadequate and of very little use for a more precise understanding of the nature of the conflict in Colombia. A brief examination of the typology given by Richard Falk may serve to illustrate this point.

Four of the five forms of civil wars described by Falk may be discarded immediately in terms of their possible applications to the Colombian experience. This is not a "war of succession." The armed groups fighting against the Colombian State do not have the goal of forming an independent State on territory taken from the country's present geography. Hernando Gómez Buendía emphasized the point that "there is no existing document or declaration of the FARC or the ELN in which they speak of dividing the territory."[49] If there had been any doubts, the "Common Agenda," agreed to by the government and the FARC, expressly stated that "national unity" would be conserved in the context of the search for a political solution to the conflict.[50] Neither are we confronted with a "war for autonomy" in which, according

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[49] Hernando Gómez Buendía, *El lío de Colombia* (Bogotá, 2000), p. 103.
[50] Office of the President of the Republic of Colombia, *Hechos de Paz* (Bogotá, 1999), V-VI, p. 545.

to Falk, "Government A is the agent of foreign government C (located in country W) and is involved in the struggle against Counter-Government B for the control of State X."[51] This would be the classic anti-colonial confrontation in which what is being fought over is the principal of self-determination, such as in the case of the Algerian war. Even less applicable to the Colombian conflict is the concept of "war for reunification" in which "Government A in State X seeks to gain control over the business interests of State Y with the objective of combining X and Y into one single State."[52] Lastly, the Colombian experience could not be classified as a "war for hegemony" in which "Government A of State X imposes its will by force on Government B in State Y by means of its support for, or opposition to, a dependant elite in Y," this having been perhaps the most typical form of conflict during the Cold War.

We are left with the first of the five varieties identified by Falk: the "standard civil war" in which "Government A is fighting against Counter-Government B in a struggle for control of State X." While the preceding types seem to be defined by their intentions or motives (secession, self-determination, reunification) or by a particular level of interference on the part of third-party States (hegemony), or by its effects on the eventual formation of new States, Falk's "standard civil war" would be confined within the borders of one single State, both with respect to its evolution as well as its impact on the territory of that State. Up to a certain point, because it is the most basic notion of "civil war," it is the closest to the classic

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[51] Falk, *op.cit.*
[52] *Idem*

concept of international law. It is also, as we have already suggested, the most ambiguous.

Traditionally, international law has thought it possible to resolve the difficulties inherent to this concept by distinguishing between the levels of intensity of a conflict: rebellion, insurgency and belligerency. Only in the last case would it be appropriate to speak of "civil war." In any case, we have already seen how international law abandoned this concept in terms of its goal of finding more expeditious ways of applying the laws of war to internal conflicts, when faced with the enormous difficulties in determining when a State's domestic confrontations have acquired the dimensions of a "civil war." But, even if we do not accept that the category is anachronistic, there are still very good reasons for arguing that the conflict could not be classified under the status of a belligerency.[53]

While the notion of "civil war" is not in any strict sense a concept of international law today, some of the elements that have traditionally been used in attempting to define it within this discipline could be preserved. Chief among these are the concepts of a serious division within the bosom of a community, of the existence of opposing factions grouped around this division and with reference to the intensity of the armed conflict. The "classic" example is the U.S. Civil War, which is also one

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[53] This subject has caused a recurring controversy in Colombia. See the Government document "Sobre la beligerancia," in *Hechos de Paz,* V-VI, p. 333-337. See also, for example, Alfonso López Michelsen, "La Guerra y la paz," *El Heraldo,* October 15, 2000; Daniel García-Peña, "El Canje, ¿Lío o oportunidad?," *UN Periódico, El Espectador,* November 19, 2000; Antonio Caballero, "Los filólogos," *Semana*, November 12, 2000; Rafael Nieto Loaiza, "Pasiones y contradicciones de Caballero," *El tiempo,* November 7, 1999; and Ernesto Borda Medellín, "Precisiones al Ex Presidente López," *El Tiempo,* March 3, 2000.

of the few conflicts in which recognition of belligerency has been explicitly conferred.[54] The Spanish Civil War is another example that conforms closely to the classic model.[55]

Based on these experiences, sociologists such as Fernando Uricoechea characterize some conflicts as civil wars "due to the massive and collective division of an entire nation into two groups which hold two contrasting conceptions of what should be considered desirable as a model for society." Such a division, in turn, would motivate a massive mobilization of the two sides. As Uricoechea points out, "the Colombian case …is not lke that." Instead of talking about the fragmentation of the community into opposing sides, he feels that it would be more appropriate to speak of a nation "besieged by armed groups that are rejected by the immense majority."[56] In a similar vein, Eduardo Pizarro Leongómez and Hernando Gómez Buendía contrast the Colombian case with other recent experiences in which it was indeed accurate to speak of "civil war," these being in El Salvador, Rwanda or the Former Yugoslavia.[57] Colloquial language speaks of the polarization of the country. But its public manifestations – through elections, large-scale demonstrations against the perpetrators of violence, articles in the press, the writings of academics

[54] Wright, "The American Civil War."

