

Eradicate poverty, negotiate war



Enjoyment of full human security cannot be guaranteed while the war escalates, and the poverty and inequality generated by neoliberal policies continue. Human security and human rights cannot be viewed as contradictory.

Corporación Región

Alberto Yepes / Rubén Fernández

The events of 11 September 2001 have ushered in a new world order in which security has become a key issue in national and international policies. But although security is one of the most essential public assets of a society, it has been adulterated and reduced to a set of rules and procedures based on fear and mutual distrust, granting security forces the power to set up mechanisms for social control and to impose restrictions on civil and political liberties and guarantees, which are the basis of a functional democracy.

A more secure world, in contrast, requires the recovery of the idea of security in the broadest sense, as the guarantee of a favourable environment for the full expression of human life and dignity, putting people at the centre of public policies. Security is expressed in the conditions of everyday life (food, housing, employment, health, public safety) that benefit all human beings, without discrimination of any kind. While it is true that legally constituted authority must take action against all criminal acts that threaten people's lives, safety, freedom and property, these actions cannot run counter to the principles that ensure enjoyment of all human rights by all human beings, namely, their human security.

The thousand fronts of the internal war

The internal war, poverty and increasing inequality, which violate human rights and civil liberties, are the main factors threatening human security in Colombia. As stated by the Ombudsman's Office (Defensoría del Pueblo), "violent death, arbitrary loss of freedom and social inequality prevent the vast majority of people from determining their own future and living with anything more than the most basic necessities".¹

Colombia has been living in the midst of an armed internal conflict for over 40 years. In the last few years the war has escalated, leaving thousands of victims murdered, mutilated, exiled, displaced or missing. Intervention by the United States in the

war against drugs and the so-called war against terrorism, defined in the national Plan Colombia, the Democratic Security Policy of President Álvaro Uribe Vélez and the pro-war attitude of the insurgent groups, especially the Armed Revolutionary Forces of Colombia (FARC), has led to an increase in certain styles of military confrontation and generated new violations of human rights and international humanitarian law (IHL), making a negotiated political solution to the conflict less likely.

Colombia today faces a severe social and economic crisis, due to the worsening of several concurrent conflicts. Poverty affects 60% of the population, 25% are extremely poor, and 61% of the economically active population are in the informal sector.² Forced internal displacement has affected more than 2.5 million people. Profound social exclusion denies basic human rights to large sectors of the population: "The country still has some 1,800,000 children (taking into account new school places created in 2003) outside the educational system"³ and 48% of the population lack health care.

Concentration of wealth and income are the flipside of this situation. The richest 20% of households receive 52% of income, and earn 26.3 times more than the poorest 20%. In the countryside, where 80% of the population are poor and 60% live in extreme poverty, concentration of land ownership means that 1.1% of landowners hold over 55% of arable land.⁴

Corruption, drug trafficking and violence as ways of accumulating and stripping people of their land and wealth, have fostered the idea held by certain members of the elite that the State is part of their personal patrimony, to be placed at the service of the private interests of a privileged few. Along with the internal war and the drug trade, corruption has become one of the most destructive problems affecting the country.⁵

Breathing is in jeopardy

In 2004, the US intervention in Colombia will command a budget of approximately USD 700 million, approved as part of the Department of Defence's Foreign Operations budget.⁶ This intervention puts large sectors of the rural, indigenous and Afro-Colombian populations at increased risk in areas where war is being waged on coca leaf growers. About 400,000 families are being subjected to the harmful effects of the aerial spraying of toxic substances, which is affecting life and health, water, animals and crops.

