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# **No ESCR, no Peace? The Importance of Addressing Structural Violence in Post-Conflict Societies.**

**[ulster.ac.uk/transitionaljustice](http://ulster.ac.uk/transitionaljustice)**

# Thinking Violence

## Colombia

- 220,000 direct armed conflict fatalities between 1964-2012
- 80% of those estimated to be civilians
- 5-6 million people displaced from their land
- UNDP (2011: 11): discriminatory public policies, structural restrictions of social and productive infrastructure, complete disregard of peasant economy
- Highly unequal: 53.5 Gini coefficient (World Bank 2014) - highest globally
- Rural Gini for property is 0.88 (2012)
- 24.7% overall loss in Human Development Indicators due to inequality (UNDP 2015)
- 10% difference in Reproductive, maternal, newborn and child health interventions between the poorest and richest quintiles in society, a gap that widens to 13% when comparing those with no education to those who have completed secondary school (World Health Organization 2015).



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# Structural Violence

Distinction between direct violence, which involves a clear subject-action-object relation, while violence that occurs without this relation is structural (Galtung 1969: 170-171).

‘ongoing experiences of social marginalisation, political exclusion and economic exploitation’ (Gready 2011: 15)

- Social structures
- Power relations
- Economic inequalities
- Discrimination in accessing services
- Inequitable decision-making potentials



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# Transitional Justice

## Definition

‘the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof.’ (UN Secretary-General 2004: 4).



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# Transitional Justice

## What sort of justice and transition?

- Defined Mechanisms and Processes: Trials, Truth Commissions, Reparations, Institutional Reform/GNR
- CPR not ESCR (Haldemann & Kouassi)
- Participation and claims as victims
- “Acceptable” theories and methods: Liberal Peace & Postivist Paradigms



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# Transformative Justice

## Daly, Lambourne, Gready, Robins, Evans

- Take Structural Violence and Inequalities Seriously
- Context-specific
- Economic Focus
- Indivisibility of Rights
- Temporal Continuity
- Participation
- Long-term Processes
- Process over Outcome
- From Legal to Political and Social Solutions
- Peace-building, Development and Conflict Studies

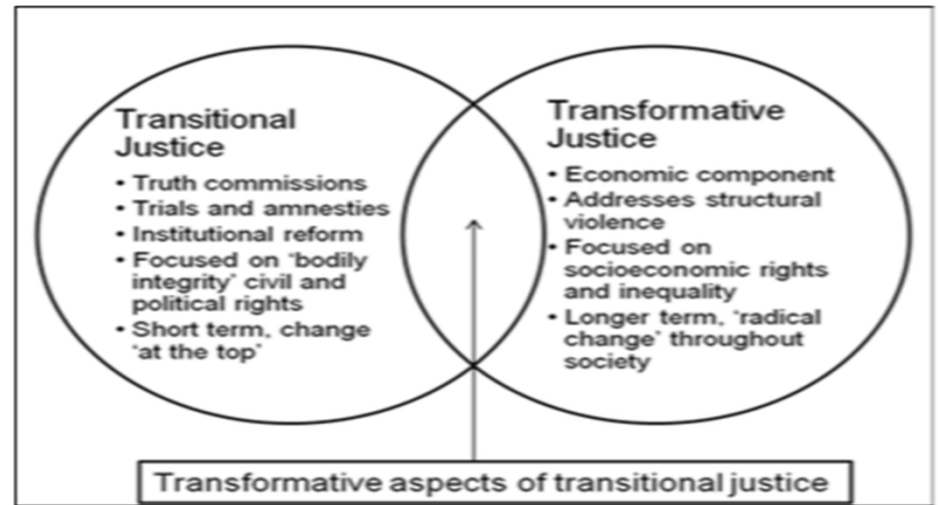


Figure 1: Relationship between transformative justice and transitional justice

# Transformative Justice

## Multiple Dimensions

- **Diagnostic Tool:** consider political economy and historical roots of, and existent power relations in, the current situation.
- **Process Requirements:** local knowledge and participation at all stages; capacity building of skills and confidence needed for meaningful participation/empowerment that can challenge existing power relations.
- **Outcome Requirements:** tangible positive change for those suffering structural violence, such as more equitable land-ownership, access to services or enhanced decision-making



