

# Editorial

## Legal, political and economic aspects of the tragedy in rural Colombia in recent decades: hypothesis for analysis

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### 1. Introduction

Over the last few decades, Colombia has been ranked, in the company of Sudan and the Democratic Republic of Congo, among the three countries with the largest number of displaced persons in the world. In some of these years it also reported the highest homicide rates of the planet. The reasons for the tragedies are different in each country. Colombia has never had a government or a president directly involved in any massacres—as is the case of the president-dictator of Sudan—nor is it a country whose government is absent in large extensions of its territory, as is the case in Congo. However, even though it is not comparable to those countries, the Colombian tragedy is more surprising and more complex in terms of the factors that have produced this enormous number of deaths and displaced persons.<sup>1</sup>

Of the countries that were mentioned,<sup>2</sup> Colombia is the most developed in economic, social and institutional terms, which makes it seem odd that it should suffer such socio-political ills. For example, it has in place a series of democratic elements: not only is the central government elected,

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<sup>1</sup> Perhaps because of the complexity of this process and its continuity over time, the Colombian experience is less known internationally than that of the African countries.

<sup>2</sup> These and most other episodes of violence seem to be largely explained by factors of much less weight in Colombia. The events in Rwanda, Sudan, Kosovo and Indonesia are largely the result of ethnic animosity; in Congo, the curse of natural resources (minerals) combined with the weakness of the government; in Cambodia and Peru, extremist ideologies.

but political powers are widely distributed among the regions, not at all like a centralized dictatorship. However, some observers indicate that his form of 'democracy' creates incentives and opportunities for the generation of violence and injustice within the political processes themselves.

Traditional interpretations of the violence in Colombia in the 1940s and 50s, arising from inherited hatreds between members of the two traditional parties in the context of democratic elections, have not been comprehensive and have overlooked some of the more subtle and enduring elements. In later decades, the role of other political and economic factors—especially land ownership— seem to have been more relevant, and were probably more obvious than in the previous decades.

The Colombian State continues to be heterogeneous in terms of the behavior of its various bodies: it comprises a combination of forces, some of them dynamic and positive, others very negative, and there is no shortage of opportunists who take advantage of the situation to pursue their own interests (Estrada and Rodríguez, 2013). Many institutions within the State related to the land issue are highly corrupt. Of the countries with very high levels of violence, Colombia is apparently the one where the struggle over land has the greatest weight.<sup>3</sup>

Colombia is known worldwide as a country that has experienced high levels of violence, a phenomenon that is relatively easy to observe and measure. It is less well known as a country of large injustices, which it has been unable to overcome. In this case, more so than in other countries, these two phenomena are closely linked. Much of the violence and injustice are associated with land ownership-dispossession, theft, extortion, legal manipulation, among others. Land ownership is currently highly concentrated, and much of this land has been appropriated in a sinister way, sometimes through violence, sometimes by other means. It would not be surprising if the percentage of current large properties that were acquired by legitimate means (in other words, without involving blood, dispossession or any type of fraud) is in the range of only 10% to 25%, depending on your definition of legitimacy. A broad definition would mean land acquisitions that did not

<sup>3</sup> The absence of dispossession during the long conflict in Peru in the 1980s lies in contrast to the Colombian case (Gutiérrez, this issue) and suggests a much lower emphasis on land as an important economic asset.

involve any violence, coercion, bribing of bureaucrats, legal manipulation or similar means.<sup>4</sup> In summary, justice in Colombia in connection with rural land matters has been in short supply, not only in absolute terms but also in comparison with most other countries. The State has been unable to prevent a huge number of injustices, and has often even facilitated such outrages.

Unfortunately, the conditions of the last half century in Colombia have produced a process of “selection of the worst”, in other words, those who ended up with land titles are, on average, those with the least moral qualities, because they are the only ones “willing” and “capable” of doing what needs to be done to acquire control over a property. According to the theory of evolution, selection favors the organisms that best adapt. In the economy it is the same: when markets function properly, the most efficient prevail. But when neither the markets nor the political system operate properly, the result is this “selection of the worst”. As demonstrated in so many countries and societies, such a balance is difficult to offset.