[55] The Spanish Civil War awakened interest on the part of writers on the subject of belligerency. See, for example, "Recognition of Belligerency and Grant of Belligerent Rights;" and Ann van Wyen and A.J. Thomas Jr., "International Legal Aspects of the Civil War in Spain, 1936-1939," in Falk, ed., *The International Law of Civil War.*

[56] Uricoechea, "¿Cual Guerra civil?"

[57] See the statements made by Pizarro in Solarte, *No ha pasado nada,* p. 257 and in his interview with *The Newsletter* of the Kellogg Institute of the University of Notre Dame, p.9. "Neither the guerrillas nor the paramilitaries," he maintains, "represent any significant social conglomeration," while recognizing that "one movement or another does have, without a doubt, social support bases here and there." Pizarro, "¿Representación ficticia?", *El Espectador,* August 26, 2000.

and intellectuals as well as the positions adopted by substantial sections of the political and business leadership – instead show a society that is predominantly opposed to the use of violence. Furthermore, it is evident that the immense majority does not identify with or trust any of the illegal armed organizations responsible for bringing about the conflict.[58]

The notion of "intermittent" or "constant civil war," as suggested by journalist Tad Szulc or historian Tomás Fischer, respectively, would thus be even more equivocal and false.[59] It is certainly true that Colombia suffered various "civil wars" of national significance during the nineteenth century as well as a period of grave internal conflicts known as "la Violencia" during the mid twentieth century even before the onset of the current spiral of violence that began to seriously affect the country at the beginning of the 1980s. However, it is not possible to establish neat lines of continuity between the diverse periods of conflict over two centuries of republican existence. The "civil wars" of the nineteenth century had very diverse causes (and

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[58] In contrast, the citizenry seems to maintain a high degree of confidence in the Armed Forces of the Colombian State. This is suggested by surveys carried out by the National Consulting Center. See also Carlos Lemoine, *Colombianos del milenio* (Bogotá, 1999), p. 31. This confidence on the part of the public continues. According to a July, 2001 Gallup poll, the Armed Forces had the highest percentage of favorable opinion (69%), closely followed by the Church and the Police. The illegal armed groups were found to have the lowest levels of favorable response: paramilitaries (8%), the FARC (2%) and the ELN (1%). See *Cambio,* August, 22, 2001.

[59] Although some authors do not use the expression "civil war," they frequently allude to "the continuous outbreaks of violence since its early consolidation in the 1820;" see, for instance, Todd Eisenstadt and Daniel García, "Colombia: Negotiations in a Shifting Pattern of Insurgency," in William Zartman, ed., *Elusive Peace. Negotiating an End to Civil Wars* (Washington, 1995), p. 265. Perhaps one of the most influential essays in this field of interpretation is Gonzalo Sanchez' *Guerra y política en la sociedad colombiana* (Bogotá, 1991). More recently, Sanchez quotes Roy Licklieder in suggesting that "In Colombia…stability is a 'suspended civil war;'" in Sanchez, "Colombia: violencias sin futuro," *Foro Internacional,* Mexico, XXXVIII: 1, January – March, 1998, p. 42. Although, according to Sanchez, Colombia has been "a country of endemic war," he has nonetheless recognized the need to conceptually distinguish between the different periods: "…the basic problem we are confronted with is therefore how to define the nature and the historical variations of these wars." See his introduction to Gonzalo Sanchez and Ricardo Peñaranda, eds., *Pasado y presente de la violencia en Colombia* (Bogotá, 1988), p.11.

in any case, the paucity of literature in this field does not allow us to clarify our understanding of their nature to any great extent).[60] There were almost always periods of relative tranquility between the wars. Between the last of the nineteenth century conflicts – the Thousand Days War of 1899-1902 - and *"la Violencia"* (1946-66) there were four long decades of peace. This period has perhaps not been sufficiently appreciated by the national political culture.[61]

Nor is it true that a clear and continuous line may be traced between the end of the so-called "classic violence" (mid nineteen-sixties) and the most recent wave of as though it were the same conflict, both with regard to its origins as well as its evolution. Daniel Pécaut has been insistent in pointing out significant differences between the violence of today and that of yesterday. For one thing, he feels that the violent elements that the illicit drug trade gave rise to constitute a key to any understanding of the current Colombian conflict. The terrorism in which the drug cartels engaged during the 1980s was unprecedented in this country's history: "For the first time, one of the protagonists of the violence attempts to destabilize the

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[60]   For more on the differences between the civil wars of the nineteenth century and the violence of the mid twentieth century, see Malcolm Deas, "Algunos interrogantes sobre la relación guerras civiles y violencia," in Sánchez and Peñaranda, eds., *Pasado y presente de la violencia en Colombia*. See also Deas, *Intercambios violentos* (Bogotá, 1999.) There is growing interest in the nineteenth century civil wars on the part of historiographers. For examples of recent publications: Museo Nacional, eds., *Las guerras civiles desde 1830 y su proyección en el siglo XX* (Bogotá, 1998) and Gonzalo Sánchez and Miguel Aguilera, eds., *Memoria de un país en guerra;* and Rebecca Earle ed., *Rumours of Wars: Civil Conflict in the Nineteenth Century* (London, 2000).