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# Structural Violence Reduction Matrix

## 1. Diagnosis & Aims

- Who was involved in elaborating the legal and policy documents?
- What central problem does the initiative seek to resolve?
- What causes does it ascribe to this problem?
- How does it envisage solving the problem?
- What are the proclaimed aims?
- Is there a specific focus on inequalities?
- Is there a specific focus on exclusion?
- Who are the intended beneficiaries of the initiative?
- How are they defined and identified?



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# Structural Violence Reduction Matrix

## 2. Design & Process

- What is the role of beneficiaries in the design of the initiative?
- What is the role of non-beneficiaries in the design of the initiative?
- How is participation in the initiative ensured?
- How are participants in the initiatives selected or chosen?
- Are they representative of the local community (race/gender/class)?
- Is participation open only to those who directly benefit?
- At what point in the process is participation?
- What form does participation take?
- Who makes the final decisions?
- Is there capacity building to enable participation?
- Are there practical or financial obstacles to participation?
- Are local concerns addressed (marginalised individuals or communities)?

# Structural Violence Reduction Matrix

## 3. Outcomes

### 3A. Political & Sociopolitical

- Increased membership/activity of local political, socio-political, social organisations
- Increased local activism and mobilisation in the political, social and economic sphere
- Greater representativeness and diversity of political figures (gender, social class, territorial origin, ethnicity/race)
- Greater input by peasants into defining local priorities
- Greater input by peasants into decision making bodies (organisational, community, municipal, departmental)
- Evidence of spillover effects on wider political dynamics in the region eg coalitions of land claimants with other movements or input into political bodies

### 3B. Direct Violence

- Less killings/kidnappings/threats in the community
- Less killings/kidnappings/threats against politically active individuals eg land activists, community leaders, trade unionists etc.



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# Structural Violence Reduction Matrix

## 3. Outcomes

### 3C. Economic

- Broader ownership of land
- Broader effective access to use land
- More equitable access to necessary agricultural inputs
- More equitable access to irrigation
- Improved rural connectivity (roads, markets, internet etc.)
- Increased rural incomes
- Increased non-agricultural employment opportunities

### 3D. Socioeconomic

- Improved access to educational opportunities
- Increase in literacy levels & average years of schooling
- Improved access to health resources
- Improved health-adjusted life expectancy (HALE)
- Improved infant mortality, malnutrition, disease prevalence rates

# Empirical Application

## Use SVRM in a Transitional Society

Investigate two land-based public policy initiatives in Colombia (Montes de María)

Land Restitution Programme  
(LRP)



Peasant Reserve Zones  
(ZRC)



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# Brief Methodological Note

## Research Based On:

- Detailed literature review
- Analysis of legal and policy documents
- Use of statistics
- Field Research
  - ❖ 4 months in Colombia, 3 months in MdM
  - ❖ Semi-Structured Interviews
  - ❖ Attendance at various meetings



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# Montes de María (MdM)

15 municipios and 137 corregimientos split between the departments of Bolívar and Sucre

Population: 195,601 + 279,998 = 475,599 (census 2005)

- Violence
- Poverty
- Land Shortage
- Isolation & Neglect
- Services & Infrastructure
- Corruption & Nepotism



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# MdM Direct Violence (Macro)

## GEOGRAFÍA DEL TERROR

Este mapa muestra las masacres que se han cometido en Colombia, discriminadas por grupos armados. Haga zoom sobre el mapa para obtener información más detallada sobre las masacres.