Under the Plan Colombia, at least 29,980 people were expelled from the fumigation zones, while 2,831 indigenous people fled from their territories and around 40,500 members of Afro-Colombian communities were forced to leave during the first nine months of 2003, according to a report by the Consultancy for Human Rights and Forced Displacement (Consultoría para los Derechos Humanos y el Desplazamiento Forzado, CODHES). During the same period an estimated 20,727 people moved into 45 municipalities along Colombia's border with neighbouring countries, while about 15,000 Colombian citizens sought refuge in Ecuador, Venezuela and Panama.⁷

This anti-drugs policy creates new factors of human insecurity among small-scale coca leaf growers, as they are given no other alternative for survival.

Security policy versus civil liberties

The wearing and demoralising effects on the civilian population of the frequent and serious violations of IHL committed by all the armed parties in the conflict, have fostered the desire among the public for a quick solution to the war, even at the cost of restricting human rights. The defeat of the guerrilla organisations and the conquest of security have been promoted as goals that can be achieved in the

1 Defensoría del Pueblo. *Seguridad y libertades individuales*. Bogotá: Alfaomega Colombiana S. A., April 2003, p. viii.

2 Garay, Luis. "Políticas públicas y garantía de los DESC", in *El Embrujado Autoritario. Primer año de Gobierno de Álvaro Uribe Vélez*. Bogotá: Plataforma Colombiana de Derechos Humanos, Democracia y Desarrollo, pp. 33-44.

3 Data from the Ministry of Education taken from: "Este año se abrirán 370.000 cupos". *El Colombiano* newspaper, 18 January 2004, p. 6A.

4 Garay, *op cit*.

5 According to official figures, corruption makes away with over COP 14.5 billion (USD 5,385 million) per year, while the budget for social investment is only COP 9 billion (USD 3,342 million). In "Contra la corrupción". Editorial. *Diario El país-Cali* newspaper, 13 August 2003.

6 "Aprobada Ayuda de Estados Unidos a Colombia". *El Tiempo* newspaper. 8 December 2003.

7 CODHES *Informa*. No. 46. December 2003.

medium term by means of the so-called War on Terrorism, the Democratic Security Policy and US aid and military cooperation.⁸

However, the lack of respect for internationally recognised principles of human rights and the arbitrary abuses committed by all sides are daily sources of insecurity and terror in wide sectors of the population. The guerrillas, paramilitary groups and government forces have continued to perpetrate serious violations of IHL and abuses against the civilian population. Between July 2002 and June 2003, 2,501 people were kidnapped, most of them by guerrilla organisations. At the same time, the excesses of the Democratic Security Policy have been notoriously more brutal among the poorer sectors and communities in both the countryside and cities. Forcible disappearances have increased: between January and August 2003, 684 people were reported missing, an increase on the previous year's figure.⁹ Arbitrary mass arrests have increased to alarming levels. The Commander General of the Police acknowledged that in 2003 125,000 people had been arrested.¹⁰ Many who had been detained after being named by anonymous informers later had to be released because of lack of evidence.

The Government's own evaluation of its security policy has been positive, pointing to achievements such as a reduction in homicides, massacres and kidnappings. The main highways in the country are now under the control of the authorities, and the National Police has established a strong presence in most of the country's municipalities. These government gains, however, must be contrasted with the increasing militarisation of society and the erosion of civil liberties ratified in several international treaties, as well as with the growth in military spending which has aggravated the fiscal crisis, while social investment, which would promote recognition of the population's economic and social rights, is underfinanced.

Rule of law undermined

Rights violations in recent years have led the United Nations' human rights body and the Inter-American Commission on Human Rights to make a number of observations and recommendations to the Colombian State and to the armed groups with the

aim of overcoming the humanitarian crisis. In July 2003 the European countries' Panel of Donors made its aid and cooperation conditional on fulfilment of the recommendations of the UN High Commissioner for Human Rights.¹¹ Out of 24 recommendations that the State promised to implement, 17 have not been complied with, 7 have been partially carried out, and measures are being taken against 10 of them.¹² The illegal armed groups (guerrillas and paramilitaries) have totally ignored the three recommendations made to them, concerning kidnappings, massacres, protection of civilians and, in general, respect for IHL.