[61]   I do not mean to deny, however, that there were significant violent incidents during that period. The transition from the conservative regime to the liberal republic was particularly conflictive. See, in this sense, the work of Javier Guerrero, *Los años de olvido, Boyacá y los orígenes de la violencia (Bogotá, 1991.)* Nonetheless, available figures suggest relatively low homicide rates during the first decades of the twentieth century, which then intensify in an extreme manner from 1948 on. See the works of Fernando Gaitan in Malcolm Deas and Fernando Gaitan, *Dos ensayos especulativos sobre la violencia en Colombia* (Bogotá, 1995) p. 206-213; and also Armando Montenegro and Carlos Esteban Posada, *la violencia en Colombia* (Bogotá, 2001), p. 22-23.

State."[62] Drug trafficking "meant a savage transformation in the society."[63] Drug money may have been the most influential factor in the transformation of the armed conflict.[64] This cannot be regarded as being disconnected "from the immense financial resources that the illegal sectors have at their disposal, nor from the combination of cooperation and confrontation between these illegal actors."[65]

For these reasons among others, Pécaut concludes "nothing could be further removed from the present armed confrontation than the previous violence."[66] Pécaut has also insisted on the necessity of not confusing this conflict with a "civil war," and especially a "civil war that has lasted for more than 35 years," which "constitutes a way of imparting consistency to the legendary and retrospective tale that the guerrillas wish to impose."[67] Pécaut suggests that more attention be given to the discontinuities than to the continuities: the situation in the 1980s and even that of the early 1990s was, in his opinion, qualitatively different from that of the last few years. The size of the problems has grown and he feels that there are a number of components that are leading the country towards "civil war." However,

[62]   Daniel Pécaut, "From the Banality of Violence to Real Terror," in Kees Koonings and Dirk Kruijt, eds., *Societies of Fear. The Legacy of Civil War, Violence and Terror in Latin America* (London and New York, 1999), p. 153. See also Pécaut, *Guerra Contra la Sociedad,* p. 206.

[63]   Pécaut, "Hilos de la Madeja," *Lecturas Dominicales. El Tiempo,* July 2, 2000.

[64]   According to Montenegro and Posada, "what distinguishes and characterizes the last twenty years in Colombian life, as compared to other countries as well as with our own history, is the overwhelming impact of the illicit drug trade, and one of its gravest effects has been the enormous violence that afflicts us today;" *La violencia en Colombia,* p. 44. See also Fabio Sánchez Torres and Jairo Nuñez Mendez, "Determinantes violentos en un país altamente violento: el caso de Colombia" (Bogotá: mimeograph, 2000).

[65]   Pécaut, "Hilos de la Madeja." According to Camilo Echandía, approximately 42% of the guerrillas' financial resources come from illicit drug crops. While other estimates put the figure above or below this percentage, it would, in any case, seem to be a substantial source of income for these groups. See also Echandía, "Expansion territorial de las guerrillas colombianas: geografía, economía y violencia," in Malcolm Deas and María victoria Llorente, eds., *Reconocer la guerra para construir la paz* (Bogotá, 1999), p. 135.

[66]   Pécaut, *idem.*

[67]   Pécaut, *Guerra contra la sociedad,* p. 12.

he identifies various characteristics that differentiate the Colombian conflict both from the classic civil wars as well as from "many other current civil wars:" the prevalence of the rule of law in the midst of the most serious problems; the efforts toward institutional modernization; the "elements of a democratic culture;" and, as a determining factor, "the people's attitude towards the armed elements and that of the armed elements towards the people."[68]

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[68] Pécaut, *idem.* p. 9-19.

WIDESPREAD VIOLENCE?

If it is not a "civil war" then how should we describe the Colombian conflict? Many of the previous alternative responses to the question of "civil war" are similarly unhelpful in gaining greater clarity regarding the nature of the confrontation. "Rather than a widespread civil war," in the words of Eduardo Pizarro Leongómez, "what exists is a complete and heartbreaking geography of violence."[69] This is one of the most frequent descriptions of the Colombian problem: according to this interpretation, the country would above all be suffering from the consequences of extremely high levels of "ordinary" violence that might have little do with the armed conflict of the guerrilla groups. Let us recall that the German poet Enzensberger refers to this type of widespread violence as "civil war." It was popularized as the concept of "multiplicity of forms of violence" by the pioneering diagnosis of the 1987 Commission for Research into the Violence. Since then, this has also been the dominant current of opinion among widespread groups in the Colombian State.

Under the present government of President Andrés Pastrana, the official line as a whole has tended to use the previously described terminology in order to refer to the Colombian problem, although at times there has been inconsistency. The government's rhetoric has occasionally recognized that the country is at "war." What kind of a war? The government's response has varied. In the introduction to

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[69]   In Solarte, *No ha pasado nada,* p. 256.

one of the volumes on the peace process, the then Government High Commissioner referred to "five decades of war."[70]

This reference, however, would appear to be exceptional. On another occasion, President Pastrana stated that the country was afflicted by "two clearly different wars: the drug traffickers' war against the country and against the world, and the guerrillas' confrontation with an economic, social and political model that they consider to be unjust, corrupt and on the side of the privileged."[71]And in response to those who judged the conflict to be a civil one, Pastrana replied that there was no civil war in this country but rather a "war against the civilians."