● Grupos Guerrilleros ● Paramilitares ● Miembros de la fuerza pública ● BACRIM ● No identificados



EXPLORE EL MAPA  
CRONOLÓGICAMENTE



EXPLORE EL MAPA POR RANGO  
DE TIEMPO



# MdM Direct Violence (Micro)

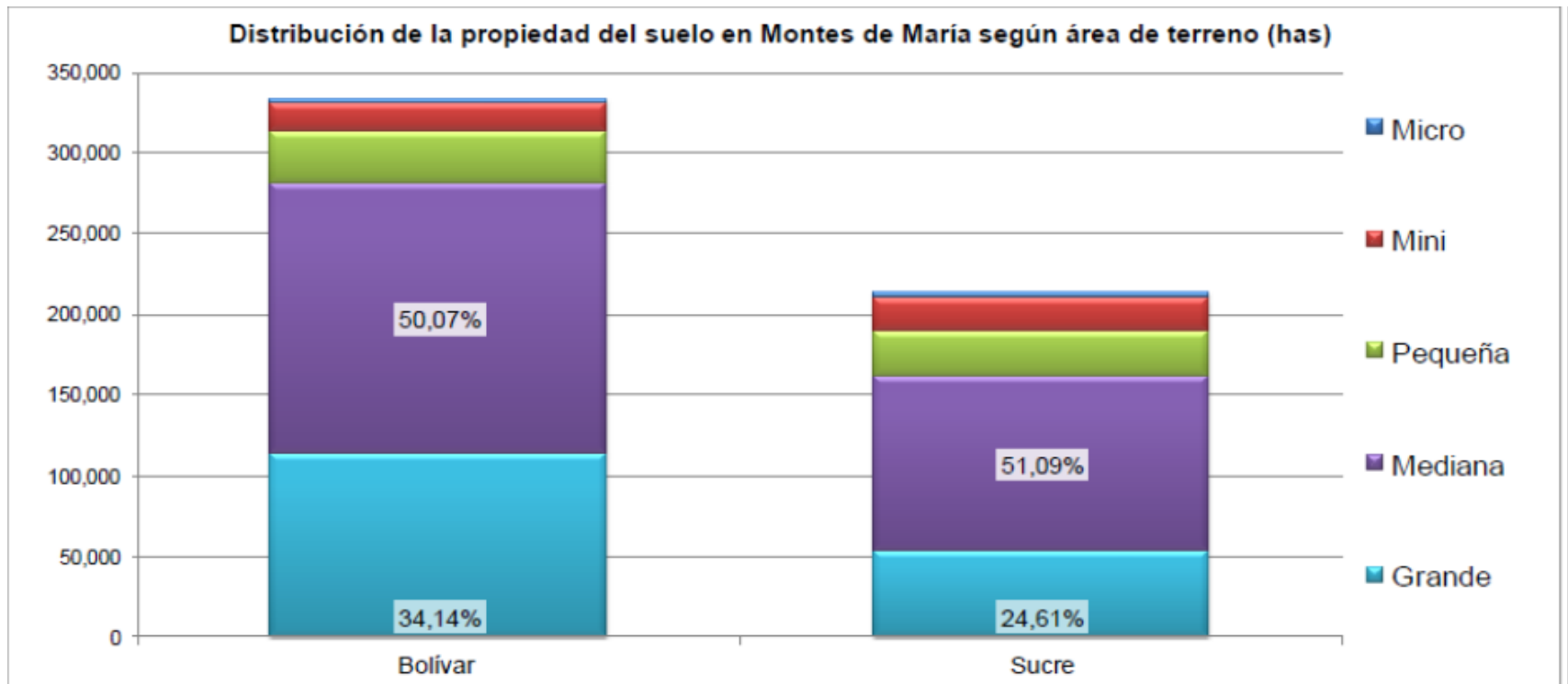


# Land in MdM

## Access and Distribution

Gini of 0.73 (Menco Rivera 2011).