One of the questions that arises from the history of land in Colombia is the level of impact to be expected in the long term by having such a large percentage of income and wealth concentrated in people with low morals, including drug traffickers, perpetrators of dispossession and corrupt bureaucrats, just to mention a few. How, from this starting point, can a healthy political system and culture be built?

This special number of the magazine includes a series of studies that contribute to the analysis and interpretation of the conflict over land in Colombia. The issue is characterized by a level of dispossession that has been a constant feature of the nation's history in the last decades. The essays seek to shed some light on this experience in order to answer the question: Why Colombia?

The studies address, among other things, legal and institutional aspects of these events; political responses to them, and interactions between the political and legal aspects. From afar, it does not seem obvious that legal and institutional aspects should have so much influence on a process that

<sup>4</sup> Even before the conflict and violence of the last decades, this percentage was probably low. An agronomist who knows the country well once told me that he had yet to find a large property that had been acquired without taking advantage to some extent of settlers, ambiguous laws or similar circumstances.

is often described as a “civil war”. In the context of a conflict of this type it is generally assumed that neither the law nor the institutions responsible for enforcing them are in operation. Furthermore, there is a perception that even in relatively normal times Colombia does not act very much in line with formal law, and instead uses other types of mechanisms based on power, sometimes political, sometimes physical, and occasionally of another type. Within this context, how much weight does the judicial/police system have, comprised by, on the one hand, a body of laws, decrees, etc., that supposedly establish the rules of the game, and on the other hand, the players within the system including courts, judges, lawyers, notaries (at least in part), the police and the military? What has its impact been on the dispossession process?

Any theory that seeks to explain the Colombian experience must include economic, political and socio-cultural elements, and propositions of this type abound. Theories that assign great weight to the characteristics of the judicial/police system are less numerous and, perhaps on first sight, less convincing. However, as one looks closer at the Colombian reality, such theories seem to acquire greater weight, directly and indirectly. This publication analyzes these matters in depth: how does the legal/judicial/police system help accentuate and/or mitigate the crimes (massacres, homicides, violent dispossession and other forms of dispossession) regarding land?

## **2. Brief overview of violence and injustice in rural areas**

The major elements that contribute to violence in Colombia have been widely discussed in various studies; this is also true regarding injustice, but to a lesser extent. The key players include guerrilla militants, drug traffickers, paramilitaries, some property owners and some mining interests, all in the framework of a State that is on the one hand weak in terms of physical presence in remote areas of the country, and on the other hand weakened by the infiltration of those who benefit from the conflict and the presence of opportunist bureaucrats (including some members of the military and police) who are willing to favor one of the above groups in their own interests. The big losers were the dead left behind by the conflict, primarily small farmers.

This unique tradition of violence during the 20th Century forms part of the historical context. Economic factors, in turn, have always played an important role in the episodes of violence and in the more chronic rural conflict. These factors seem relatively more significant in the experience of the latest decades than in earlier time periods. For example, drug trafficking, oil palm plantations, cattle ranching and land speculation, are all sources of large profits; all these are determining factors in the face of a weak state and legal system. The presence of so many players in the same drama, not to mention internal divisions and conflicts within some groups (for example, among paramilitaries) implies a high level of complexity and perhaps a more dangerous mix than in any other country.

During the second half of the 20th Century, especially after the 1960s, dispossession increased markedly due to the armed conflict, drug trafficking and increased demand for land for agro-industrial development. In the 1980s and 90s there was an upsurge in violence involving extortion and kidnapping by the guerrillas; self-defense groups were created to combat the kidnappings, and the first paramilitary groups appeared financed by drug traffickers who, with the pretext of fighting off the guerrilla subversion, sought to control territories to manage their drug business. Leaders of small farmer organizations were murdered, massacres were committed and forced displacement took place.<sup>5</sup>

The consolidation of the paramilitary groups took place between the 1990s and 2006, when their presence became permanent in the territory and they set up training bases (on war, torture, etc.) in farms. This was the period of greatest terror and greatest abandonment of lands by settlers and small farmers. The demobilization of the paramilitary groups (2005-2006) produced a legal and material transformation in land ownership (Rodríguez, this issue). Coercion was a tool used not only by guerrillas and paramilitaries to control territories, but was also used “by enterprise owners who instilled fear in the previous settlers to abandon their lands. But in addition to coercion, the alliances between the large land owners and these groups were another means to obtain property titles and the transfer of land ownership” (Rodríguez, this issue).