On the whole, the expression "war" is not a staple in the government's discourse. Perhaps the most utilized terms, in keeping with international law, are "internal conflict" and "armed conflict." The government explicitly recognized in an official statement both the "political character" of one of the armed groups as well as the existence of the "armed conflict" itself. [72] In stating the purposes of its policy for peace, the government's language, however, suggests its ambitions to wage a wider war. The President and his representatives have insisted that negotiations with the insurgents must not be limited to "seeking the end of the armed confrontation," but must instead transform the structures that supposedly make peaceful coexistence among the country's citizens impossible. The official rhetoric

[70] *Hechos de Paz,* V-VI, p. 17.
[71] "El plan Colombia: una gran alianza con el mundo…", Bogotá, October 22, 1998, in *Hechos de Paz,* V-VI, p. 76. The idea of a two-front war or of two types of conflicts is also found in Rafael Pardo, "Colombia's Two Front War," *Foreign Affairs,* July-August, 2000, p. 65 and ss.
[72] "Resolución número 85 del 14 de octubre de 1998," in *Hechos de Paz,* V-VI, p. 313-4.

implicitly and explicitly suggests that there is a culture of violence shared by the entire nation. It was in this context that the last proposal in the peace process was to be a "pedagogical process in order to entrench the culture of peace among us."

It should be noted that the official line contains various nuances and, in any case, must be interpreted within the context of a negotiating process in which the representatives of the State are forced to make rhetorical concessions due to the dynamics of the process itself.[73] It is possible, however, that the government is simply echoing what is perhaps the most widely held diagnosis of the Colombian problem: that the country is suffering from widespread violence.

This vision of the Colombian problem has been thoroughly absorbed into the predominating terminology that does not distinguish between victims and killers. The use of "we" to refer to criminals frequently goes unnoticed. Such was the case when Nobel Laureate Gabriel García Márquez, on making the proposal to then presidential candidate Andrés Pastrana for an "education for peace," referred to "the rubble of an inflamed country where *we get up in the morning in order to continue to kill each other."*[74] (The italics are mine.) This type of language, which, in the final analysis, criminalizes the nation, is shared by high government officials, political leaders of all colors, ecclesiastical authorities, leaders of the business community, intellectuals, academics and journalists – what Myriam Jimeno

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[73] For more on this point, see Malcolm Deas' essay, "La paz, entre los principios y la práctica," in Francisco Leal Buitrago, eds., *Los laberintos de la guerra. Utopías e incertidumbres sobre la paz* (Bogotá, 1999.)

[74] *El Espectador,* May 19, 1998.

Santoyo has called "erudite discourse," in which "acts of violence are blamed on some characteristic of the national character."[75]

The diagnosis of widespread violence found statistical support in figures that achieved acceptance and are still being repeated without question. The 1987 Report of the Research Commission into Violence suggested that the armed conflict was responsible for only a small percentage of the country's homicides. In a phrase that was subsequently popularized, it said "the violence that is killing us comes from the people of the street much more than from the people of the mountains."[76] By 1993 during the Gaviria Administration, the idea had found its way into a document of the Office of the President of the Republic: "the majority of homicides (around 80%) are part of everyday violence among the citizenry and are not directly related to the criminal organizations."[77] More recently, Eduardo Pizarro Leongómez has also insisted on this same diagnosis: "political violence produces between 10% and 15% of the homicides…The other 80% to 90%… are the product of a multiplicity of forms of violence."[78] These figures have also gained currency among other business and political circles. According to Nicanor Restrepo, "only 13% of murders and homicides in Colombia are thought to be the direct result of

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[75]   See, for example, the words of President Ernesto Samper in his inaugural address in describing the dream that he proposed to Colombians: " As García Márquez says, it is about getting over the paradox of 'having an almost irrational love of life while at the same time *we kill each other* out of our yearning to live,'" (the italics are mine). "Discurso de posesión del presidente Ernesto Samper Pizano," *El tiempo de la gente* (Bogotá, 1994). See my brief essay "¿Nos matamos los unos a los otros?," *www.ideaspaz.org*. See also Myriam Jimeno Santoyo, "Identidad y experiencias cotidianas de violencia," in Museo nacional ed., *Las guerras civiles desde 1830 y su proyección en el siglo XX* (Bogotá, 1998), p. 249.

[76]   As quoted in Mauricio Rubio, *Crimen e impunidad. Precisiones sobre la violencia* (Bogotá, 1999), p. 76.

[77]   Office of the President of the Republic, Presidential Advisory Board for Defense and National Security, *Seguridad para la gente* (Bogotá, October, 1993), p. 15.