67% have less than 20 hectares = 18 % of total rural land  
33% have more than 20 hectares = 82% of total rural land



(USAID & Fundación Semana 2014: 13)

# Land in MdM

## Other Issues

- Access to Water
- Encroachment by Agroindustry
- Transport Infrastructure
- Entrance of Extractive Industries



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# Road Infrastructure





# Applying the Matrix

## 1. Diagnosis & Objectives

## 2. Design & Process

Land Restitution Programme



Peasant Reserve Zones



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# Land Restitution Programme

## 1. Diagnosis & Objectives

- Creation of the initiative? Law 1448 of 2012, although built upon the basis of laws, norms and policies arising from the 1991 Constitution and 1994 Justice and Peace Law. Law 1448 ratified within 1 year of President Santos taking office, so doesn't respond directly to social demands and little time or space provided for public/community consultation

- What problem (and cause) does the initiative seek to resolve?

Dispossession and abandonment of land caused by armed conflict

- Does initiative recognise existence of asymmetrical power relations? No

- Does initiative recognise existence of exclusion and inequalities? Yes

- What/Who are the initiative's proclaimed objectives and beneficiaries?

Restitute land to all those who have lost land since 1991 and who apply for restitution . Applicants inscribed in the Register of Victims. Return to land facilitated by state agencies, including security guarantees and the provision of a productive project



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# Peasant Reserve Zones

## 1. Diagnosis & Objectives

- Creation of the initiative? Law 160 of 1994, although ZRC were a central demand of peasant mobilisation in the late 1980s and early 1990s (ILSA 2012)

- What problem (and cause) does the initiative seek to resolve?

Marginalisation of peasant economy and inequitable distribution of land – caused by its concentration in large landholdings following historical processes of alienation, dispossession, displacement and concentración.

- Does initiative recognise existence of asymmetrical power relations? Yes

- Does initiative recognise existence of exclusion and inequalities? Yes

- What/Who are the initiative's proclaimed objectives and beneficiaries?

Distribute land amongst peasants with limitations on the maximum plot size and land use within the ZRC. Peasants choose to form part of ZRC. Internal organisation should be done via participatory processes. State should assign or redistribute public and improductive/concentrated land.



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# Land Restitution Programme

## 2. Design & Process

- Local community involved in designing the initiative? **No**
- Are local needs/concerns addressed? **Not expressly**
- How is participation ensured? **Publicity and information about the process given by the responsible state agencies**
- When and in what form is participation? **Applicant inscribes in the Register of Victims, later with the URT and awaits the judicial decision**
- Is capacity building undertaken to facilitate participation? **¿-?**
- Are practical or financial barriers to participation removed? **No**
- Is participation limited to direct beneficiaries? **Yes**
- How are participants selected? Are they representative of local community? **Self-selecting in that they must meet the requirements to apply. Applicants only represent themselves, or sometimes family members, and are peasants that had legal or de facto possession of land.**

The logo for TJI (Transitional Justice Institute) is located in the bottom left corner. It features a stylized 'TJI' in a bold, dark blue font. To the left of the letters is a vertical gold bar. Below the letters is a horizontal bar with a colorful, abstract pattern. The entire logo is set against a dark grey background.

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# Peasant Reserve Zones

## 2. Design & Process

- Local community involved in designing the initiative? **Yes, participatory process to map and elaborate foundational documents for ZRC**
- Are local needs/concerns addressed?  
**Should be included in Sustainable Development Plan**
- How is participation ensured?  
**Information about process and collection of proposals done in various communities. Public Assemblies to debate and ratify ZRC foundation**
- When and in what form is participation?  
**During process of ZRC creation and in its subsequent governance.**
- Is capacity building undertaken to facilitate participation? **?**
- Are practical or financial barriers to participation removed? **?**
- Is participation limited to direct beneficiaries? **No**
- How are participants selected? Are they representative of local community?  
**Anyone can participate – normally members of community JAC**



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# Land Restitution Programme

Adequate Diagnosis? Local Links & Ownership? Transformative?





# Impulse Committe, ZRC MdM



# CONTACT

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