<sup>5</sup> For additional details see Rodríguez (this issue).

Another means for obtaining titles and transfer of rural properties was the violation of rural laws, for example of Law 160 of 1994 and Resolution 041 of 1996, which place limits on the transfer of property titles when the lands were originally vacant (Rodríguez, this issue). Some of the lands supposedly owned by settlers were lost through “titles granted by incora based on the influence of companies, fraudulent purchases and the establishment of companies that acquired the properties on paper to later resell them” (Rodríguez, this issue).

Even though displacement and dispossession have been sometimes a consequence of the conflict, they are primarily a systematic strategy for hoarding land and gaining territorial control. In other words, the displacement is not a consequence of the war, but rather there is a war so that people can be displaced (UNDP, 2011). These events occur at the margin or even in the shadow of both legitimate and illegitimate political machineries (Estrada and Rodríguez, this issue). This is perhaps the first time in the history of this country that the conflict, dispossession and the concentration of land ownership have had so much direct and indirect involvement by the state (implicit in the absence of any serious response to the criminal acts).

### 3. Elements of analysis

As indicated earlier, the massive dispossession of lands in the last decades was due to a complex combination of historical, political, economic and legal aspects. Behind these elements lie the cultural, social and moral characteristics of society. In this essay we discuss four inter-related dimensions: socio-cultural, political, legal and economic.

The rules of the game in all societies are directly determined by their political or legal processes. The former enable the participation of the population and its various groups through channels established by the political and constitutional history of the country, and by prevailing historical practices.

Legal processes are designed to ensure that certain society values are maintained thanks to rules that operate independently from the normal political process. The objective of this is to attain a certain level of stability, professionalism and political neutrality in certain aspects of people’s lives. The legal component of a society has two elements: the constitutional

one, which establishes the political institutions and the way they operate, and the statutory element, which includes the civil laws designed to maintain the level of justice in the relationships between people and between people and the State. The contents of the constitutional rules are established from time to time by means of “special” political processes and are intended to remain in place for a long time, until society decides to make changes through another political process of a similar nature. In contrast, non-constitutional statutory laws are established as a result of the normal legislative proceedings of the country’s congress.

In addition to the fact that the political players establish the content and structure of the legal system, both processes continuously interact with each other. Given the set of legal rules, the manner in which they are applied is determined to a certain extent by the political processes in a given time period. For example, judges may be appointed by politicians and therefore reflect the politicians’ preferences, or the performance of the legal system may depend on the resources it is assigned by politicians.

The cultural and moral aspects of society are supposedly reflected in the Constitution and in the body of law. Similarly, they are reflected, perhaps in a less precise and direct manner, in the way the legal system operates, through the impact the political process has on legal practice.

In order to better understand the drama of rural land in Colombia it is necessary to take into account, firstly, the “rules of game” established by the political and legal institutions, and secondly, the players with specific interests or responsibilities related to this matter. There may be certain points in common between both, for example a judge who also has economic interests.

A starting point for the analysis of dispossession is the high demand for land, arising from economic, political and military interests. The dispossession and transfer of so much land implies a huge imbalance of power between those who wish to accumulate land and those who lost it; in the case of dispossession, between the perpetrators and the victims. Here it is also necessary to look at why the losers are so weak.