[78]   In Solarte, *No ha pasado nada,* p. 256.

the conflict with the insurgents."[79] Fabio Valencia Cossio has also adopted this diagnosis: while, according to him, subversion "produces between 15 and 20 percent of the country's violence," the rest is "the result of structural problems: drug trafficking, social inequality, the accumulation of wealth, common crime, the lack of opportunities."[80]

All of the quotes given above are deliberately repetitive with the aim of emphasizing the point: broad sectors of national public opinion have accepted the idea that the Colombian problem stems mainly from widespread violent conduct among the citizenry that is separate from the armed conflict. It is not surprising that the foreign mass media trumpet this same line.[81]

Recent research, particularly that of Mauricio Rubio, has seriously questioned this assertion. In his view, the dominant interpretation has underestimated the responsibility of the illegal armed organizations with respect to the country's high murder rate while, at the same time, placing almost all the blame for the problem "on everyday conflicts between Colombians." Above all, Rubio underlines the weakness in the empirical evidence of those who insist in maintaining so "categorically" that only 10-15% of the country's homicides have their origin in, or are the result of, the armed conflict. In effect, given the high rate of impunity and

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[79]   Nicanor Restrepo, *Derecho a la esperanza* (Bogotá, 1999), p. 17.
[80]   "La conversación," in *La Revista, El Espectador,* January, 2001. The armed confrontation "is responsible for only 12 percent" of the murders in Colombia according to Augusto Ramírez Ocampo; see his "Propuesta de una solución política al conflicto armado en Colombia," in Germán Manga ed., *Inseguridad e impunidad en Colombia* (Bogotá, 1997), p. 102.
[81]   See for example, "Plenty of Law, Precious Little Order in Colombia," *The Guardian,* February 23, 1996. This newspaper cites the Andean Commission of Jurists as its source in stating that 14% of homicides are "political."

widespread lack of knowledge with respect to the killers' identities, how would it be possible to determine the number of deaths that are the result of subversion?[82] Moreover, as is also recognized by numerous researchers, how can today's politically motivated violence be differentiated from other forms of violence? In the words of Daniel Pécaut: "the guerrillas are political actors, but…how political are they when they engage in extortion and mass kidnappings and even use the services of organized crime and hired assassins in order to achieve their goals?"[83]

The available information on the geography of the violence should allow us to determine the relationship between the presence of the illegal armed groups and the homicide rate. Such an association, as Rubio warns us, is not easy to establish. But it would seem obvious that the presence of illegal armed organizations ought to have at least two consequences: it would affect the performance of the ordinary justice system and it would propagate criminal technologies.[84] Other available evidence leads Rubio to suggest that the greater

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[82] Rubio, *Crimen e impunidad,* p. 71 and ss.

[83] Pécaut, "From the Banality of Violence to Real Terror," p. 142-42. The phenomenon of the lack of a clear boundary between politically motivated crime and ordinary crime is referred to by a number of authors as the "degradation" of the conflict. " There has been a change from political violence with defined ethical rules and regulated or self-regulated criteria for action to a situation in which there is a lack of clear differentiation with organized criminal behavior and there are operative or tactical alliances with drug trafficking," in "Colombia: violencias sin futuro," p. 46. According to Alfredo Rangel, in spite of "involvement in criminal activities and the total loss of ethical barriers to its criminal conduct, the guerrillas in Colombia continue to be highly ideological;" Rangel, *Colombia, Guerra en el fin del siglo* (Bogotá, 1998), p. 152

[84] Pécaut also accepts this line of reasoning: "Statistical evidence tends to suggest that there may be a correlation between the existence of 'organized' violent groups, including the guerrillas, and the increase in 'unorganized' violence," *op.cit.*, p. 143. According to Alejandro Gaviria, "press reports and testimonies showing the prominent role of narco-traffickers and guerrillas groups in the diffusion of criminal knowledge and the transfer of criminal techniques abound," see his essay, "Increasing Returns and the Evolution of Violent Crime: the Case of Colombia" (Photocopy, s.f.,1999?). An

portion of the violence in Colombia is not the fruit of the citizenry's supposed intolerance. His conclusions are cautious but they nonetheless substantially modify the ingrained stereotype: "a few, a very few criminals and violent agents of great power, in the presence of whom ordinary citizens feel threatened, defenseless and unprotected,"[85] would be responsible for a large percentage of the homicides in Colombia.

Rubio points out the apparent "great inconsistency" in the official diagnosis: "if, as has been affirmed for so many years, the majority of the country's deaths have little to with the conflict, then priorities and efforts in terms of the search for peace ought to be redirected towards other fronts." However, the discourse relating to "comprehensive peace" that currently predominates, and upon which dialogue with the guerrillas has been based, is not inconsistent with such a diagnosis. The peace being negotiated – the so-called "true peace" – is being confused with the solution to the structural problems that are supposedly the principal cause of the "widespread violence." "The solution to the armed conflict," observed Monsignor Alberto Giraldo, "is not the path towards peace for Colombia now. If we think of our culture of violence and death…the work would not only consist of dialogue but of

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investigation under the direction of Jesus Antonio Bejarano concluded that "there is a very significant correlation between high levels of violence and insecurity and the presence of armed illegal organizations," Bejarano and others, *Colombia: inseguridad, violencia y desempeño económico in the rural areas* (Bogotá, 1997), p. 252. I would like to express my thanks to Camilo Echandía, co-author of this work.