Acting against the recommendations of the Office of the UN High Commissioner for Human Rights, the Government sent Congress a constitutional reform bill (passed in December 2003) which ignores mandates on human rights contained in international treaties signed by Colombia. The reformed Constitution grants new powers to the armed forces to detain people for 36 hours, carry out house raids, tap telephones and record and intercept communications without a warrant, on the basis of accusations by the military and with no need for proper and impartial judicial inquiries. The armed forces may also carry out functions of the judicial police, including the use of forensic methods and interrogation of suspects.

Furthermore, nearly half the articles of the present Constitution are being rewritten to accommodate government strategy, in an attempt to strengthen presidential powers, eliminate judicial checks on the actions of the Executive and the armed forces, while restricting the independence of the other state powers. State responsibilities such as security, satisfaction of basic needs and justice are being devolved to community level, so that the majority of state resources can be channelled into financing the war and paying state creditors.

The crowning event undermining the rule of law is the Government's proposal to reform the justice system, preventing the protection of economic, social and cultural rights being invoked through the legal system, eliminating the *Acción de Tutela* (writ of injunction), and restricting the powers of the

Constitutional Court to reach verdicts which interfere with government decisions.

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The standpoint taken by the recent National Human Development Report 2003 for Colombia *Understand in Order to Transform the Local Roots of Conflict* presented by UNDP argues that we are all losers in the war, and it contains proposals about which thousands of Colombian citizens and institutions were consulted. These should be taken into account by the democratic sectors and the international community in pressing for advances towards a negotiated outcome to the conflict.¹³

The only way to ensure human security, democratic rule and lasting peace in Colombia is through a negotiated end to the war, a reformed economic model that will reverse the process of impoverishment and concentration of income and productive assets, the defence and extension of the rule of law, and the creation of a new social pact that will guarantee human welfare, employment and the enjoyment of social rights in an environment where human rights and democratic participation are fully respected. Further requirements are a reduction in the cost of servicing the national debt through better conditions, lower interest rates and longer repayment schedules, and a gradual lowering of the debt owed to private creditors, in order to make financial resources available to address the social needs of the 60% of the population who live in poverty. ■

8 The Democratic Security Policy provides for strengthening security forces (from 240,000 to 400,000 members), setting up a network of one million paid informers, coordinated by the security forces and at their service, creating citizen security squads and adding 100,000 peasant militias to the army.

9 Declaration of Colombian NGOs to the UN Human Rights Commission, 60th Session, March-April 2004.

10 "Ponen en duda las cifras oficiales sobre muertes y desmovilizados en la guerrilla", *El Tiempo*, 16 September 2003.

11 See: Oficina en Colombia del Alto Comisionado de las Naciones Unidas para los Derechos Humanos. "Recomendaciones para Colombia 2003". Bogotá, March 2003, www.hchr.org.co

12 According to an evaluation carried out by more than 150 social organisations, trade unions, rural, ethnic, community, development, women's, human rights and environmental organisations and peace initiatives, participating in three broad networks: the Alliance for Cooperation for Peace and Democracy, Colombia-Europe-United States Coordination, and the Platform for Human Rights, Democracy and Development. "Colombia se raja en derechos humanos ante la ONU". See: www.vialterna.com.co/index2.htm

13 This report contains proposals which aim to: a) prevent extension of the conflict to new victims and regions; b) reduce the number of illegal combatants and people affected; c) prevent outrages subsequent to action; d) achieve respect for IHL and human rights, while the confrontation lasts; e) compensate innocent victims; f) punish those responsible for criminal behaviour; g) reduce the harmful effects of the conflict on human development; h) shorten the conflict and put an end to armed action; i) ensure that the final solution to the conflict complies with the standards of justice and causes the least possible harm to or has the best possible impact on Colombia's future; and j) secure a firm and lasting peace, i.e. demobilisation of the armed groups with no new such groups emerging to replace them.