Those who wish to accumulate land are members of groups of drug traffickers, guerrillas or paramilitaries, as well as some traditional land owners and national and international companies with business interests. There are also other groups such as corrupt bureaucrats and policemen, and former

small farmers who belong to the paramilitary armed forces. Some or all of the members of these groups are willing to ignore or evade any obstacle they are faced with. In the case of the armed groups, the *modus operandi* is war, though afterwards they may seek to legitimize their ownership rights (Gutiérrez, this issue). The other groups take advantage of the political and legal weakness of those who work on their lands (Peña Huertas et al., this issue).<sup>6</sup> In looking back, the phenomenon of dispossession demonstrates the defenselessness of the settlers and small farmers and others who were forced to abandon the properties they had worked on. This matters in order to understand and formulate policies for the future, to be able to establish the most important factors in producing advantages for the winners and the weakness of the losers. A look of the timing of the events and main trends helps identify them.

1. Starting in the 1970s new players appeared on the scene (compared to the previous history of rural violence in Colombia) with growing power: the drug traffickers and the guerrillas. Both groups established new patterns of violence, though for different reasons, and managed to control a substantial percentage of the national agricultural territory. Afterwards the self-defense groups appeared which, with the government military forces, completed the group of the four direct participants in the confrontation. There were, at different times in the different regions, arrangements of cooperation between the various combinations: the guerrillas and the paramilitaries at times created alliances with the drug traffickers in order to earn income through the alliance.

This situation had a substantial effect on drug trafficking in the US and because of the threat the guerrilla represented at certain points for the Colombian government. It was in this context that Plan Colombia was launched, financed by the US, with the objective of defeating drug trafficking and the guerrillas. At the highest point of the Plan, Colombia's military efforts were focused on these two groups. Meanwhile, the growing presence of paramilitaries and their violent acts were kept

<sup>6</sup> During the last century, rural societies in several regions of the country evolved from a situation of pseudo-feudalism—in which small farmers had at least a relationship of mutual benefit with the powerful families—towards a capitalist relationship, in which such ties were broken either because of the system itself or other reasons, such as the “selection of the worst” among landowners.



below the radar in terms of the strategy and the national and international debate. Gradually, control over the lands switched in favor of the paramilitaries and their allies.

2. A second phenomenon, which began during the conflict but which acquired greater importance since the 1990s, was the take-over of land for non-military reasons, including lands abandoned during the conflict and others gained through coercive dispossession or legal manipulation, and the conflict aimed at promoting dispossession (Rodríguez, this issue). The main promoters of these processes were, of course, those who sought to accumulate more land.

In this struggle, the weakness of the settlers/small farmers is evident, but at the same time it is typical of the history of Colombian agriculture for the small farmers to arrive first to settle in new areas, in many cases sponsored by large landowners who were certain that they would not become owners of the property; they sometimes had the hope that they would be able to stay, and were often surprised when they were forced to leave the property they had come to consider as their own. In this sense, what has happened in recent years, though more violent, can be viewed as a continuation of a typical pattern in the rural history of Colombia.<sup>7</sup>

In recent years, many forms of defense of the rights of settlers and small farmers have developed, but rather than strengthening these defenses, the political and legal processes have tended to weaken them. The effects of the above include the growing number of displaced families and the increase in concentration of land ownership, which was already very high in the 1970s. Several important factors in this process are analyzed in the articles of this issue, which help understand the factors that played the greatest role. There remain, of course, several questions to be addressed in the future.

3. The search for territories was based, among other things, on the possibility of using them for the military purposes of the armed groups, particularly when the conflict was at its highest point. Control over land also brought benefits to local politicians, according to a long tradition in

<sup>7</sup> Currently large operations do not need settlers or to grow crops for a certain amount of time to clear the area; they can increasingly take possession directly.

the country. Meanwhile, economic incentives<sup>8</sup> were driven by several factors:

- a) The recovery in land prices as a productive resource, as the result of the end of a long downward trend in global prices for agricultural commodities and the start of an upward cycle, reaching the famous peak prices of the last decade. This trend, among other things, led to higher land prices.
- b) The impact of the process of opening up the economy in the 1990s. This process has increased the value of certain exportable products (such as palm oil) and at the same time reduced the protection on some importable goods (such as corn and wheat). The negotiation of the free trade agreement with USA has favored large agriculture, due to its greater influence on the negotiations (Garay et al., 2009).<sup>9</sup>
- c) The conflict itself harmed many farmers, large and small. The large farmers who did not have the capacity or willingness to wait for things to improve and did not wish to fight, left their lands and sold them to others who considered these risks to be less serious (Rodríguez, this issue). Many of the small farmers were displaced and abandoned their lands on which, frequently, they held no formal titles.
- d) While the conflict reduced prices on average, the forces that drove price increases over the long time fed speculative processes. This mechanism, which is present to a certain extent in all market economies, arose for several reasons (including those mentioned above) and was quite prevalent during the time period we are discussing.
- e) The small farmers who stayed or who wanted to stay on their land faced disadvantages for a series of additional reasons, including security and the difficulty of producing in the conditions of the conflict, as well as the absence of government support to increa-

<sup>8</sup> The international literature on the relationship conflict-natural resources includes theories on the curse of natural resources and the Dutch disease. The former seeks to explain the causes of the conflict and its effects. In cases where the exploitation of natural resources does not lead to violence, questions arise regarding its impact, including on distribution. The paper by García Reyes (in this issue) shares this school of thought.

<sup>9</sup> In the opinion of Rodríguez (14), economic liberalism intensified the competition to acquire ever larger amounts of land. The case of oil palm, a product for export, clearly exemplifies this logic.

se productivity. This latter weakness of the State was caused to a large extent by the violence —because in the areas affected by the conflict it was difficult to provide any technical assistance—, but also, and more profoundly, by the lack of investment in research and technical development that would be useful for small farmers (UNDP, 2011, chapter 11). This deterioration was caused in part by the liberalization of economic policy and the reduction of State intervention that took place in the 1980s and 1990s.

- f) Combined with these elements that favored land accumulation, there was another factor that weighed against the presence of small farmers/agricultural workers: the tendency of the large agricultural operations to favor capital-intensive technologies that do not require as much labor. In this arrangement, and given that the presence of small farmers might represent future problems for the new owners, it was best to minimize the rural population. This aspect was complemented with the military objective of clearing out people who had possibly cooperated with the enemy during the conflict in the territory.

4. The patterns indicated above led to a process where the search for permanent access to land —though with numerous sub-topics depending on the interests and activities of sub-groups and individuals (García Reyes, Rodríguez, Uribe Kaffure, in this issue)—in which the main perpetrators of dispossession were the drug traffickers, the paramilitaries (whose importance varies depending on the time period, their alliances, disagreements, local conditions and specific events) and other persons interested in accumulating land, including several companies.<sup>10</sup> The main targets from whom they wished to wrest control over the territory were, also depending on the time period, the guerrillas and the small farmers.<sup>11</sup>

<sup>10</sup> In contrast, the guerrillas took over land primarily for military reasons and to have indirect control over sources of income.

<sup>11</sup> Gutiérrez Sanín (in this issue) focuses on the active dispossession process by paramilitaries. He indicates that although this accounts for only a small percentage of total forced displacement in Colombia, understanding this process is important for analytical and social policy reasons.

A central matter regarding this continuous conflict, though with different shades, is the behavior of the State: Did it become an ally to any extent of the forces that sought accumulation or with the small farmers? This issue is also complicated due to differences over time and between the various bodies, including the legal bodies. However, one may conclude, *grosso modo* and in general, that the institutions and actions of the State have favored the larger interests of the paramilitaries and their allies. This conclusion is confirmed by the detailed analysis of the behavior of the institutions and also by the end result: the fact that the small farmers lost so much. However, not all the fights end in favor of the forces of accumulation. In analyzing the successes and failures of the defense of small farmers, one finds certain government actions that had positive or negative effects on the conflict and its final balance.