[85] Rubio, *Crimen e impunidad, p. 156-157. "…The ones who kill and kidnap are only a few…"* the conclusion of Montenegro and Posada in their work entitled *La violencia en Colombia,* p. 47 is in a similar vein. See *idem*, p. viii and 27.

an entire education for peace."[86] The official discourse very frequently suggests that, in the final analysis, efforts for peace are aimed at solving a problem of "widespread violence" among Colombians.

[86] In "Conferencia sobre la paz," Bogotá, December, 2, 1999, *Revista Cafetera de Colombia* N. 210 (November-December of 1998), p. 20.

WAR AGAINST THE SOCIETY AND THE STATE

The massive rejection of the "war" on the part of those who are its true victims has lead some authors, such as Hernando Gómez Buendía, to declare that "there is no 'civil war' in Colombia. There is a war against civilians." Daniel Pécaut has called it "war against society." As we have seen, this description found resonance within the language used by the government. It has also gained acceptance in international circles.[87] While this description is undoubtedly valid, insofar as the illegal armed groups have increasingly made the civilian population the target for their attacks, it would nonetheless be incomplete.

"In Colombia," according to the United Nations' Delegate, "it is the civilians who get killed."[88] But very frequently the guerrillas' attacks are against members of the armed forces and other representatives of the State. Similarly, at peak moments in the "war" against the drug cartels, the drug mafia's favorite targets were police officers and other agents of the State – judges, magistrates and political leaders.[89]

Any narrative of the conflict that were to describe it exclusively as a "war against civilians" would be ignoring, above all, a central element which defines it: the

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[87] Hernando Gómez Buendía, "¿Desmembración territorial o guerra civil?," *Diners,* May, 1999, as reprinted by Gómez Buendía in his article entitled *El lío de Colombia,* p. 104. Spanish intellectual Fernando Savater echoed Gómez Buendía's description in his article "Colombia Agónica," *El Tiempo,* December 12, 1999. See also Pécaut, *Guerra contra la sociedad.*

[88] *El Espectador,* January 19, 2000.

[89] See, for example, the essay by Jorge O. Melo and Jaime Bermúdez, "La lucha contra el narcotráfico: éxitos y limitaciones," in Malcolm Deas and Carlos Ossa, eds., *El gobierno Barco, 1986-1990* (Bogotá, 1994), p. 99-125. In his memoirs, in the chapter entitled "Narcoterrorismo en auge," Ex Defense Minister Rafael Pardo observes that around 200 judicial branch officials had been assassinated during the years 1985-1989; See Pardo, *De primera mano. Colombia 1986-1994: entre conflictos y esperanzas* (Bogotá, 1996), p. 173.

confrontation between illegal armed groups and the State. The guerrillas themselves define it in this way, even though the FARC frequently proclaim that they are "a part of the people who have taken up arms." In their letter of December 3, 1998, the FARC spokesmen referred to "34 years of armed confrontation between the Colombian State and our organization."[90] In early 2000, the head of the FARC resorted to similar terms in order to define the nature of the "armed confrontation between the two forces: State and Insurgency."[91] This definition is also incomplete and equivocal because there are more than two forces involved in the confrontation with the State: the other guerrilla groups, other criminal organizations whose links with the guerrillas have become ever more obvious in activities such as kidnapping, the drug traffickers and the self-defense groups or paramilitaries. Critics of the Colombian State (which would obviously include the guerrillas) charge that the paramilitaries are merely an appendage of the State itself. Such a simplistic interpretation both fails to recognize the complexities of the Colombian State, and is also unfair in light of the government's genuine efforts to fight against so-called paramilitarism.[92]

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[90]   "Carta abierta al doctor Andrés Pastrana Arango, Presidente de la República," December 3, 1998, in *Hechos de paz,* V-VI, p. 233.

[91]   "Carta abierta al señor Presidente de la República," January 29, 2000, in *Hechos de paz,* XII, p. 19. In this same letter, Marulanda defined the FARC as "an organization that has taken up arms against the State." And he referred to the origin of the conflict as being the struggle declared in 1964 by "the State against the people, as personified by 48 Marquetalian men;" *idem,* p. 17 and 20.

[92]   A recent report from the Ministry of Defense stated that "as far as the Colombian State and its Armed Forces are concerned, the paramilitaries are criminal organizations." This important document also goes on to say that "The Government and the military high command have made public their decision not to tolerate any type of coexistence between the agents of the State and the members of these criminal bands;" Colombia, Ministry of Defense, "Los grupos ilegales de autodefensa en Colombia" (Bogotá, December, 2000), mimeograph, p. 1. In response to criticisms formulated in a recent UN report, the government observed that a very large percentage of the paramilitaries' victims have been government officials; *El Tiempo,* March 27, 2001. A document produced by the Office of the Vice President, after examining diverse statistical sources, draws attention to the little known facts of the illegal paramilitaries'

Any effort to understand the conflict in Colombia should therefore take into account the complex nature of the State over the course of its two centuries as a Republic. Recent studies on the types of wars that have become common in the Post Cold War period specifically place the State at the center of the debate, although with diverse proposals and approaches. "The new wars," in the words of Mary Kaldor, "arise out of the context of the erosion of the State's autonomy and, in extreme cases, the State's disintegration."[93] From a different perspective, Kalevi J. Holsti has also identified the nature of the State as the source of the so-called "third type of wars:" "internal wars can escalate or invite foreign intervention, but their fundamental and perhaps exclusive etiology comes out of the basic struggles over the nature of communities and the process and problems of the construction of the State."[94] According to Holsti, the problem of the weakness of States does not arise from their poor military capacity but rather from lack of legitimacy, both vertical and horizontal, as well as from their ineffectiveness in providing security and order.