5. The dispossession mechanisms included physical attacks, pressure through threats, coercion, legal claims and others. The small farmers' will to resist was diminished in many cases by not having formal land titles and not knowing how to proceed given the absence of such titles. Afterwards, when a family intends to reclaim the land or there is a restitution problem, the perpetrators or their successors once again make use of these mechanisms to intimidate those involved. In these cases, personal violence is still used, as demonstrated by the deaths of some people involved in restitution proceedings. Another instrument that blocks the justice process is the use of front-men by large holders. Lastly, and closely related to the eventual acquisition of land by large agricultural or mining companies, is the passage of time and the multiple sales of the plot of land in order to 'launder' its history, which makes it more difficult for a small farmer to file a claim. Speculators and other intermediaries participate in this process of laundering to benefit themselves and the large companies that end up owning the land (Velazco Montoya, this issue).
6. Government and institutional actions take place in a context in which powerful forces pursue dispossession, against weak groups that wish to stop it. In this context, one of the questions of the government's behavior is on the impact of State activity on those who generated the dispossession and on those who defended the victims.

Several patterns and trends of the government bodies have favored the interests of the former. An important aspect of Colombian policy in recent years has been the infiltration of perpetrators in the institutions, ranging from the famous presence of Pablo Escobar in the Senate to the participation, at its height, of at least 30% of congressmen with links to the paramilitaries or drug traffickers. Can a State subject to pressures of this type adopt policies of relief for the victims of dispossession? Logic suggests that yes, as long they are policies of relief for the victims in new locations, rather than policies that will help them reclaim their lands.

Another significant determinant of state policies is the approach towards the civil war with the guerrillas and the need to control drug trafficking, an approach that focused little attention on the activities of the paramilitaries, their allies and many opportunists who took advantage of the situation for their own gain at the expense of the small farmers. Opportunist corruption within the State naturally benefited the large agricultural interests for the obvious reason that these players have greater bribing capacity than the others. There are many examples of behavior of this type. At the same time, the economic policy also favored the large agricultural interests, especially in the 2001-2010 period, which was a decisive stage in determining who would end up controlling the land. During these years much progress was made in legitimizing lands with a doubtful background (Velazco Montoya, this issue).

There have been numerous roadblocks to the government's efforts to defend the victims of violence and dispossession. Vargas (this issue) contrasts the institutions that regulate the participation of victims before and after Law 1448 of 2012. Even though this law included several important improvements, the author concludes that in terms of their capacity to take effective action, the progress has been between little and very little, and far from the desirable level.

7. One of the determinants of government policy is, with greater or lesser weight, the attitudes of the public (voters). These have enabled, and perhaps supported, the government in taking sides with the large interests, particularly during the presidency of Álvaro Uribe (2002-2010), when such attitudes were reflected in very high approval ratings for the government's actions. In large part this reaction was a natural result of the government's success in confronting the guerrillas, which enjoy very

little popularity among the public. By focusing attention on the conflict, governments have been able to stave off criticism for what they do not do in other areas.

The strong focus on the offensive against the guerrillas and drug trafficking also led to a limited level of public awareness about the factors that were behind the massacres and the general dispossession process. It did not generate any serious concern among the urban public on what was really happening, with the result that public protest—which would have otherwise had an impact on policy—was not present. Public propaganda in favor of the idea of winning the war against the guerrillas was generally effective and was all that mattered; this left little room for reflection on the enormous injustices that remained and even grew during the last decade.<sup>12</sup> The lower level of violence<sup>13</sup> and dispossession led to the sale of lands to agro-industry, sometimes to legitimate operations and occasionally to 'ghost' companies.

It should be noted that the Colombian public, like any other public, has little knowledge and capacity to judge the economic aspects of agrarian policy and its anti-small farmer bias. Independently of the level of solidarity with the losers in the rural drama, even if people had a better idea of what was happening, they would be unlikely to display any empathy, because during much of the period of dispossession Colombia suffered its worst macroeconomic crisis in a century. As a result, most people were probably more concerned about their own future than the agrarian situation. In general, then, social awareness has not been widespread, but rather limited to certain groups who were aware of the reality and who had a high level of empathy towards the victims. Some of these groups are mentioned below.

8. *The legal system.* When there is a great deal of pressure on the government by powerful interests, the bodies that are to some extent more independent from politicians are expected to counter-balance these impositions. In the case of Colombia, these institutions are the legal/police system and the Constitutional Court. The former has not played that

<sup>12</sup> See a discussion on the case of Meta in Rodríguez (this issue).