While studies such as those of Kaldor and Holsti may serve as points of reference, it must be emphasized that their observations would not be relevant to the case of Colombia. Both, in effect, base a good part of their analysis on post-colonialist and post-imperialist experiences in Africa and Eastern Europe and the differences with regard to Colombia must therefore be taken into account. The Colombian State is

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attacks on agents of the State, above all against members of the judiciary; Office of the Vice President of Colombia, *Outlook on the Self-Defense Groups* (Bogotá, 2000).

[93] Mary Kaldor, *New and Old Wars. Organized Violence in a Global Area* (Cambridge, 1999), p. 4. See also her introduction in Kaldor, ed., *Global Insecurity* (London and New York, 2000).

[94] Holsti, *The State, War, and the State of War,* p. 15 and 18.

not "new." Nor do I feel it correct to apply the notion of a "failed State" to the Colombian experience. The State functions In spite of its problems, and sometimes with extraordinary efficiency, both locally and nationally in very diverse areas.[95] I do not believe that its problems come from the supposed lack of resolution of the national identity in the wake of the decolonization process. In this essay, I have not defined the conflict between the insurgency and the State as being a war between different ethnic groups in search of their own independent States – the lack of horizontal legitimacy referred to by Holsti.[96] And the problems of vertical legitimacy – the representational bonds between the leaders and those they govern – must be examined in a context that is full of complexities, one of which is the undeniable existence of a democratic system.[97]

In spite of its imperfections, the Colombian State is representative of large and significant sectors of the national society to an extent that is in marked contrast to

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[95] One example of this is the success of the Bogotá municipal government. See the interesting, though brief, observations of Mayor Antanas Mockus on the "two-faced" State, in *Lecturas Dominicales. El Tiempo,* October 22, 1995. See also Malcolm Deas' observations on the stereotype of "the absence of the State," in his essay "Siete tesis disidentes," *Cambio,* June 26, 2000. According to Marco Palacios, "In the urban parts of the country there is a State and, from a Latin American perspective, a viable rule of law;" Palacios, "Una radiografía de Colombia," *Letras Libres* (Mexico, August, 2001). Pécaut, *Guerra contra la sociedad,* p. 17.

[96] Many of the recent studies on "new wars" emphasize their ethnic components. In addition to Kaldor and Holsti, see, for example, Michael Ignatieff, *The Warrior's Honor. Ethnic War and the Modern Conscience* (London, 1999). An exceptional case of insurgency with an ethnic character could be observed in the Armando Quintín Lame Movement, which began in 1985 but was successfully demobilized in 1991 as part of the government's peace initiative. The indigenous peoples also received favored treatment due to institutional reforms mandated by the 1991 Constitution. See Ricardo Peñaranda, "De rebeldes a ciudadanos: el caso del Movimiento Armando Quintín Lame," in R. Peñaranda and Javier Guerrero, eds., *De las armas a la política* (Bogotá, 1999.)

[97] For a brief essay in which I discuss the hackneyed speculation over the illegitimacy of the Colombian State, see my article "El Estado y la democracia frente a la violencia y el proceso de paz en Colombia," in *Carta Financiera, ANIF,* N. 119 (July-September, 2001), p. 77-80.

those who argue otherwise.[98] Its legitimacy is periodically put to the test, and for

the most part renewed, by means of electoral cycles that in any case place limits

on the democratic mandate of its successive governments. This constitutes an

additional variable in its already complex structure.[99] It is also a State whose

reformist efforts deserve greater credit. Many of its critics continue to stubbornly

refer to the restricted regime of the National Front (1958- 1974) as the cause of all

the present evils, as though neither the direct election of mayors, introduced in

1986, nor the Constitution of 1991 had brought about changes, both subtle and

drastic, in the structure of political power in Colombia.[100] These changes were

accompanied by a peace process whose important successes also merit greater

recognition.[101] As a result, in the last decade the Colombian State and political

system have acquired a greater complexity and dynamism that have gone largely

unnoticed by our opinion makers.[102] All of these aspects certainly deserve more

systematic discussion than they have been afforded in this essay. But the

importance of revising such firmly rooted stereotypes regarding the Colombian

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[98] Jesus Bejarano commented in his book *Una agenda para la paz* (Bogotá, 1995) p. 138 "…Our democracy is not the best possible democracy, but in any case it has a fundamental legitimacy that the guerrillas can in no way match." For a critical analysis of the Colombian political system, which nonetheless recognizes that it has recently been able to renew its legitimacy, see Francisco Leal Buitrago, "Las utopias de la paz," in Francisco Leal Buitrago, ed., *Los laberintos de la guerra*.

[99] The limitations and problems posed by the electoral cycles in the search for a solution to the conflict deserve further study. For some interesting observations, see Marco Palacios' essay "Agenda para la democracia y negociación con las guerrillas," in Leal Buitrago, ed., *Los laberintos de la guerra*.

[100] For a recent and interesting revisionist essay that aims to "rescue the debate on democracy " in Colombia, see Francisco Gutiérrez Sanín, "Democracia dubitativa," in Iepri, ed., *Colombia cambio de siglo,* p. 113-143. See also his essay "Rescate por un elefante. Congreso, sistema y reforma política," in Ana María Bejarano and Andrés Dávila, eds., *Elecciones y democracia en Colombia, 1997-1998* (Bogotá, 1998), p. 215-253.

[101] See Antonio Navarro Wolf, "La desmovilización del M-19 diez años después," in Fernando Cepeda Ulloa, ed., *Haciendo paz. Reflexiones y perspectivas del proceso de paz en Colombia* (Bogotá, 2001), p. 66-74. See also Jaime Zuluaga Nieto, "De guerrillas a movimientos políticos (análisis de la experiencia colombiana: el caso del M-19), in Peñaranda and Guerrero, eds., *De las armas a la política.*

[102] A criticism of the language used to analyze the Colombian political system can be found in my essay "La crisis política como crisis intellectual," in Áncora Editores ed. (various authors), *¿Qué está pasando en Colombia? Anatomía de un país en crisis* (Bogotá, 2000.)

State must be emphasized. Much of the intellectual confusion about the nature of the conflict may be traced to them. And these stereotypes in turn bring about the hasty adoption of theories that aim to explain the war to people in other countries.

CONCLUSIONS

The aim of this essay has been to question the validity of the concept of "civil war" as applied to the Colombian conflict. It might be accepted that the conflict is "civil" to the extent that the confrontation is primarily internal – between members of the same State and on that State's territory – even though it has external effects and ramifications, above all those related to the illicit drug problem.

However, beyond this generally accepted meaning, the use of the term "civil war," due to its ambiguity, tends to confuse rather than enlighten with respect to the nature of the Colombian conflict. We are not faced with a polarized community divided into two opposing groups fighting each other on behalf of alternatives for the organization of society and whose disagreements have an ethnic, religious or territorial origin. Nor could Colombia's problem be characterized as widespread violence, one of the most recent ways of defining modern civil wars. What we do see are illegal armed groups – guerrillas, paramilitaries, drug traffickers – whose ability to disrupt the established order is not only extraordinary but has become stronger over the past decade. Such groups, however, do not represent large percentages of the national population: it must be emphasized that the immense majority of the citizenry does not identify with any of the illegal armed groups responsible for the violence. And this majority of Colombian society has found a significant degree of representation in a complex State that possesses fundamental legitimacy based on democratic principles.

Some may argue that this exercise is purely semantic, a meaningless play on words. Such disdain for concepts and the meanings of words is exploited by the enemies of democracy, those who would impose their own particular language on society through terror. The Spanish intellectual movement headed by Fernando Savater that was successful in recent years in re-conceptualizing the terms of the debate in that country, understood this clearly. As Edurne Uriarte observed, Spanish intellectuals were able to rescue "the words for democracy" and dismantled "slowly but overwhelmingly the ETA's control of the language." He further warns that in his country, "war is associated with terrorist oppression and peace with the concept of liberty."[103] Spain's problems are of course very different from Colombia's. But the message is equally valid for both countries: concepts cannot be abandoned with impunity. Colombian democracy will not survive without its intellectual defense. And this defense begins by purging the language of ambiguous phrases and words that confuse and even undermine the coexistence of the citizenry.

I must repeat what I stated in the introduction to this essay: when I suggest that the conflict cannot be defined as being a "civil war," or as a situation of "widespread violence," I am in no way ignoring the gravity of the situation in Colombia. And in suggesting that the complexities of the Colombian State must be appreciated I am not denying its problems and flaws. One could even invert the logic that is

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[103] Edurne Uriarte, "La sociedad civil contra la ETA," *Claves de Razón Práctica,* N. 111 (April, 2001), p. 81. See the interviews with diverse Spanish intellectuals in the periodical *ABC*, December 3, 2000, and "Savater: 'ETA va contra la prensa porque el nacionalismo la señaló durante la campaña," *ABC*, May 27, 2001. See also José Varela Ortega's book *Contra la violencia. A propósito del nacionalsocialismo alemán y del vasco* (Larraitz, 2001.)

frequently given as an explanation: in the final resort, it is the conflict itself that causes the growing weakness of the State and not the other way around. What this essay has tried to emphasize above all is the need to question, or, perhaps better yet, to throw away concepts such as "civil war" that, due to their ambiguity as well as their being out of step with reality, prevent us from arriving at a correct diagnosis with the aim of finding rapid and effective solutions to the conflict itself.

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