<sup>13</sup> Even though the percentage remained very high in this decade as well, in order words, dispossession was not highly correlated with the number of deaths.

role in any noticeable manner, due to its weaknesses, as demonstrated by the fact that notaries, who have their own legal regime and are not civil servants, play an important role in assigning property rights (Peña Huertas et al., this issue).

In practice, the legal system lent itself substantially to collaboration with the perpetrators and their allies, but as in other aspects of this history, their behavior varied considerably from case to case. A source of impotence for the majority of small farmers was the lack of formal land titles, regardless of how long they had worked on the land. This problem, combined with the fragility of the legal system,<sup>14</sup> made it very difficult to refute the claims of other interested parties. The above does not mean, however, that having a valid title would have changed the result in most cases, in face of the forces that sought to dispossess the small farmers. The issue of the implications of legal security is substantial and interesting, but it remains an open question.<sup>15</sup>

The Constitutional Court, in contrast, played a very important role within the limits of its capacity and power to affect the behavior of the government. It was a source of pressure for the government to adopt positive action in terms of protecting the displaced persons, or persons at risk of being displaced, and for land restitution, among others.<sup>16</sup> This contrast with the legal system primarily reflects the greater independence of the Court and the quality of its members.

9. *Positive political factors.* Other than the Constitutional Court and some elements of the legal system, at least three groups have worked in favor of the victims. On the one hand, certain international institutions have made valuable contributions at different times, including the UNDP through its enormous contribution in terms of in-depth analysis of the rural crisis (UNDP, 2011), and the World Bank, whose acknowledgement

<sup>14</sup> The weaknesses of the traditional justice system are discussed in detail in the study by Peña Huertas et al. (this issue).

<sup>15</sup> The optimism regarding collective land titles in Bajo Atrato (García Reyes, this issue) was excessive, as indicated by the experience in other countries where there is little government control over what happens in practice. In Sub-Saharan African countries, when a European legal system is implemented, those in the know of its workings have often taken advantage of it to take over land that was previously under traditional or informal regimes. Legal security can be most useful to those who know how to take possession over the land and titles that confirm their ownership.

<sup>16</sup> See Peña Huertas et al. (this issue).

of the need for a change in the land ownership regime was an incentive to support a government initiative promoted by small farmer associations, and it contributed to promoting the so-called “agrarian reform through the market” (Peña Huertas et al., this issue). Notwithstanding the efforts, they were carried out under very unpromising circumstances.

One Colombian government agency —the Ministry of Agriculture—, with a certain level of independence required to carry out its objectives and facilitated by its links with other institutions, including the World Bank, set up the *Project for the protection of lands and property of the displaced population* (PPTP). The participants in the project were of a relatively lower profile (given the reluctant attitude of the government at the time), but they managed to clear the way for the Victims’ Law of 2011 (Estrada and Rodríguez, this issue). The experience of PPTP in working with public entities with various levels of interest and attitudes towards protection and restitution represented a kind of a socio-political laboratory for an up-close view of a possible bureaucratic transformation process (or not, depending on the case). The literature speaks of a *tipping point* theory, according to which a point of view or a *modus operandi* that was previously in the minority grows or becomes a majority, and those who previously had a different perspective or way of operating join the new majority for different reasons.

A group of NGOs also made great contributions in revealing criminal acts, including Codhes and Cinep, as well as international entities such as WOLA and the Oslo Peace Institute, to mention but a few. In addition to these three groups, substantial contributions have also been made by a group of academics and analysts devoted to the issue and who have published their results in studies and in public debates, including Ana María Ibáñez, Darío Fajardo, Absalón Machado, Alejandro Reyes and many others.

In summary, these experiences have demonstrated notable capacity in terms of human capital dedicated to correct present and past injustices in Colombia. The hard and fruitful work of PPTP during the Uribe administration to create the foundations for later work once the conditions for rural justice were more propitious demonstrates impressive potential (Estrada and Rodríguez, this issue).



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